



# Banking Act 2009

## 2009 CHAPTER 1

### PART 5

#### F<sup>1</sup>... PAYMENT SYSTEMS [F<sup>1</sup>AND SERVICE PROVIDERS]

##### *Miscellaneous*

#### 205 Pretending to be recognised

- (1) It is an offence for the operator of a non-recognised <sup>F<sup>1</sup></sup>... payment system [<sup>F<sup>2</sup></sup>or DSA service provider]—
- to assert that the system [<sup>F<sup>3</sup></sup>or provider] is recognised, or
  - to do anything which suggests that the system [<sup>F<sup>4</sup></sup>or provider] is recognised.

[<sup>F<sup>5</sup></sup>(1A) It is an offence for a person who is not a service provider in relation to a recognised payment system [<sup>F<sup>6</sup></sup>or recognised DSA service provider]—

- to assert that the person is such a service provider, or
  - to do anything which suggests that the person is such a service provider.]
- (2) A person guilty of an offence is liable—
- on summary conviction, to a fine not exceeding the statutory maximum, or
  - on conviction on indictment, to a fine.

#### Textual Amendments

- F1** Word in s. 205(1) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 27](#)
- F2** Words in s. 205(1) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2) (a), [Sch. 6 para. 35\(2\)](#)
- F3** Words in s. 205(1)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2) (a), [Sch. 6 para. 35\(3\)](#)
- F4** Words in s. 205(1)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 35\(4\)](#)

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**Changes to legislation:** Banking Act 2009, Section 205 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- F5** S. 205(1A) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(26)**
- F6** Words in s. 205(1A) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2) (a), **Sch. 6 para. 35(5)**

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**Commencement Information**

- I1** S. 205 in force at 4.8.2009 by [S.I. 2009/2038](#), art. 2, **Sch. para. 5**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(8A)(8B) inserted by [2012 c. 21 s. 96\(3\)](#)
- s. 8(2)(d) and word inserted by [2012 c. 21 s. 96\(4\)\(b\)](#)