



# Digital Economy Act 2017

## 2017 CHAPTER 30

### PART 6

#### MISCELLANEOUS

##### *Payment and securities settlement systems*

#### **112 Power to apply settlement finality regime to payment institutions**

In Part 24 of the Financial Services and Markets Act 2000 (insolvency) after section 379 insert—

##### *“Settlement finality*

#### **379A Power to apply settlement finality regime to payment institutions**

- (1) The Treasury may by regulations made by statutory instrument provide for the application to payment institutions, as participants in payment or securities settlement systems, of provision in subordinate legislation—
  - (a) modifying the law of insolvency or related law in relation to such systems, or
  - (b) relating to the securing of rights and obligations.
- (2) “Payment institution” means—
  - (a) an authorised payment institution or small payment institution within the meaning of the Payment Services Regulations 2009 ([S.I. 2009/209](#)), or
  - (b) a person whose head office, registered office or place of residence, as the case may be, is outside the United Kingdom and whose functions correspond to those of an institution within paragraph (a).

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*Status: This is the original version (as it was originally enacted).*

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- (3) “Payment or securities settlement system” means arrangements between a number of participants for or in connection with the clearing or execution of instructions by participants relating to any of the following—
- (a) the placing of money at the disposal of a recipient;
  - (b) the assumption or discharge of a payment obligation;
  - (c) the transfer of the title to, or an interest in, securities.
- (4) “Subordinate legislation” has the same meaning as in the Interpretation Act 1978.
- (5) Regulations under this section may—
- (a) make consequential, supplemental or transitional provision;
  - (b) amend subordinate legislation.
- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

### **113 Bank of England oversight of payment systems**

Schedule 9 extends Part 5 of the Banking Act 2009 (Bank of England oversight of inter-bank payment systems) to other payment systems; and makes consequential provision.