
STATUTORY INSTRUMENTS

2012 No. 3122

**The Payments in Euro (Credit Transfers
and Direct Debits) Regulations 2012**

Civil proceedings

18.—(1) Any contravention by a payment service provider of—

- (a) Article 3(1); or
- (b) the second sentence of Article 4(3),

in the 2009 European Regulation is actionable at the suit (or in Scotland, the instance) of a private person who suffers loss as a result of the contravention, subject to the defences and other incidents applying to actions for breach of statutory duty.

(2) Any contravention by a payment service provider of—

- (a) Article 5(3) or 5(8); or
- (b) Article 8(1),

in the 2012 European Regulation is actionable at the suit (or in Scotland, the instance) of a private person who suffers loss as a result of the contravention, subject to the defences and other incidents applying to actions for breach of statutory duty.

(3) A person acting in a fiduciary or representative capacity may bring an action under paragraph (1) or (2) on behalf of a private person if any remedy—

- (a) will be exclusively for the benefit of the private person; and
- (b) cannot be obtained by way of an action brought otherwise than at the suit (or in Scotland, the instance) of the fiduciary or representative.

(4) In this regulation “private person” means—

- (a) any individual, except where the individual suffers the loss in question in the course of providing payment services; and
- (b) any person who is not an individual, except where that person suffers the loss in question in the course of carrying on business of any kind;

but does not include a government, a local authority (in the United Kingdom or elsewhere) or an international organisation.

Status:

Point in time view as at 15/01/2013. This version of this provision has been superseded.

Changes to legislation:

The Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012, Section 18 is up to date with all changes known to be in force on or before 19 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.