
STATUTORY INSTRUMENTS

2009 No. 209

The Payment Services Regulations 2009

PART 6

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

Liability

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

II Reg. 76 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.

[View outstanding changes](#)

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](#)