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## STATUTORY INSTRUMENTS

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# 2009 No. 209

## The Payment Services Regulations 2009

### PART 8

#### ACCESS TO PAYMENT SYSTEMS

##### *General*

##### **Prohibition on restrictive rules on access to payment systems**

**97.**—(1) Rules or conditions governing access to, or participation in, a payment system by authorised payment institutions, EEA authorised payment institutions and small payment institutions must—

- (a) be objective, proportionate and non-discriminatory; and
- (b) not prevent, restrict or inhibit access or participation more than is necessary to—
  - (i) safeguard against specific risks such as settlement risk, operational risk or business risk; or
  - (ii) protect the financial and operational stability of the payment system.

(2) Paragraph (1) applies only to such small payment institutions as are legal persons.

(3) Rules or conditions governing access to, or participation in, a payment system which, in respect of payment service providers, payment service users or other payment systems—

- (a) restrict effective participation in other payment systems;
- (b) discriminate (whether directly or indirectly) between—
  - (i) different authorised payment institutions, or
  - (ii) different small payment institutions,in relation to the rights, obligations or entitlements of participants in the payment system; or

(c) impose any restrictions on the basis that a person is not of a particular institutional status, are prohibited.