
STATUTORY INSTRUMENTS

2017 No. 752

The Payment Services Regulations 2017

PART 10

The Payment Systems Regulator

Information and investigation

135.—(1) Sections 81 to 93 of the 2013 Act (information and investigation powers and disclosure of information) apply for the purposes of the Payment Systems Regulator's functions under these Regulations as if—

- (a) references to Part 5 of the 2013 Act were references to these Regulations;
- (b) references to a participant in a regulated payment system were references to a regulated person;
- (c) references to a compliance failure were references to a compliance failure as defined in regulation 123 (interpretation of this Part);
- (d) in section 81 (power to obtain information or documents)—
 - (i) subsection (1)(a) were omitted
 - (ii) in subsection (1)(b), “otherwise” were omitted; and
 - (iii) after subsection (3) there were inserted—

“(4) A notice under subsection (1) requiring information must specify the purpose for which the information is required and the time within which the information is to be provided.”.
- (e) in section 82(1) (reports by skilled persons) the reference to participation in a payment system were a reference to compliance with the [F1qualifying] requirements;
- (f) in section 83 (appointment of persons to conduct investigations), subsection (1) were omitted;
- (g) in section 90 (enforcement of information and investigation powers)—
 - (i) in subsection (7)(a)(i) for “[F2the general limit in a magistrates’ court] (or 6 months, if the offence was committed before [F32nd May 2022])” there were substituted “ 3 months ”;
 - (ii) in subsection (7)(a)(iii) for “6 months” there were substituted “ 3 months ”; and
 - (iii) in subsection (8)(a) for “51 weeks (or 3 months, if the offence was committed before the commencement of section 280(2) of the Criminal Justice Act 2003)” there were substituted “ 3 months ”;
- (h) in section 91 (restrictions on disclosure of confidential information), subsection (6) were omitted; and

Changes to legislation: The Payment Services Regulations 2017, Section 135 is up to date with all changes known to be in force on or before 02 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (i) in section 93 (offences relating to disclosure of confidential information), in subsection (4) (a) for “51 weeks (or 3 months, if the offence was committed before the commencement of section 280(2) of the Criminal Justice Act 2003)” there were substituted “ 3 months ”.
- (2) The Financial Services (Banking Reform) Act 2013 (Disclosure of Confidential Information) Regulations 2014 ^{M1} (“the 2014 Regulations”) apply for the purposes of the Payment Systems Regulator's functions under these Regulations as if—
- (a) the reference in regulation 5(3)(a) of the 2014 Regulations (disclosure for the purposes of certain other proceedings) to Part 5 of the 2013 Act were a reference to these Regulations; and
- (b) the following entry were included in the table in the Schedule to the 2014 Regulations (persons and functions in respect of which disclosure is permitted)—

<p>“A general enforcer as defined in section 213(1) of the Enterprise Act 2002 M2</p>	<p>Its functions under Part 8 of the Enterprise Act 2002 in so far as they relate to the Consumer Rights (Payment Surcharges) Regulations 2012 M3</p> <p>, and its functions under those Regulations.”.</p>
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- F1** Word in reg. 135(1)(e) substituted (31.12.2020) by [The Electronic Money, Payment Services and Payment Systems \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1201), reg. 1(3), **Sch. 2 para. 60** (with reg. 4, Sch. 3 Pt. 2) (as amended by S.I. 2020/56, regs. 1, 8); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 135(1)(g)(i) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023](#) (S.I. 2023/149), regs. 1(2), 2(2), **Sch. Pt. 2** table
- F3** Words in reg. 135(1)(g)(i) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022](#) (S.I. 2022/500), regs. 1(2), 5(2), **Sch. Pt. 2**

Marginal Citations

- M1** S.I. 2014/882.
- M2** 2002 c. 40. Section 213(1) was amended by S.I. 2014/892.
- M3** S.I. 2012/3110, amended by S.I. 2013/761 and 3134 and 2014/549 and by paragraph 12 of Schedule 8 to these Regulations.

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations power to amend conferred by [2021 c. 22 s. 23](#)