
STATUTORY INSTRUMENTS

2019 No. 1010

The Financial Services (Miscellaneous) (Amendment) (EU Exit) (No. 2) Regulations 2019

PART 3

Amendment of the Electronic Money, Payment Services and Payment Systems (Amendment and Transitional Provisions) (EU Exit) Regulations 2018

7.—(1) Schedule 3 to the Electronic Money, Payment Services and Payment Systems (Amendment and Transitional Provisions) (EU Exit) Regulations 2018 ^{F1} (transitional provisions) is amended as follows.

(2) At the end of paragraph 12A, insert “ and “PSR 2017” means the Payment Services Regulations 2017 ^{F2}”.

(3) In paragraph 12L ^{F3}, after sub-paragraph (5) insert—

“(6) Where a person (“A”) to whom this paragraph applies issues electronic money to a person (“B”) in pursuance of a pre-existing contract in reliance on the exemption in sub-paragraph (1), A must, as soon as it is reasonably practicable to do so, notify B—

- (a) that A is exempt from the prohibition in regulation 63(1) of EMR 2011 by virtue of sub-paragraph (1) and is not authorised by the FCA under EMR 2011;
- (b) that, as a result of the United Kingdom's withdrawal from the European Union—
 - (i) it is possible that B's assets held by A in relation to the performance of the pre-existing contract no longer attract the same protection afforded to them immediately before [^{F4}IP completion day];
 - (ii) it is possible that recourse to an alternative dispute resolution procedure or compensation scheme that was available to B under the pre-existing contract immediately before [^{F4}IP completion day] is no longer available;
- (c) in so far as it is practicable to do so, of any changes arising as a result of the United Kingdom's withdrawal from the European Union to—
 - (i) the protection afforded to B's assets held by A in relation to the performance of the pre-existing contract; or
 - (ii) the availability to B of an alternative dispute resolution procedure or compensation scheme under the pre-existing contract.

(7) If at any time after A has provided B with any information under sub-paragraph (6)—

- (a) there is, or is likely to be, a material change affecting that information; or
- (b) it becomes apparent to the applicant that the information is incomplete or contains a material inaccuracy,

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Financial Services (Miscellaneous) (Amendment) (EU Exit) (No. 2) Regulations 2019*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

A must provide B with details of the change, the complete information or a correction of the inaccuracy (as the case may be) as soon as it is reasonably practicable to do so.

(8) The FCA may issue guidance in respect of compliance with an obligation under sub-paragraph (6) or (7).”.

(4) After paragraph 20(1)(j) insert—

“(ja) in the case of a person carrying on account information services, the person does not hold professional indemnity insurance, or a comparable guarantee, of the kind mentioned in regulation 6(7)(f) of PSR 2017,”.

(5) In paragraph 36 ^{F5}, after sub-paragraph (5) insert—

“(6) Where a person (“A”) to whom this paragraph applies provides payment services to a person (“B”) in pursuance of a pre-existing contract in reliance on the exemption in sub-paragraph (1), A must, as soon as it is reasonably practicable to do so, notify B—

(a) that A is exempt from the prohibition in regulation 138(1) of PSR 2017 by virtue of sub-paragraph (1) and is not authorised by the FCA under PSR 2017;

(b) that, as a result of the United Kingdom's withdrawal from the European Union—

(i) it is possible that B's assets held by A in relation to the performance of the pre-existing contract no longer attract the same protection afforded to them immediately before [^{F6}IP completion day];

(ii) it is possible that recourse to an alternative dispute resolution procedure or compensation scheme that was available to B under the pre-existing contract immediately before [^{F6}IP completion day] is no longer available;

(c) in so far as it is practicable to do so, of any changes arising as a result of the United Kingdom's withdrawal from the European Union to—

(i) the protection afforded to B's assets held by A in relation to the performance of the pre-existing contract; or

(ii) the availability to B of an alternative dispute resolution procedure or compensation scheme under the pre-existing contract.

(7) If at any time after A has provided B with any information under sub-paragraph (6)—

(a) there is, or is likely to be, a material change affecting that information; or

(b) it becomes apparent to the applicant that the information is incomplete or contains a material inaccuracy,

A must provide B with details of the change, the complete information or a correction of the inaccuracy (as the case may be) as soon as it is reasonably practicable to do so.

(8) The FCA may issue guidance in respect of compliance with an obligation under sub-paragraph (6) or (7).”.

F1 [S.I. 2018/1201](#).

F2 [S.I. 2017/752](#).

F3 Paragraph 12L was inserted, together with the rest of Part 1A (comprising paragraphs 12A to 12M), by regulation 10 of [S.I. 2019/405](#).

F4 Words in [reg. 7\(3\)](#) substituted (30.12.2020) by [The Financial Services and Economic and Monetary Policy \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1301\)](#), regs. 1, 3, [Sch. para. 44\(b\)\(i\)](#)

F5 Paragraph 36 was inserted, together with the rest of Part 3 (comprising paragraphs 25 to 37), by regulation 10 of [S.I. 2019/405](#).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Financial Services (Miscellaneous) (Amendment) (EU Exit) (No. 2) Regulations 2019*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- F6** Words in [reg. 7\(5\)](#) substituted (30.12.2020) by [The Financial Services and Economic and Monetary Policy \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1301\)](#), regs. 1, 3, [Sch. para. 44\(b\)\(ii\)](#)

Commencement Information

- I1** [Reg. 7](#) in force at 31.12.2020 immediately before IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(3\)](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Financial Services (Miscellaneous) (Amendment) (EU Exit) (No. 2) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations power to modify conferred by [2023 c. 29 s. 3Sch. 1 Pt. 2](#)
- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)