
STATUTORY INSTRUMENTS

2009 No. 209

The Payment Services Regulations 2009

PART 8

ACCESS TO PAYMENT SYSTEMS

General

Prohibition on restrictive rules on access to payment systems

97.—(1) Rules or conditions governing access to, or participation in, a payment system by authorised payment institutions, EEA authorised payment institutions and small payment institutions must—

- (a) be objective, proportionate and non-discriminatory; and
- (b) not prevent, restrict or inhibit access or participation more than is necessary to—
 - (i) safeguard against specific risks such as settlement risk, operational risk or business risk; or
 - (ii) protect the financial and operational stability of the payment system.

(2) Paragraph (1) applies only to such small payment institutions as are legal persons.

(3) Rules or conditions governing access to, or participation in, a payment system which, in respect of payment service providers, payment service users or other payment systems—

- (a) restrict effective participation in other payment systems;
- (b) discriminate (whether directly or indirectly) between—
 - (i) different authorised payment institutions, or
 - (ii) different small payment institutions,in relation to the rights, obligations or entitlements of participants in the payment system; or

(c) impose any restrictions on the basis that a person is not of a particular institutional status, are prohibited.

Commencement Information

11 Reg. 97 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](#)
- [reg. 97\(1\)](#) words substituted by [S.I. 2015/422 reg. 2\(3\)\(a\)](#)
- [reg. 97\(2\)](#) words substituted by [S.I. 2015/422 reg. 2\(3\)\(b\)](#)
- [reg. 97\(3\)\(c\)](#) words substituted by [S.I. 2015/422 reg. 2\(3\)\(c\)](#)

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](#)