
STATUTORY INSTRUMENTS

2017 No. 752

The Payment Services Regulations 2017

PART 6

Information Requirements for Payment Services

Application

Application of Part 6

- 40.**—(1) This Part applies to payment services where—
- (a) the services are provided from an establishment maintained by a payment service provider or its agent in the United Kingdom; and
 - (b) the services are provided in one of the following circumstances—
 - (i) the payment service providers of both the payer and the payee are located within the EEA and the service relates to a transaction in the currency of an EEA State;
 - (ii) the payment service providers of both the payer and the payee are located within the EEA and the service relates to a transaction in a currency other than the currency of an EEA State; or
 - (iii) the payment service provider of either the payer or the payee, but not both, is located within the EEA.
- (2) In the circumstances mentioned at paragraph (1)(b)(ii)—
- (a) this Part applies only in respect of those parts of a transaction which are carried out in the EEA; and
 - (b) regulations 43(2)(b) and 52(a) and paragraph 2(e) of Schedule 4 (maximum execution time) do not apply.
- (3) In the circumstances mentioned at paragraph (1)(b)(iii)—
- (a) this Part applies only in respect of those parts of a transaction which are carried out in the EEA; and
 - (b) regulations 43(2)(b) and 52(a) and paragraphs 2(e) and 5(g) of Schedule 4 (maximum execution time and conditions for refund of direct debits) do not apply.
- (4) This Part does not apply to registered account information service providers or EEA registered account information service providers, except for regulations 59 (burden of proof on payment service provider) and 60 (information requirements for account information service providers).
- (5) Regulations 43 to 47 apply to payment services provided under a single payment service contract.
- (6) Regulations 48 to 54 apply to payment services provided under a framework contract.
- (7) If the payment service user is not a consumer, a micro-enterprise or a charity, the parties to a contract for payment services may agree that any or all of the provisions of this Part do not apply.

(8) Paragraph (1) applies to cash withdrawal services falling within paragraph 2(o) of Schedule 1 as if—

- (a) references to payment services were references to cash withdrawal services falling within paragraph 2(o) of Schedule 1;
- (b) references to payment service providers were references to providers of cash withdrawal services falling within paragraph 2(o) of Schedule 1; and
- (c) references to this Part were references to regulation 61 (information on ATM withdrawal charges).

Application of this Part in the case of consumer credit agreements

41.—(1) This regulation applies where a payment service is provided in relation to payment transactions that consist of the placing, transferring or withdrawal of funds covered by a credit line provided under a regulated agreement.

(2) Regulations 50 (changes in contractual information) and 51 (termination of framework contract) do not apply.

(3) Where a payment service provider is required to provide the same information to a payment service user by a provision in this Part and by a provision in the Consumer Credit Act 1974(1) or subordinate legislation made under that Act (“a CCA provision”), information which has been provided in compliance with the CCA provision, and which was provided in a manner which complies with the requirements of the provision in this Part, need not be provided again in order to comply with the provision in this Part.

Disapplication of certain regulations in the case of low-value payment instruments

42.—(1) This regulation applies in respect of payment instruments which, under the framework contract governing their use—

- (a) can be used only to execute individual payment transactions of 30 euros or less, or in relation to payment transactions executed wholly within the United Kingdom, 60 euros or less;
- (b) have a spending limit of 150 euros or, where payment transactions must be executed wholly within the United Kingdom, 300 euros; or
- (c) store funds that do not exceed 500 euros at any time.

(2) Where this regulation applies—

- (a) regulations 48 and 52 do not apply and the payment service provider is only required to provide the payer with information about the main characteristics of the payment service, including—
 - (i) the way in which the payment instrument can be used;
 - (ii) the liability of the payer, as set out in regulation 77 (payer or payee’s liability for unauthorised payment transactions);
 - (iii) charges levied;
 - (iv) any other material information the payer might need to take an informed decision; and
 - (v) an indication of where the information specified in Schedule 4 (prior general information for framework contracts) is made available in an easily accessible manner;

(1) 1974 c. 39.

- (b) the parties may agree that regulations 53 and 54 do not apply and instead—
 - (i) the payment service provider must provide or make available a reference enabling the payment service user to identify the payment transaction, the amount of the payment transaction and any charges payable in respect of the payment transaction;
 - (ii) in the case of several payment transactions of the same kind made to the same payee, the payment service provider must provide or make available to the payment service user information about the total amount of the payment transactions and any charges for those payment transactions; or
 - (iii) where the payment instrument is used anonymously or the payment service provider is not otherwise technically able to provide or make available the information specified in paragraph (i) or (ii), the payment service provider must enable the payer to verify the amount of funds stored; and
- (c) the parties may agree that regulation 55(1) does not apply to information provided or made available in accordance with regulation 50.

Single payment service contracts

Information required prior to the conclusion of a single payment service contract

43.—(1) A payment service provider must provide or make available to the payment service user the information specified in paragraph (2) in relation to the service, whether by supplying a copy of the draft single payment service contract or supplying a copy of the draft payment order or otherwise, either—

- (a) before the payment service user is bound by the single payment service contract; or
 - (b) immediately after the execution of the payment transaction, where the contract is concluded at the payment service user's request using a means of distance communication which does not enable provision of such information in accordance with sub-paragraph (a).
- (2) The information referred to in paragraph (1) is—
- (a) the information or unique identifier that has to be provided by the payment service user in order for a payment order to be properly initiated or executed;
 - (b) the maximum time in which the payment service will be executed;
 - (c) the charges payable by the payment service user to the user's payment service provider and, where applicable, a breakdown of such charges;
 - (d) where applicable, the actual or reference exchange rate to be applied to the payment transaction; and
 - (e) such of the information specified in Schedule 4 (prior general information for framework contracts) as is relevant to the single payment service contract in question.
- (3) Where a payment order is to be initiated through a payment initiation service provider, the payment initiation service provider must also provide or make available to the payer, before the payment is initiated, clear and comprehensive information as follows—
- (a) the name of the payment initiation service provider;
 - (b) the address of the head office of the payment initiation service provider;
 - (c) where applicable, the address of the head office of the agent or branch through which the payment initiation service provider provides services in the United Kingdom;
 - (d) other contact details relevant for communication with the payment initiation service provider, including an electronic mail address; and

- (e) the contact details of the FCA.

Information required after the initiation of a payment order

44.—(1) Where a payment order is initiated through a payment initiation service provider, immediately after the initiation of the payment order the payment initiation service provider must provide or make available to the payer and, where applicable, to the payee—

- (a) confirmation of the successful initiation of the payment order with the payer’s account servicing payment service provider;
- (b) a reference enabling the payer and the payee, to identify the payment transaction and, where appropriate, the payee to identify the payer, and any information transferred with the payment order;
- (c) the amount of the payment transaction;
- (d) where applicable, the amount of any charges payable to the payment initiation service provider in relation to the payment transaction, and where applicable a breakdown of the amounts of such charges.

(2) Where a payment order is initiated through a payment initiation service provider, the payment initiation service provider must provide or make available to the payer’s account servicing payment service provider the reference for the payment transaction.

Information required after receipt of the payment order

45.—(1) The payer’s payment service provider must, immediately after receipt of the payment order, provide or make available to the payer the information specified in paragraph (2) in relation to the service to be provided by the payer’s payment service provider.

- (2) The information referred to in paragraph (1) is—
 - (a) a reference enabling the payer to identify the payment transaction and, where appropriate, information relating to the payee;
 - (b) the amount of the payment transaction in the currency used in the payment order;
 - (c) the amount of any charges for the payment transaction payable by the payer and, where applicable, a breakdown of the amounts of such charges;
 - (d) where an exchange rate is used in the payment transaction and the actual rate used in the payment transaction differs from the rate provided in accordance with regulation 43(2)(d), the actual rate used or a reference to it, and the amount of the payment transaction after that currency conversion; and
 - (e) the date on which the payment service provider received the payment order.

Information for the payee after execution

46.—(1) The payee’s payment service provider must, immediately after the execution of the payment transaction, provide or make available to the payee the information specified in paragraph (2) in relation to the service provided by the payee’s payment service provider.

- (2) The information referred to in paragraph (1) is—
 - (a) a reference enabling the payee to identify the payment transaction and, where appropriate, the payer and any information transferred with the payment transaction;
 - (b) the amount of the payment transaction in the currency in which the funds are at the payee’s disposal;

- (c) the amount of any charges for the payment transaction payable by the payee and, where applicable, a breakdown of the amount of such charges;
- (d) where applicable, the exchange rate used in the payment transaction by the payee's payment service provider, and the amount of the payment transaction before that currency conversion; and
- (e) the credit value date.

Avoidance of duplication of information

47. Where a payment order for a single payment transaction is transmitted by way of a payment instrument issued under a framework contract, the payment service provider in respect of that single payment transaction need not provide or make available under regulations 43 to 46 information which has been provided or made available, or will be provided or made available, under regulations 48 to 53 by another payment service provider in respect of the framework contract.

Framework contracts

Prior general information for framework contracts

48.—(1) A payment service provider must provide to the payment service user the information specified in Schedule 4 (prior general information for framework contracts), either—

- (a) in good time before the payment service user is bound by the framework contract; or
- (b) where the contract is concluded at the payment service user's request using a means of distance communication which does not enable provision of such information in accordance with sub-paragraph (a), immediately after the conclusion of the contract.

(2) The payment service provider may discharge the duty under paragraph (1) by providing a copy of the draft framework contract provided that such contract includes the information specified in Schedule 4 (prior general information for framework contracts).

Information during period of contract

49. If the payment service user so requests at any time during the contractual relationship, the payment service provider must provide the information specified in Schedule 4 (prior general information for framework contracts) and the terms of the framework contract.

Changes in contractual information

50.—(1) Subject to paragraph (4), any proposed changes to—

- (a) the existing terms of the framework contract; or
- (b) the information specified in Schedule 4 (prior general information for framework contracts),

must be provided by the payment service provider to the payment service user no later than two months before the date on which they are to take effect.

(2) The framework contract may provide for any such proposed changes to be made unilaterally by the payment service provider where the payment service user does not, before the proposed date of entry into force of the changes, notify the payment service provider to the contrary.

(3) Where paragraph (2) applies, the payment service provider must inform the payment service user that

- (a) the payment service user will be deemed to have accepted the changes in the circumstances referred to in that paragraph; and
 - (b) the payment service user has the right to terminate the framework contract without charge at any time before the proposed date of their entry into force.
- (4) Changes in the interest or exchange rates may be applied immediately and without notice where—
- (a) such a right is agreed under the framework contract and any such changes in interest or exchange rates are based on the reference interest or exchange rates information which has been provided to the payment service user in accordance with this Part; or
 - (b) the changes are more favourable to the payment service user.
- (5) The payment service provider must inform the payment service user of any change to the interest rate as soon as possible unless the parties have agreed on a specific frequency or manner in which the information is to be provided or made available.
- (6) Any change in the interest or exchange rate used in payment transactions must be implemented and calculated in a neutral manner that does not discriminate against payment service users.

Termination of framework contract

- 51.**—(1) The payment service user may terminate the framework contract at any time unless the parties have agreed on a period of notice not exceeding one month.
- (2) Any charges for the termination of the contract must reasonably correspond to the actual costs to the payment service provider of termination.
- (3) The payment service provider may not charge the payment service user for the termination of a framework contract after the expiry of 6 months of the contract.
- (4) The payment service provider may terminate a framework contract concluded for an indefinite period by giving at least two months' notice, if the contract so provides.
- (5) Notice of termination given in accordance with paragraph (4) must be provided in the same way as information is required by regulation 55(1) (communication of information) to be provided or made available.
- (6) Where charges for the payment service are levied on a regular basis, such charges must be apportioned up until the time of the termination of the contract and any charges paid in advance must be reimbursed proportionally.
- (7) This regulation does not affect any right of a party to the framework contract to treat it, in accordance with the general law of contract, as unenforceable, void or discharged.

Information prior to execution of individual payment transaction

- 52.** Where an individual payment transaction under a framework contract is initiated by the payer, at the payer's request the payer's payment service provider must inform the payer of—
- (a) the maximum execution time;
 - (b) the charges payable by the payer in respect of the payment transaction; and
 - (c) where applicable, a breakdown of the amounts of such charges.

Information for the payer on individual payment transactions

- 53.**—(1) The payer's payment service provider under a framework contract must provide to the payer the information specified in paragraph (2) in respect of each payment transaction on paper or on another durable medium at least once per month free of charge.

- (2) The information is—
- (a) a reference enabling the payer to identify the payment transaction and, where appropriate, information relating to the payee;
 - (b) the amount of the payment transaction in the currency in which the payer's payment account is debited or in the currency used for the payment order;
 - (c) the amount of any charges for the payment transaction and, where applicable, a breakdown of the amounts of such charges, or the interest payable by the payer;
 - (d) where applicable, the exchange rate used in the payment transaction by the payer's payment service provider and the amount of the payment transaction after that currency conversion; and
 - (e) the debit value date or the date of receipt of the payment order.

(3) A framework contract may include a condition that the payer may require the information specified in paragraph (2) be provided or made available periodically at least once a month, free of charge and in an agreed manner which enables the payer to store and reproduce the information unchanged.

- (4) Paragraph (1) does not require a payment service provider to provide information where—
- (a) the information has been, or is to be, provided or made available as required by the payer under a condition of the type referred to in paragraph (3); or
 - (b) more than one month has passed since information was last provided, but there are no payment transactions in respect of which the payment service provider has not previously provided or made available information in accordance with paragraph (1) or as required by the payer under a condition of the type referred to in paragraph (3).

Information for the payee on individual payment transactions

54.—(1) The payee's payment service provider under a framework contract must provide to the payee the information specified in paragraph (2) in respect of each payment transaction on paper or on another durable medium at least once per month free of charge.

- (2) The information is—
- (a) a reference enabling the payee to identify the payment transaction and the payer, and any information transferred with the payment transaction;
 - (b) the amount of the payment transaction in the currency in which the payee's payment account is credited;
 - (c) the amount of any charges for the payment transaction and, where applicable, a breakdown of the amounts of such charges, or the interest payable by the payee;
 - (d) where applicable, the exchange rate used in the payment transaction by the payee's payment service provider, and the amount of the payment transaction before that currency conversion; and
 - (e) the credit value date.

(3) A framework contract may include a condition that the information specified in paragraph (2) is to be provided or made available periodically at least once a month and in an agreed manner which enables the payee to store and reproduce the information unchanged.

- (4) Paragraph (1) does not require a payment service provider to provide information where—
- (a) the information has been, or is to be, provided or made available in accordance with a condition of the type referred to in paragraph (3); or
 - (b) more than one month has passed since information was last provided, but there are no payment transactions in respect of which the payment service provider has not previously

provided or made available information in accordance with paragraph (1) or in accordance with a condition of the type referred to in paragraph (3).

Common provisions

Communication of information

55.—(1) Subject to regulation 42(2)(c) (disapplication of certain regulations in the case of low-value payment transactions), any information provided or made available in accordance with this Part must be provided or made available—

- (a) in the case of single payment service contracts, in an easily accessible manner;
- (b) subject to paragraph (2), on paper or on another durable medium;
- (c) in easily understandable language and in a clear and comprehensible form; and
- (d) in English or in the language agreed by the parties.

(2) Paragraph (1)(b)—

- (a) in the case of single payment service contracts, only applies where the payment service user so requests; and
- (b) in the case of framework contracts, is subject to any agreement in accordance with regulation 53(3) or 54(3) (information for the payer or payee on individual payment transactions) as to the manner in which information is to be provided or made available.

Charges for information

56.—(1) A payment service provider may not charge for providing or making available information which is required to be provided or made available by this Part.

(2) The payment service provider and the payment service user may agree on charges for any information which is provided at the request of the payment service user where such information is—

- (a) additional to the information required to be provided or made available by this Part;
- (b) provided more frequently than is specified in this Part; or
- (c) transmitted by means of communication other than those specified in the framework contract.

(3) Any charges imposed under paragraph (2) must reasonably correspond to the payment service provider's actual costs.

Currency and currency conversion

57.—(1) Payment transactions must be executed in the currency agreed between the parties.

(2) Where a currency conversion service is offered before the initiation of the payment transaction—

- (a) at an automatic teller machine or the point of sale; or
- (b) by the payee,

the party offering the currency conversion service to the payer must disclose to the payer all charges as well as the exchange rate to be used for converting the payment transaction.

Information on additional charges or reductions

58.—(1) The payee must inform the payer of any charge requested or reduction offered by the payee for the use of a particular payment instrument before the initiation of the payment transaction.

(2) The payment service provider, or any relevant other party involved in the transaction, must inform the payment service user of any charge requested by the payment service provider or other party, as the case may be, for the use of a particular payment instrument before the initiation of the payment transaction.

(3) A payer or payment service user is not obliged to pay a charge of the type referred to in paragraph (1) or (2) if the payer or payment service user was not informed of the full amount of the charge in accordance with the relevant paragraph.

Burden of proof on payment service provider

59. Where a payment service provider is alleged to have failed to provide information in accordance with this Part, it is for the payment service provider to prove that it provided the information in accordance with this Part.

Other information requirements

Information requirements for account information service providers

60.—(1) A registered account information service provider or EEA registered account information service provider must provide to the payment service user—

- (a) such information specified in Schedule 4 (prior general information for framework contracts) as is relevant to the service provided;
- (b) all charges payable by the payment service user to the account information service provider and, where applicable, a breakdown of those charges.

Information on ATM withdrawal charges

61. A provider of cash withdrawal services falling within paragraph 2(o) of Schedule 1 must ensure that a customer using such services is provided with information on withdrawal charges falling within regulations 43 (information required prior to the conclusion of a single payment service contract), 45 (information required after receipt of the payment order), 46 (information for the payee after execution) and 57 (currency and currency conversion), before the withdrawal and on receipt of the cash.

Provision of information leaflet

62.—(1) A payment service provider must make available free of charge in an easily accessible manner the document produced by the European Commission under Article 106 of the payment services directive—

- (a) in electronic form on its website (if any);
- (b) in paper form at any branches and through any agent it uses or any entity to which activities are outsourced.

(2) The FCA must make the document available in an easily accessible manner on its website.

(3) Payment service providers and the FCA must also make the information contained in the document available by alternative means or in alternative formats so as to be accessible to persons with disabilities.