

## STATUTORY INSTRUMENTS

# 2021 No. 716

## The Payment and Electronic Money Institution Insolvency Regulations 2021

### Definitions

6. In these Regulations, the words and expressions in the first column of the Table have the meaning indicated in the second column—

<i>Word or expression</i>	<i>Meaning</i>
BA 2009	Banking Act 2009(1)
CA 2006	Companies Act 2006(2)
CDDA 1986	Company Directors Disqualification Act 1986(3)
[ <sup>F1</sup> CDD(NI)O 2002	Company Directors Disqualification (Northern Ireland) Order 2002]
FSMA 2000	has the meaning given in regulation 4(4)
IA 1986	Insolvency Act 1986(4)
[ <sup>F2</sup> I(NI)O 1989	Insolvency (Northern Ireland) Order 1989]
SBEEA 2015	Small Business, Enterprise and Employment Act 2015(5)
EMR 2011	Electronic Money Regulations 2011(6)
IBSAR 2011	Investment Bank Special Administration Regulations 2011(7)
PSR 2017	Payment Services Regulations 2017(8)
administrator (except in the expression Schedule B1 administrator)	person appointed under regulation 7
agency or distribution services (in the case of electronic money institutions)	services provided by an agent or distributor within the meaning of regulation 2(1) of the EMR 2011

(1) 2009 c. 1.

(2) 2006 c. 46.

(3) 1986 c. 46.

(4) 1986 c. 45.

(5) 2015 c. 26.

(6) S.I. 2011/99, amended by S.I. 2013/3115, 2015/575, 2017/252, 2017/1173, 2018/1021. There are other amending instruments but none is relevant.

(7) S.I. 2011/245, amended by S.I. 2013/472, 2017/443. There are other amending instruments but none is relevant.

(8) S.I. 2017/752, amended by S.I. 2017/1173, 2018/1021. There are other amending instruments but none is relevant.

<i>Word or expression</i>	<i>Meaning</i>
agency services (in the case of a payment institutions)	services provided by an agent within the meaning of regulation 2(1) of the PSR 2017
asset pool (in the case of electronic money institutions)	(a) in the case of funds received for the execution of payment transactions which are not related to the issuance of electronic money, see regulation 23(18) of the PSR 2017, or  (b) in any other case, see regulation 24(4) of the EMR 2011
asset pool (in the case of payment institutions)	see regulation 23(18) of the PSR 2017
authorised payment institution	see regulation 2(1) of the PSR 2017
Authorities	the Bank of England, the Treasury and the FCA
contributory	[ <sup>F3</sup> (a) in England and Wales and Scotland,] has the same meaning as in the IA 1986 (see section 79 of that Act) as applied and modified by these Regulations [ <sup>F3</sup> , and  (b) in Northern Ireland, has the same meaning as in the I(NI)O 1989 (see Article 13 of that Order) as applied and modified by these Regulations]
court	(a) in England and Wales [ <sup>F3</sup> and in Northern Ireland], the High Court, and  (b) in Scotland, the Court of Session
electronic money	see regulation 2(1) of the EMR 2011
electronic money institution	see regulation 2(1) of the EMR 2011
enactment	includes—  (a) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament,  (b) an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru,  [ <sup>F3</sup> (ba) an enactment contained in, or in an instrument made under, Northern Ireland legislation,] and  (c) any retained direct EU legislation
fair	has the same meaning as in Part 2 of the BA 2009 (see section 93(8) of that Act)
FCA	Financial Conduct Authority

<i>Word or expression</i>	<i>Meaning</i>
foreign property	has the same meaning as in the BA 2009 (see section 39(2) of that Act)
holder	electronic money holder
special administration insolvency rules	[ <sup>F4</sup> (a) in relation to special administrations in England and Wales, or Scotland, means rules made under section 411 of the IA 1986,  (b) in relation to special administrations in Northern Ireland, means rules made under Article 359 of the I(NI)O 1989,  in each case as applied and modified by these Regulations to give effect to these Regulations.]
institution	has the meaning given in regulation 4(1)
institution's own bank accounts	includes any account, other than a relevant funds account, opened by the administrator for the purposes of the special administration
Objective 1	has the meaning given in regulation in 12(2)
Objective 2	has the meaning given in regulation in 12(3)
Objective 3	has the meaning given in regulation in 12(4)
payment institution	authorised payment institution or small payment institution
payment services	see regulation 2(1) of the PSR 2017
payment system	has the same meaning as in the BA 2009 (see section 182 of that Act <sup>(9)</sup> )
payment system operator	has the same meaning as in the BA 2009 (see section 183 of that Act <sup>(10)</sup> )
payment transaction	see regulation 2(1) of the PSR 2017
PPTA	has the meaning given in regulation 24(3)
PS or EMI contract	contract for payment services or electronic money issuance
relevant funds (in the case of electronic money institutions)	(a) in the case of funds received for the execution of payment transactions which are not related to the issuance of electronic money, see regulation 23(1) and (2) of the PSR 2017  (b) in any other case, see regulation 20(1) of the EMR 2011

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(9) Section 182 was amended by the Digital Economy Act 2017 (c. 30).

(10) Section 183(a) was amended by the Digital Economy Act 2017 (c. 30).

<i>Word or expression</i>	<i>Meaning</i>
relevant funds (in the case of payment institutions)	see regulation 23(1) and (2) of the PSR 2017
relevant funds account	account which an institution maintains in order to safeguard relevant funds
relevant funds claim	claim, of a user or holder, for the return of relevant funds
reverse transfer	has the meaning given in regulation 30(1)(a)
safeguard (in the case of electronic money institutions)	(a) in the case of relevant funds received for the execution of payment transactions which are not related to the issuance of electronic money, has the same meaning as in the PSR 2017 (see regulation 23 of those Regulations), or  (b) in any other case, has the same meaning as in the EMR 2011 (see regulations 20 to 22 of those Regulations)
safeguard (in the case of payment institutions)	has the same meaning as in the PSR 2017 (see regulation 23 of those Regulations)
Schedule B1	[ <sup>F4</sup> (a) in relation to special administrations in England and Wales, or Scotland, means Schedule B1 to the IA 1986;  (b) in relation to special administrations in Northern Ireland, means Schedule B1 to the I(NI)O 1989.]
Schedule B1 administration	the administration procedure set out in Schedule B1
Schedule B1 administration order	administration order made under Schedule B1 (see paragraph 10 of [ <sup>F4</sup> Schedule B1 to the IA 1986 and paragraph 11 of Schedule B1 to the I(NI)O 1989])
Schedule B1 administrator	administrator appointed under Schedule B1
small electronic money institution	see regulation 2(1) of the EMR 2017
small payment institution	see regulation 2(1) of the PSR 2017
special administration (except in the expression investment bank special administration)	payment institution special administration or electronic money institution special administration (see regulation 4(3))
special administration objectives	Objective 1, Objective 2 and Objective 3
special administration order	has the meaning given in regulation 7
statement of proposals	statement of proposals drawn up by the administrator in accordance with—

<i>Word or expression</i>	<i>Meaning</i>
	(a) paragraph 49 of Schedule B1 [ <sup>F3</sup> to the IA 1986 or paragraph 50 of Schedule B1 to the I(NI)O 1989] as applied and modified by these Regulations, or  (b) where the FCA has given a direction, regulation 39
TA	has the meaning given in regulation 24(2)
transferee	has the meaning given in regulation 24(2)
user	payment service user (see regulation 2(1) of the PSR 2017)
voluntarily safeguard (in the case of small electronic money institutions)	voluntarily safeguard pursuant to regulation 20(6) of the EMR 2011 and regulation 23(16) of the PSR 2017
voluntarily safeguard (in the case of small payment institutions)	voluntarily safeguard pursuant to regulation 23(16) of the PSR 2017

- F1** Words in reg. 6 inserted (4.1.2024) by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023 \(S.I. 2023/1399\)](#), regs. 1(2), **5(2)(a)**
- F2** Words in reg. 6 inserted (4.1.2024) by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023 \(S.I. 2023/1399\)](#), regs. 1(2), **5(2)(b)**
- F3** Words in reg. 6 inserted (4.1.2024) by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023 \(S.I. 2023/1399\)](#), regs. 1(2), **5(3)**
- F4** Words in reg. 6 substituted (4.1.2024) by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023 \(S.I. 2023/1399\)](#), regs. 1(2), **5(3)**

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**Commencement Information**

- I1** Reg. 6 in force at 8.7.2021, see [reg. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Payment and Electronic Money Institution Insolvency Regulations 2021, Section 6.