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STATUTORY INSTRUMENTS

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**2017 No. 752**

**The Payment Services Regulations 2017**

**PART 5**

**Requirements for providers of certain services which are not payment services**

**Notification of use of electronic communications exclusion**

**39.**—(1) If a person (“service provider”) provides, or intends to provide, a service for payment transactions falling within paragraph 2(1) of Schedule 1 (electronic communications exclusion), the service provider must—

- (a) notify the FCA, and
- (b) include with such notification a description of the service.

(2) The service provider must provide a notification under paragraph (1)—

- (a) if the service provider starts to provide the service before 13th January 2018, on or before that date, or
- (b) otherwise, before the service provider starts to provide the service.

(3) The service provider must also provide to the FCA, at such times as the FCA may direct, an annual audit opinion testifying that the transactions for which the service is provided comply with the limits mentioned in paragraph 2(1) of Schedule 1.

(4) Information provided to the FCA under this regulation must be in such form or verified in such manner as the FCA may direct.

(5) Different directions may be given under paragraph (3) and (4) in relation to different service providers or different categories of service provider.