

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made pursuant to the United Kingdom's obligations under Regulation (EC) No. 924/2009 of the European Parliament and of the Council (OJ No L266, 9.10.2009, p11) ("the 2009 European Regulation") and Regulation (EU) No 260/2012 of the European Parliament and Council (OJ No L94, 30.3.2012, p22) ("the 2012 European Regulation"). The 2009 European Regulation lays down rules on cross-border payments in euro; the 2012 European Regulation sets business and technical standards for payments in euro wherever they take place.

- (i) Regulations 3 to 17 confer functions on the Financial Services Authority ("FSA") in relation to the supervision and enforcement of the 2009 and 2012 European Regulations. These include the requirement to maintain arrangements for determining whether compliance is being breached, powers to gather information, impose penalties or disciplinary measures, apply to court for an injunction and require restitution. The FSA is also required to maintain arrangements for dealing with complaints and has power to issue guidance and exchange information with other competent authorities in the European Union in order to resolve disputes. Provision is made for the FSA's supervisory costs and its exemption from liability in damages.
- (j) Regulation 18 makes provision for civil proceedings to be brought in cases where a person has suffered a loss due to an institution breaching certain articles of the European Regulations.
- (k) Regulation 19 provides for a derogation under Article 16(3) and (4) of the 2012 European Regulation to apply so that the requirements of Articles 8(2) and (3) of that Regulation do not apply until 1st February 2016. (The derogations under Article 16(2) and (8), applying to Member States which do not have the euro as their currency, mean that the requirements of Articles 3, 4 and 5 of the 2012 European Regulation do not apply until 31st October 2016.)
- (l) Regulation 20 makes provision for the application of these Regulations to UK branches of Gibraltar-based firms.
- (m) Regulation 21 and the Schedule apply certain provisions of the Financial Services and Markets Act 2000 (c.8) and secondary legislation (with modifications) in respect of the FSA's functions.
- (n) Regulation 22 revokes, with savings, the Cross-Border Payments in Euro Regulations 2010 (S.I. 2010/89).

An impact assessment on the effect of the 2012 European Regulation has been prepared and is available on HM Treasury's website (www.hm-treasury.gov.uk).

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

The Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 is up to date with all changes known to be in force on or before 24 July 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.