
STATUTORY INSTRUMENTS

2009 No. 209

The Payment Services Regulations 2009

PART 6

RIGHTS AND OBLIGATIONS IN RELATION TO THE PROVISION OF PAYMENT SERVICES

Application

Application of Part 6

51.—(1) This Part applies to a contract for payment services where—

- (a) the services are provided from an establishment maintained by a payment service provider or its agent in the United Kingdom;
- (b) subject to paragraph (2), the payment service providers of both the payer and the payee are located within the EEA; and
- (c) where the payment services are carried out in euro or in the currency of an EEA State that has not adopted the euro as its currency.

(2) Regulation 73 applies whether or not the payment service providers of both the payer and the payee are located within the EEA.

(3) Except where the payment service user is a consumer, a micro-enterprise or a charity, the parties may agree that—

- (a) any or all of regulations 54(1), 55(2), 60, 62, 63, 64, 67, 75, 76 and 77 do not apply;
- (b) a different time period applies for the purposes of regulation 59(1).

Disapplication of certain regulations in the case of consumer credit agreements

52. The following provisions of the Consumer Credit Act 1974 shall apply in relation to contracts for the provision of payment services which are regulated agreements for the purposes of that Act in place of the following provisions of these Regulations—

- (a) section 51 (prohibition of unsolicited credit tokens) in place of regulation 58(1)(b);
- (b) sections 66 (acceptance of credit tokens) and 84 (misuse of credit tokens)(1) in place of regulations 59, 61 and 62;
- (c) section 83 (liability for misuse of credit facilities) in place of regulations 59, 61 and 62;
- (d) sections 76 (duty to give notice before taking certain action) and 87 (need for default notice) in relation to the grounds mentioned in regulation 56(2) in place of regulation 56(3) to (6).

(1) Section 84 was amended by [S.I. 2000/2095](#) and [2000/2334](#).

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

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

(2) Where this regulation applies the parties may agree that—

- (a) regulations 57(1)(b), 58(1)(c), (d) and (e) and 62(3) do not apply where the payment instrument does not allow for the stopping or prevention of its use;
- (b) regulations 60, 61 and 62(1) and (2) do not apply where the payment instrument is used anonymously or the payment service provider is not in a position, for other reasons concerning the payment instrument, to prove that a payment transaction was authorised;
- (c) the payment service provider is not required under regulation 66(1) to notify the payment service user of the refusal of a payment order if the non-execution is apparent from the context;
- (d) the payer may not revoke the payment order under regulation 67 after transmitting the payment order or giving their consent to execute the payment transaction to the payee;
- (e) execution periods other than those provided by regulations 70 and 71 apply.

(3) Subject to paragraph (2)(b), regulations 61 and 62(1) and (2) apply to electronic money as defined in Article 1(3)(b) of the electronic money directive unless the payer's payment service provider does not have the ability under the contract to—

- (a) freeze the payment account; or
- (b) stop the use of the payment instrument.