
STATUTORY INSTRUMENTS

2017 No. 752

The Payment Services Regulations 2017

PART 7

Rights and Obligations in Relation to the Provision of Payment Services

Authorisation of payment transactions

Confirmation of availability of funds for card-based payment transactions

68.—(1) This regulation does not apply to payment transactions initiated through card-based payment instruments on which electronic money is stored.

(2) Where the conditions in paragraph (3) are met, a payment service provider which issues card-based payment instruments may request that an account servicing payment service provider confirm whether an amount necessary for the execution of a card-based payment transaction is available on the payment account of the payer.

(3) The conditions are that—

- (a) the payer has given explicit consent to the payment service provider to request the confirmation;
- (b) the payer has initiated a payment transaction for the amount in question using a card-based payment instrument issued by the payment service provider making the request;
- (c) the payment service provider making the request complies, for each request, with the authentication and secure communication requirements set out in the [F1technical standards made under regulation 106A] in its communications with the account servicing payment service provider.

(4) If the conditions in paragraph (5) are met, an account servicing payment service provider which receives a request under paragraph (2) must provide the requested confirmation, in the form of a ‘yes’ or ‘no’ answer, to the requesting payment service provider immediately.

(5) The conditions are that—

- (a) the payment account is accessible online when the account servicing payment service provider receives the request; and
- (b) before the account servicing payment service provider receives the first request under paragraph (2) from the requesting payment service provider in relation to the payer's payment account, the payer has given the account servicing payment service provider explicit consent to provide confirmation in response to such requests by that payment service provider.

(6) If the payer so requests, the account servicing payment service provider must also inform the payer of the payment service provider which made the request under paragraph (2) and the answer provided under paragraph (4).

(7) An account servicing payment service provider must not—

Changes to legislation: The Payment Services Regulations 2017, Section 68 is up to date with all changes known to be in force on or before 09 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) View outstanding changes

- (a) include with a confirmation provided under paragraph (4) a statement of the account balance; or
 - (b) block funds on a payer's payment account as a result of a request under paragraph (2).
- (8) The payment service provider which makes a request under paragraph (2) must not—
- (a) store any confirmation received under paragraph (4); or
 - (b) use the confirmation received for a purpose other than the execution of the card-based payment transaction for which the request was made.

Textual Amendments

- F1** Words in [reg. 68\(3\)\(c\)](#) substituted (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. 40** (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](#)