



# Financial Services (Banking Reform) Act 2013

## 2013 CHAPTER 33

### PART 5

#### REGULATION OF PAYMENT SYSTEMS

##### *Miscellaneous and supplemental*

#### **108 Relationship with Part 8 of the Payment Services Regulations [<sup>F1</sup>2017]**

- (1) The Payment Systems Regulator may not exercise any power under [<sup>F2</sup>sections 54 to 58] for the purposes of enabling a [<sup>F3</sup>person to obtain or maintain access to, or participation in, a payment system in circumstances in which regulation 103 (prohibition on restrictive rules on access to payment systems) or 104 (indirect access to designated payment systems) of the Payment Services Regulations 2017 applies in relation to access to, or participation in, the payment system by the person.]

<sup>F4</sup>(2) .....

#### **Textual Amendments**

- F1** Word in s. 108 heading substituted (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), [reg. 1\(6\)](#), [Sch. 8 para. 4\(a\)](#) (with [reg. 3](#))
- F2** Words in s. 108(1) substituted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 14\(5\)\(a\)](#), [164\(3\)\(a\)\(v\)](#)
- F3** Words in s. 108(1) substituted (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), [reg. 1\(6\)](#), [Sch. 8 para. 4\(b\)](#) (with [reg. 3](#))
- F4** S. 108(2) omitted (13.1.2018) by virtue of [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), [reg. 1\(6\)](#), [Sch. 8 para. 4\(c\)](#) (with [reg. 3](#))

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*Changes to legislation: There are currently no known outstanding effects for the Financial Services (Banking Reform) Act 2013, Cross Heading: Miscellaneous and supplemental. (See end of Document for details)*

#### Commencement Information

**II** S. 108 in force at 1.3.2014 by [S.I. 2014/377](#), art. 2(1)(a), [Sch. Pt. 1](#)

### 109 Exemption from liability in damages for FCA and PRA

(1) In paragraph 25 of Schedule 1ZA to FSMA 2000 (FCA's exemption from liability in damages), after sub-paragraph (1) insert—

“(1A) In sub-paragraph (1) the reference to the FCA's functions includes its functions under Part 5 of the Financial Services (Banking Reform) Act 2013 (regulation of payment systems).”

(2) In paragraph 33 of Schedule 1ZB to FSMA 2000 (PRA's exemption from liability in damages), after sub-paragraph (1) insert—

“(1A) In sub-paragraph (1) the reference to the PRA's functions includes its functions under Part 5 of the Financial Services (Banking Reform) Act 2013 (regulation of payment systems).”

(3) For provision conferring immunity from liability in damages on the Bank of England in respect of its functions, see section 244 of the Banking Act 2009.

#### Commencement Information

**I2** S. 109 in force at 1.3.2014 by [S.I. 2014/377](#), art. 2(1)(a), [Sch. Pt. 1](#)

### 110 Interpretation of Part

(1) In this Part—

“CAT-appealable decision” has the meaning given by section 76(4);

“CMA-appealable decision” has the meaning given by section 76(7);

“compliance failure” has the meaning given by section 71;

“designation order” has the meaning given by section 43;

“direct access”, in relation to a payment system, is to be read in accordance with section 42(6);

“document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form or in a form from which it can readily be produced in visible and legible form;

“general direction” has the meaning given by section 54(5);

“general guidance” has the meaning given by section 96(3);

“generally-imposed requirement” has the meaning given by section 55(3);

“infrastructure provider”, in relation to a payment system, has the meaning given by section 42(4);

“operator”, in relation to a payment system, has the meaning given by section 42(3);

“participant”, in relation to a payment system, has the meaning given by section 42 (and references to participation in a payment system are to be read in accordance with that section);

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“payment service provider”, in relation to a payment system, has the meaning given by section 42(5);

“payment system” has the meaning given by section 41;

“recognised<sup>F5</sup> ... payment system” means [<sup>F6</sup>a] payment system (within the meaning of Part 5 of the Banking Act 2009) specified as a recognised system for the purposes of that Part;

“regulated payment system” means a payment system designated as a regulated payment system by a designation order;

“the UK financial system” has the meaning given by section 11 of FSMA 2000.

- (2) References in this Part to the Payment Systems Regulator's payment systems objectives are to be read in accordance with section 49(2).
- (3) References in this Part to the Bank of England's capacity as a monetary authority are to be read in accordance with section 244 of the Banking Act 2009.

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#### **Textual Amendments**

**F5** Word in s. 110(1) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 40\(a\)](#)

**F6** Word in s. 110(1) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 40\(b\)](#)

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#### **Commencement Information**

**I3** S. 110 in force at 1.3.2014 by [S.I. 2014/377](#), art. 2(1)(a), [Sch. Pt. 1](#)

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**Changes to legislation:**

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