

SCHEDULE 8

Amendments to legislation

PART 1

Amendments to primary legislation

Consumer Credit Act 1974

1. In the Consumer Credit Act 1974 ^{M1}—
 - (a) in section 78 (duty to give information to debtor under running-account credit agreement), after subsection (1) insert—

“(1A) Where a request under subsection (1) also amounts to a request under regulation 49 of the Payment Services Regulations 2017 (information during period of contract), subsection (1) applies as if the words “and payment of a fee of £1” were omitted.”;
 - (b) in section 84 (misuse of credit-tokens), in subsection (1) for “£50” substitute “£35”.

Marginal Citations

M1 1973 c. 39. Section 78 was amended by section 7 of the [Consumer Credit Act 2006 \(c. 14\)](#) and by [S.I. 1998/997](#) and [2008/1277](#). Section 84 was amended by [S.I. 1998/997](#), [2000/2334](#) and [2004/2095](#).

Financial Services and Markets Act 2000

- 2.—(1) The 2000 Act ^{M2} is amended as follows.
 - (2) In section 1H (further interpretative provisions for sections 1B to 1G) ^{M3}, in subsection (8)—
 - (a) in the definition of “payment services” for “2009” substitute “2017”;
 - (b) in the definition of “payment service provider”—
 - (i) for “2009” substitute “2017”;
 - (ii) for “(g) or (h)” substitute “(i) or (j)”.
 - (3) In section 206A (suspending permission to carry on regulated activities etc.) ^{M4}, in subsection (1A)(a) for “2009” substitute “2017”.
 - (4) In section 226 (compulsory jurisdiction) ^{M5}—
 - (a) in subsection (2)(b) for “2009” substitute “2017”;
 - (b) after subsection (5) insert—

“(5A) If the FCA specifies activities which are account information services provided by authorised payment institutions or EEA authorised payment institutions, the FCA must specify to the same extent account information services provided by registered account information service providers or, as the case may be, EEA registered account information service providers.

(5B) Expressions used in subsection (5A) and in the Payments Services Regulations 2017 have the same meaning in that subsection as they do in those Regulations.”.
 - (5) In section 234 (industry funding) ^{M6}, in subsection (1) for “2009” substitute “2017”.

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(6) In section 379A(2)(a) (power to apply settlement finality regime to payment institutions) ^{M7} for “2009 (S.I. 2009/209)” substitute “2017”.

(7) In section 404E (meaning of consumers) ^{M8}, in subsection (6)—

(a) in the definition of “payment services” for “2009” substitute “2017”;

(b) in the definition of “payment service provider” for “(e)” substitute “(g)”.

(8) In section 404F (other definitions etc.) ^{M9}, in subsection (8)(b)—

(a) for “11” substitute “12”;

(b) for “2009” substitute “2017”.

(9) In Schedule 1A (further provision about the Consumer Financial Education Body) ^{M10}, in paragraph 12(5)—

(a) for “2009” substitute “2017”; and

(b) for “(f)” substitute “(h)”.

(10) In Schedule 17 (the ombudsman scheme) ^{M11}, in paragraph 13(4) for “2009” substitute “2017”.

(11) Any reference, in an amendment to the 2000 Act made by an Act passed in the Session in which these Regulations are made, to a person who is a payment service provider for the purposes of the Payment Services Regulations 2009 as a result of falling within any of paragraphs (a) to (f) of the definition in regulation 2(1) of those Regulations is to be read as a reference to a person who is a payment service provider for the purposes of these Regulations as a result of falling within any of paragraphs (a) to (h) of the definition in regulation 2(1) of these Regulations.

Marginal Citations

M2 2000 c. 8.

M3 Section 1H was substituted (with the rest of Part 1A) for Part 1 by section 6 of the Financial Services Act 2012 and amended by [S.I. 2013/655](#), [1881](#) and [3115](#).

M4 Section 206A was inserted by section 9 of the Financial Services Act 2010. Subsection (1A) was inserted by paragraph 13 of Schedule 9 to the Financial Services Act 2012.

M5 Subsection (2) was amended by [S.I. 2009/209](#) and [2011/99](#).

M6 Subsection (1) was amended by paragraph 10 of Schedule 11 to the Financial Services Act 2012, [S.I. 2009/209](#) and [2011/99](#).

M7 Section 379A was inserted by section 112 of the [Digital Economy Act 2017 \(c. 30\)](#).

M8 Section 404E was substituted, with other sections, for section 404 by section 14 of the Financial Services Act 2010. Subsection (6) was amended by [S.I. 2011/99](#) and [2013/1881](#).

M9 Section 404F was substituted, with other sections, for section 404 by section 14 of the Financial Services Act 2010. Subsection (6) was amended by paragraph 20 of Schedule 18 to the Financial Services Act 2012 and by [S.I. 2011/99](#).

M10 Schedule 1A was inserted by paragraph 1 of Schedule 1 to the Financial Services Act 2010. Paragraph 12 was amended by paragraph 13 of Schedule 15 to the Financial Services Act 2012 and by [S.I. 2011/99](#).

M11 Paragraph 13 was amended by paragraph 24 of Schedule 11 to the Financial Services Act 2012, and by [S.I. 2009/209](#), [2011/99](#) and [2015/542](#).

Enterprise Act 2002

3. In the Enterprise Act 2002 ^{M12}—

(a) in Schedule 13 (listed Directives and Regulations), after paragraph 15 insert—

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“16. In Article 62 of Directive 2015/2366/EU of the European Parliament and of the Council of 25th November 2015 on payment services in the internal market, amending Directives [2002/65/EC](#), [2009/110/EC](#) and 2013/36/EU and Regulation (EU) No. 1093/2010, and repealing Directive [2007/64/EC](#), paragraphs 4 and 5 and the second sentence of paragraph 3.”;

(b) in Schedule 15 (enactments conferring functions)—

(i) after “Postal Services Act 2011.” insert—

“Electronic Money Regulations 2011.”;

(ii) after “Civil Aviation Act 2012.” insert—

“Consumer Rights (Payment Surcharges) Regulations 2012.”;

(iii) at the end insert—

“Payment Services Regulations 2017.”.

Marginal Citations

M12 [2002 c. 40](#). Schedule 13 was amended by [S.I. 2006/3363](#), [2015/2911](#) and other instruments which are not relevant to these Regulations. There are amendments to Schedule 15 but none is relevant to these Regulations.

Financial Services (Banking Reform) Act 2013

4. In section 108 of the Financial Services (Banking Reform) Act 2013 (relationship with Part 8 of the Payment Services Regulations 2009) ^{M13}—

(a) in the heading, for “2009” substitute “2017”;

(b) in subsection (1), for the words from “relevant person” to the end substitute “ person to obtain or maintain access to, or participation in, a payment system in circumstances in which regulation 103 (prohibition on restrictive rules on access to payment systems) or 104 (indirect access to designated payment systems) of the Payment Services Regulations 2017 applies in relation to access to, or participation in, the payment system by the person.”; and

(c) omit subsection (2).

Marginal Citations

M13 [2013 c. 33](#). Section 108 was amended by section 14 of the [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#).

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Changes and effects yet to be applied to :

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