
STATUTORY INSTRUMENTS

2017 No. 752

The Payment Services Regulations 2017

PART 4

Provisions Applicable to Authorised Payment Institutions and Small Payment Institutions

Removal of agent from register

35.—(1) The FCA may remove an agent of an authorised payment institution [^{F1}, small payment institution or registered account information service provider] from the register where—

- (a) the authorised payment institution [^{F1}, small payment institution or registered account information service provider] requests, or consents to, the agent's removal from the register;
- (b) the authorised payment institution [^{F1}, small payment institution or registered account information service provider] has obtained registration through false statements or any other irregular means;
- (c) regulation 34(7)(b) or (c) (use of agents) applies;
- (d) the removal is desirable in order to protect the interests of consumers; or
- (e) the agent's provision of payment services is otherwise unlawful.

(2) Where the FCA proposes to remove an agent from the register, other than at the request of the authorised payment institution [^{F1}, small payment institution or registered account information service provider], it must give the authorised payment institution [^{F1}, small payment institution or registered account information service provider] a warning notice.

(3) The FCA must, having considered any representations made in response to the warning notice—

- (a) if it decides to remove the agent, give the authorised payment institution [^{F1}, small payment institution or registered account information service provider] a decision notice; or
- (b) if it decides not to remove the agent, give the authorised payment institution [^{F1}, small payment institution or registered account information service provider] notice of its decision.

(4) If the FCA decides to remove the agent, other than at the request of the authorised payment institution [^{F1}, small payment institution or registered account information service provider], the [^{F2}authorised payment institution, small payment institution or registered account information service provider] may refer the matter to the Upper Tribunal.

(5) Where the period for a reference to the Upper Tribunal has expired without a reference being made, the FCA must as soon as practicable update the register accordingly.

Status: Point in time view as at 15/11/2022.

Changes to legislation: The Payment Services Regulations 2017, Section 35 is up to date with all changes known to be in force on or before 16 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. (See end of Document for details)

Textual Amendments

- F1** Words in reg. 35 substituted (13.1.2018) by [The Payment Systems and Services and Electronic Money \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/1173\)](#), regs. 1(4), **7(d)(i)**
- F2** Words in reg. 35(4) substituted (13.1.2018) by [The Payment Systems and Services and Electronic Money \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/1173\)](#), regs. 1(4), **7(d)(ii)**

Status:

Point in time view as at 15/11/2022.

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