

---

STATUTORY INSTRUMENTS

---

**2017 No. 752**

**The Payment Services Regulations 2017**

**PART 7**

**Rights and Obligations in Relation to the Provision of Payment Services**

*Liability*

**Non-execution or defective or late execution of payment transactions initiated through a payment initiation service**

**93.**—(1) This regulation applies where a payment order is initiated by the payer through a payment initiation service.

(2) The account servicing payment service provider must refund to the payer the amount of the non-executed or defective payment transaction and, where applicable, restore the debited payment account to the state in which it would have been had the defective payment transaction not taken place.

(3) Paragraph (4) applies if the payment initiation service provider does not prove to the account servicing payment service provider that—

- (a) the payment order was received by the payer's account servicing payment service provider in accordance with regulation 81 (receipt of payment orders); and
- (b) within the payment initiation service provider's sphere of influence the payment transaction was authenticated, accurately recorded and not affected by a technical breakdown or other deficiency linked to the non-execution, defective or late execution of the transaction.

(4) On request from the account servicing payment service provider, the payment initiation service provider must immediately compensate the account servicing payment service provider for the losses incurred or sums paid as a result of the refund to the payer.