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STATUTORY INSTRUMENTS

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**2017 No. 752**

**The Payment Services Regulations 2017**

**PART 11**

**General**

*Contracting out of statutory requirements*

**Prohibition on contracting out of statutory requirement**

**137.**—(1) A payment service provider may not agree with a payment service user that it will not comply with any provision of these Regulations unless—

- (a) such agreement is permitted by these Regulations, or
  - (b) such agreement provides for terms which are more favourable to the payment service user than the relevant provisions of these Regulations.
- (2) A contractual term is void if and to the extent that—
- (a) the term is agreed in contravention of paragraph (1), or
  - (b) the term relates to a transaction alleged to have been unauthorised or defectively executed, and purports to—
    - (i) impose liability to provide compensation on a different person from the person identified in these Regulations, or
    - (ii) allocate the burden of proof to a different person from the person identified in these Regulations.