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STATUTORY INSTRUMENTS

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**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 directive 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 “12 months (or 6 months, if the offence was committed before the commencement of section 154(1) of the Criminal Justice Act 2003)” 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

- (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<sup>(1)</sup> (“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)—

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“A general enforcer as defined in section 213(1) of the Enterprise Act 2002 <sup>(2)</sup>	Its functions under Part 8 of the Enterprise Act 2002 in so far as they relate to the Consumer Rights (Payment Surcharges) Regulations 2012 <sup>(3)</sup> , and its functions under those Regulations.”.
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(1) S.I. 2014/882.  
(2) 2002 c. 40. Section 213(1) was amended by S.I. 2014/892.  
(3) 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.