
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Payment Services Regulations 2009 (S.I. 2009/209) (“the 2009 Regulations”). The 2009 Regulations implement [Directive 2007/64/EC](#) of the European Parliament and the Council on payment services in the internal market (OJ L 319, 5.12.2007, p. 1) (“the Payment Services Directive”). Part 8 of the 2009 Regulations makes provision in relation to access to payment systems. Regulation 96 of the 2009 Regulations sets out the scope of the application of the Part and regulation 97 prohibits restrictive rules on access to payment systems. Regulations 98 to 109 originally conferred functions on the Office of Fair Trading in relation to the supervision and enforcement of the prohibition in regulation 97. On 1st April 2014 the 2009 Regulations were amended so that the Office of Fair Trading’s functions were transferred to the Competition and Markets Authority (“the CMA”).

Regulation 2(2) and (4) of these Regulations amend the 2009 Regulations so that the functions of the CMA under Part 8 of the 2009 Regulations are transferred to the Payment Systems Regulator, established under Part 5 of the Financial Services (Banking Reform) Act 2013 (c. 33) (the “2013 Act”).

Regulation 2(5) and (6) of these Regulations ensure that provisions in the 2013 Act governing the Payment Systems Regulator’s arrangements for discharging functions, funding, penalty receipts and exemption from liability in damages apply in respect of the Payment Systems Regulator’s functions under Part 8 of the 2009 Regulations.

Regulation 2(3) of these Regulations makes minor changes to the wording of the prohibition on restrictive rules on access to payment systems, following more closely the wording of the Payment Services Directive.

An impact assessment has not been produced for this instrument as no impact on the costs of business or the voluntary sector is foreseen.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Payment Services (Amendment) Regulations 2015. 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 power to modify conferred by [2023 c. 29 s. 3 Sch. 1 Pt. 2](#)
- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)