
STATUTORY INSTRUMENTS

2017 No. 752

The Payment Services Regulations 2017

PART 9

The Financial Conduct Authority

[^{F1}Technical standards

- 106A.**—(1) The FCA may make technical standards specifying—
- (a) requirements that must be met by the strong customer authentication referred to in regulation 100(1) and (2);
 - (b) exemptions from the application of regulation 100(1), (2) and (3), based on the criteria specified in paragraph (3) of this regulation;
 - (c) the requirements with which security measures have to comply, in accordance with regulation 100(3), in order to protect the confidentiality and integrity of the payment service users' personalised security credentials;
 - (d) the requirements for common and secure open standards of communication for the purpose of identification, authentication, notification and information, as well as for the implementation of security measures, between account servicing payment service providers, payment initiation service providers, account information service providers, payers, payees and other payment service providers.
- (2) In making technical standards under this regulation, the FCA must have regard to the need to—
- (a) ensure an appropriate level of security for payment service users and payment service providers through the adoption of effective and risk-based requirements;
 - (b) ensure the safety of payment service users' funds and personal data;
 - (c) secure and maintain fair competition among all payment service providers;
 - (d) ensure technology and business-model neutrality;
 - (e) allow for the development of user-friendly, accessible and innovative means of payment.
- (3) The exemptions referred to in paragraph (1)(b) must be based on—
- (a) the level of risk involved in the service provided;
 - (b) the amount of the transaction, its recurrence, or both;
 - (c) the payment channel used for the execution of the transaction.
- (4) The FCA must review and, if appropriate, update the technical standards on a regular basis in order (among other things) to take account of innovation and technological developments.
- (5) Section 138P of the 2000 Act contains provision about the making of technical standards by the FCA.]

Changes to legislation: The Payment Services Regulations 2017, Section 106A is up to date with all changes known to be in force on or before 30 June 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. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Reg. 106A inserted (31.12.2020) by The Electronic Money, Payment Services and Payment Systems (Amendment and Transitional Provisions) (EU Exit) Regulations 2018 (S.I. 2018/1201), reg. 1(3), **Sch. 2 para. 51** (with reg. 4, Sch. 3 Pt. 2) (as amended by S.I. 2020/56, regs. 1, 8); 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to :

- [Regulations power to amend conferred by 2021 c. 22 s. 23](#)