STATUTORY INSTRUMENTS

# 2017 No. 752

# The Payment Services Regulations 2017

## PART 9

The Financial Conduct Authority

*Supervision and enforcement*

### Monitoring and enforcement

**108.**—(1) The FCA must maintain arrangements designed to enable it to determine whether—

(a) persons on whom requirements are imposed by or under Parts 2 to 7 or regulation 105 (access to bank accounts) are complying with them;

**[**[F1](aa) authorised payment institutions, small payment institutions or registered account information services providers on whom requirements are imposed by or under section 312R of the 2000 Act are complying with them;**]**

(b) there has been any contravention of regulation 138(1) (prohibition on provision of payment services by persons other than payment service providers), 139(1) (false claims to be a payment service provider or exempt) or 142(1)(a) or (2) (misleading a regulator).

(2) The arrangements referred to in paragraph (1) may provide for functions to be performed on behalf of the FCA by any body or person who is, in its opinion, competent to perform them.

(3) The FCA must also maintain arrangements for enforcing the provisions of these Regulations.

(4) Paragraph (2) does not affect the FCA's duty under paragraph (1).

**Textual Amendments**

**F1** Reg. 108(1)(aa) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(3), **Sch. 2 para. 64** (with s. 2(3)); S.I. 2023/779, reg. 4(zz)(iv)

**Status:**
Point in time view as at 29/08/2023.

**Changes to legislation:**
The Payment Services Regulations 2017, Section 108 is up to date with all changes known to be in force on or before 10 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.