

---

STATUTORY INSTRUMENTS

---

**2017 No. 692**

**The Money Laundering, Terrorist Financing and Transfer  
of Funds (Information on the Payer) Regulations 2017**

**PART 7**

**Transfer of Funds (Information on the Payer) Regulations**

**Interpretation**

**61.** In this Part “transfer of funds supervisory authority” in relation to a payment service provider means the supervisory authority specified by regulation [62](#).

**Transfer of funds supervisory authorities**

**62.**—(1) The FCA is the transfer of funds supervisory authority for payment service providers, who are—

- (a) authorised persons;
- (b) authorised payment institutions under the Payment Services Regulations 2009<sup>(1)</sup> which are not included in the register maintained by the Commissioners under regulation [54\(2\)](#);
- (c) registered small payment institutions under the Payment Services Regulations 2009 which are not included in the register maintained by the Commissioners under regulation [54\(2\)](#);
- (d) authorised electronic money institutions under the Electronic Money Regulations 2011<sup>(2)</sup>;  
or
- (e) registered small electronic money institutions under the Electronic Money Regulations 2011.

(2) The Commissioners are the transfer of funds supervisory authority for payment service providers who do not come within paragraph (1).

**Duties of transfer of funds supervisory authorities**

**63.**—(1) A transfer of funds supervisory authority must—

- (a) monitor effectively the payment service providers for whom it is the transfer of funds supervisory authority;
- (b) take the measures necessary to secure compliance by payment service providers with the requirements of the funds transfer regulation;
- (c) take effective measures to encourage the payment service provider to report breaches of the provisions of the funds transfer regulation to the authority;
- (d) take such steps as it considers appropriate—

---

(1) [S.I. 2009/209](#).

(2) [S.I. 2011/99](#).

- (i) to co-operate with other supervisory authorities, the Treasury and law enforcement authorities in relation to the development and implementation of policies to counter money laundering and terrorist financing;
  - (ii) to co-ordinate activities to counter money laundering and terrorist financing;
  - (iii) to co-operate with overseas authorities to ensure the effective supervision of a payment service provider to which paragraph (2) applies.
- (2) This paragraph applies to a payment service provider established—
- (a) in the United Kingdom, which has its head office in another country; or
  - (b) in another country but which has its head office in the United Kingdom.
- (3) Co-operation may include the sharing of information which the supervisory authority is not prevented from disclosing.
- (4) A transfer of funds supervisory authority must take into account any guidelines issued by the European Supervisory Authorities under Article 25 of the funds transfer regulation in determining what measures are required to comply with that regulation.
- (5) A transfer of funds supervisory authority which, in the course of carrying out any of its functions under this Part or otherwise, knows or suspects, or has reasonable grounds for knowing or suspecting, that a payment service provider is or has engaged in money laundering or terrorist financing must as soon as practicable inform the NCA.
- (6) A disclosure made under paragraph (5) is not to be taken to breach any restriction, however imposed, on the disclosure of information.
- (7) Where a disclosure under paragraph (5) is made in good faith, no civil liability arises in respect of the disclosure on the part of the person by whom, or on whose behalf, it is made.
- (8) The functions of the FCA under this Part are to be treated for the purposes of section 1A of, and Parts 1, 2 and 4 of Schedule 1ZA to, FSMA (the Financial Conduct Authority)<sup>(3)</sup> as functions conferred on the FCA under that Act.
- (9) A transfer of funds supervisory authority must on request provide a European Supervisory Authority with information reasonably required by the Authority to enable it to carry out its duties under the funds transfer regulation.
- (10) For the purposes of this regulation, “overseas authority” means—
- (a) an authority responsible for any of the functions provided for in the funds transfer regulation in an EEA state other than the United Kingdom in which the payment service provider is established or has its head office; and
  - (b) where the payment service provider is established or has its head office in a country which is not an EEA state, an authority in that country which has equivalent functions to any of the functions provided for in the funds transfer regulation.

### **Obligations of payment service providers**

**64.—**(1) A payment service provider must take into account any guidelines issued by the European Supervisory Authorities under Article 25 of the funds transfer regulation in determining what measures are required to comply with that regulation.

---

(3) 2000 c.8. Section 1A was substituted, together with the rest of Part 1A for Part 1 of the Financial Services and Markets Act 2000 by section 6(1) of the Financial Services Act 2012 (c.21). Schedule 1ZA was substituted, with Schedule 1ZB, for Schedule 1 to the Financial Services and Markets Act by section 6(2) of the Financial Services Act 2012 (c.21), and amended by paragraphs 14 and 16 of Schedule 3 and paragraph 7 of Schedule 8 to the Financial Services (Banking Reform) Act 2013 (c.33), paragraph 13 of Schedule 3 to the Pension Scheme Act 2015 (c.8) section 18 of the Bank of England and Financial Services Act 2016 (c.14) and S.I. 2013/1388.

(2) A payment service provider must ensure that it is able (whether by means of the central contact point appointed under regulation 22 or otherwise) to respond fully and rapidly to enquiries from a person specified in paragraph (3) concerning any of the information required by or under the funds transfer regulation.

(3) The persons specified in this paragraph are—

- (a) financial investigators accredited under section 3 of the Proceeds of Crime Act 2002 (accreditation and training)<sup>(4)</sup>;
- (b) persons acting on behalf of the Scottish Ministers in their capacity as an enforcement authority under that Act; and
- (c) constables or equivalent officers of any law enforcement authority.

---

(4) 2002 c. 29. Section 3 was amended by paragraph 111 of Schedule 8 to the Crime and Courts Act 2013 (c.22), and by paragraph 120 of Schedule 8 and paragraph 1 of Schedule 14 to the Serious Crime Act 2007 (c.27).