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STATUTORY INSTRUMENTS

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**2009 No. 209**

**The Payment Services Regulations 2009**

**PART 6**

**RIGHTS AND OBLIGATIONS IN RELATION  
TO THE PROVISION OF PAYMENT SERVICES**

*Liability*

**Incorrect unique identifiers**

**74.**—(1) Where a payment order is executed in accordance with the unique identifier, the payment order is deemed to have been correctly executed by each payment service provider involved in executing the payment order with respect to the payee specified by the unique identifier.

(2) Where the unique identifier provided by the payment service user is incorrect, the payment service provider is not liable under regulation 75 or 76 for non-execution or defective execution of the payment transaction, but the payment service provider—

- (a) must make reasonable efforts to recover the funds involved in the payment transaction; and
- (b) may, if agreed in the framework contract, charge the payment service user for any such recovery.

(3) Where the payment service user provides information additional to that specified in regulation 36(2)(a) or paragraph 2(b) of Schedule 4, the payment service provider is liable only for the execution of payment transactions in accordance with the unique identifier provided by the payment service user.

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**Commencement Information**

**11** Reg. 74 comes into force in accordance with reg. 1(2)

**Non-execution or defective execution of payment transactions initiated by the payer**

**75.**—(1) This regulation applies where a payment order is initiated by the payer.

(2) The payer's payment service provider is liable to the payer for the correct execution of the payment transaction unless it can prove to the payer and, where relevant, to the payee's payment service provider, that the payee's payment service provider received the amount of the payment transaction in accordance with regulation 70.

(3) The payer's payment service provider must, on request, make immediate efforts to trace the payment transaction and notify the payer of the outcome.

(4) Where the payer's payment service provider is liable under paragraph (2), it must without undue delay refund to the payer the amount of the non-executed or defective payment transaction

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and, where applicable, restore the debited payment account to the state in which it would have been had the defective payment transaction not taken place.

(5) Where the payer's payment service provider can prove (as set out in paragraph (2)) that the payee's payment service provider received the amount of the payment transaction in accordance with regulation 70, the payee's payment service provider is liable to the payee for the correct execution of the payment transaction and must—

- (a) immediately make available the amount of the payment transaction to the payee; and
- (b) where applicable, credit the corresponding amount to the payee's payment account.

#### Commencement Information

**I2** Reg. 75 comes into force in accordance with reg. 1(2)

### Non-execution or defective execution of payment transactions initiated by the payee

**76.**—(1) This regulation applies where a payment order is initiated by the payee.

(2) The payee's payment service provider is liable to the payee for the correct transmission of the payment order to the payer's payment service provider in accordance with regulation 70(6).

(3) Where the payee's payment service provider is liable under paragraph (2), it must immediately re-transmit the payment order in question to the payer's payment service provider.

(4) The payee's payment service provider must, on request, make immediate efforts to trace the payment transaction and notify the payee of the outcome.

(5) Where the payee's payment service provider can prove to the payee and, where relevant, to the payer's payment service provider, that it is not liable under paragraph (2) in respect of a non-executed or defectively executed payment transaction, the payer's payment service provider is liable to the payer and must, as appropriate and without undue delay—

- (a) refund to the payer the amount of the payment transaction; and
- (b) restore the debited payment account to the state in which it would have been had the defective payment transaction not taken place.

#### Commencement Information

**I3** Reg. 76 comes into force in accordance with reg. 1(2)

### Liability of payment service provider for charges and interest

**77.** A payment service provider is liable to its payment service user for—

- (a) any charges for which the payment service user is responsible; and
- (b) any interest which the payment service user must pay,

as a consequence of the non-execution or defective execution of the payment transaction.

#### Commencement Information

**I4** Reg. 77 comes into force in accordance with reg. 1(2)

## Right of recourse

**78.** Where the liability of a payment service provider (“the first provider”) under regulation 75 or 76 is attributable to another payment service provider or an intermediary, the other payment service provider or intermediary must compensate the first provider for any losses incurred or sums paid pursuant to those regulations.

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### Commencement Information

**I5** Reg. 78 comes into force in accordance with reg. 1(2)

## Force majeure

**79.—(1)** A person is not liable for any contravention of a requirement imposed on it by or under this Part where the contravention is due to abnormal and unforeseeable circumstances beyond the person’s control, the consequences of which would have been unavoidable despite all efforts to the contrary.

**(2)** A payment service provider is not liable for any contravention of a requirement imposed on it by or under this Part where the contravention is due to the obligations of the payment service provider under other provisions of Community or national law.

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### Commencement Information

**I6** Reg. 79 comes into force in accordance with reg. 1(2)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Payment Services Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Regulations applied by [S.I. 2015/2038 reg. 26](#)
- Regulations applied (with modifications) by [S.I. 2011/245 Sch. 6 Pt. 1](#)
- Regulations functions modified by [S.I. 2013/161 art. 56\(1\)\(c\)\(ii\)](#)
- Regulations power to modify conferred by [2023 c. 29 s. 3 Sch. 1 Pt. 2](#)
- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)
- Regulations revoked in part by [S.I. 2017/752 Sch. 9](#)

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

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

- Sch. 3 para. 19(a)(b) words substituted by [S.I. 2012/1741 Sch. para. 11](#)
- Sch. 5 para. 2(za) inserted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(b\)\(ii\)](#)
- Sch. 5 para. 3(ba) inserted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(c\)\(iii\)](#)
- Sch. 5 para. 3(c)(iiia) inserted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(c\)\(v\)](#)
- Sch. 5 para. 10(a)(iv) inserted by [S.I. 2015/1911 reg. 17\(3\)\(b\)](#)
- Sch. 5 para. 3(c)(i)(aa) omitted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(c\)\(iv\)](#)
- Sch. 5 para. 2(a)(b) and word substituted by [S.I. 2010/22 Sch. 3 para. 189\(c\)](#)
- Sch. 5 para. 3(d)(i)(aa) substituted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(c\)\(vi\)](#)
- Sch. 5 para. 3(d)(i)(bb) word substituted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(c\)\(vii\)](#)
- Sch. 5 para. 5(a)(iii)(bb) words substituted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(e\)\(iii\)](#)
- Sch. 7 inserted by [S.I. 2009/2475 reg. 13](#)
- reg. 10A inserted by [S.I. 2009/2475 reg. 3](#)
- reg. 13(4)(da) inserted by [S.I. 2009/1912 reg. 4](#)
- reg. 13(4)(da) substituted by [2010 c. 38 Sch. 1 para. 8\(b\)](#)
- reg. 13(4A)-(4D) inserted by [S.I. 2012/1791 reg. 3\(2\)](#)
- reg. 29(3)(a)(ii)(aa) words substituted by [S.I. 2017/692 Sch. 7 para. 24\(6\)\(a\)](#)
- reg. 52(e) inserted by [S.I. 2010/1010 reg. 97\(b\)](#)
- reg. 80A inserted by [S.I. 2015/1911 reg. 17\(2\)](#)
- reg. 92(2)-(5) substituted for reg. 92(2) by [S.I. 2013/429 reg. 2\(4\)](#)
- reg. 109A inserted by [S.I. 2015/422 reg. 2\(6\)](#)
- reg. 110(1)(d)-(i) substituted for reg. 110(1)(d)(e) by [S.I. 2009/2475 reg. 11](#)
- reg. 125A inserted by [S.I. 2012/1791 reg. 3\(5\)](#)
- reg. 125B inserted by [S.I. 2013/472 Sch. 2 para. 155\(5\)](#)
- reg. 127 inserted by [S.I. 2009/2475 reg. 12](#)