

STATUTORY INSTRUMENTS

2019 No. 253

The Money Laundering and Transfer of Funds (Information) (Amendment) (EU Exit) Regulations 2019

PART 3

AMENDMENT OF EU LEGISLATION

Regulation (EU) 2015/847

14. Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfer of funds and repealing Regulation (EC) No 1781/2006 is amended in accordance with regulations 15 to 19.

Commencement Information

- 11 Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Subject matter, scope and definitions

- 15.—(1) In Article 1, for “Union” substitute “United Kingdom”.
- (2) Article 2 is amended as follows—
- (a) in paragraph 1, for “Union” substitute “United Kingdom”;
 - (b) in paragraph 2, for “points (a) to (m) and (o) of Article 3 of Directive 2007/64/EC” substitute “sub-paragraphs (a) to (m) and (o) of paragraph 2 of Schedule 1 to the Payment Services Regulations 2017^{M1}”;
 - (c) in paragraph 4(b), omit “within a Member State”;
 - (d) omit paragraph 5.
- (3) Article 3 is amended as follows—
- (a) in point (1) (the definition of “terrorist financing”), for “Article 1(5) of Directive (EU) 2015/849” substitute “regulation 3(1) of the 2017 Regulations”;
 - (b) for point (2) (the definition of “money laundering”), substitute—
“(2) “money laundering” has the meaning given by section 340(11) of the Proceeds of Crime Act 2002^{M2}.”;
 - (c) for point (5) (the definition of “payment service provider”), substitute—
“(5) “payment services provider” has the meaning given in regulation 2(1) of the Payment Services Regulations 2017.”;
 - (d) for point (7) (the definition of “payment account”), substitute—

- “(7) “payment account” has the meaning given in regulation 2(1) of the Payment Services Regulations 2017;”;
- (e) in point (8) (the definition of “funds”) for “point (15) of Article 4 of Directive [2007/64/EC](#)” substitute “ regulation 2(1) of the Payment Services Regulations 2017 ”;
- (f) in point (9) (the definition of “transfer of funds”), in point (c), for “point (13) of Article 4 of Directive [2007/64/EC](#)” substitute “ regulation 2(1) of the Payment Services Regulations 2017 ”;
- (g) after point (12), insert—
- “(13) “the 2017 Regulations” means the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.”.

Commencement Information

- I2** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

- M1** [S.I. 2017/752](#).
M2 [2002 c. 29](#).

Obligations on payment service providers

- 16.**—(1) In Article 4, in paragraph 5—
- (a) for “Article 13 of Directive (EU) 2015/849” substitute “ regulation 28 of the 2017 Regulations ”;
- (b) for “Article 40 of that Directive” substitute “ regulation 40 of those Regulations ”;
- (c) for “Article 14(5) of Directive (EU) 2015/849” substitute “ regulation 27(8) of the 2017 Regulations ”.
- (2) In Article 5, in paragraph 1, for “Union” substitute “ United Kingdom or Gibraltar ”;
- (3) In Article 6, in paragraphs 1 and 2, for “Union” substitute “ United Kingdom or Gibraltar ”;
- (4) In Article 7—
- (a) in paragraph 2, for “Union”, each time it occurs, substitute “ United Kingdom or Gibraltar ”;
- (b) in paragraph 3, for “Articles 69 and 70 of Directive [2007/64/EC](#)” substitute “ regulations 52 and 53 of the Payment Services Regulations 2017 ”;
- (c) in paragraph 5—
- (i) for “Article 13 of Directive (EU) 2015/849” substitute “ regulation 28 of the 2017 Regulations ”;
- (ii) for “Article 40 of that Directive” substitute “ regulation 40 of those Regulations ”;
- (iii) for “Article 14(5) of Directive (EU) 2015/849” substitute “ regulation 27(8) of the 2017 Regulations ”.
- (5) In Article 8.1, for “Article 13 of Directive (EU) 2015/849” substitute “ regulation 28 of the 2017 Regulations ”.
- (6) In Article 9, for “Directive (EU) 2015/849”, substitute “ the 2017 Regulations ”.
- (7) In Article 11(2), for “Union” each time it occurs, substitute “ United Kingdom or Gibraltar ”.

(8) In Article 13, for “Directive (EU) 2015/849”, substitute “ the 2017 Regulations ”.

Commencement Information

I3 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Information, data protection and record-retention

17.—(1) In Article 14—

- (a) omit the words from “, including by” to “are established”;
- (b) for “that Member State” substitute “ the United Kingdom or Gibraltar ”.

(2) In Article 15—

- (a) in paragraph 1—
 - (i) for “[^{F1}Regulation (EU) 2016/679 of the European Parliament and of the Council]” substitute “ the data protection legislation (within the meaning of section 3(9) of the Data Protection Act 2018 ^{M3}) ”;
 - (ii) omit the second sentence;
- (b) in paragraph 3, for “Article 10 of Directive 95/46/EC” substitute “ Article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data ”.

F1 Words in reg. 17(2)(a)(i) substituted (31.12.2020 immediately before IP completion day) by The Financial Services (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/628), regs. 1(3), 8(3)

Commencement Information

I4 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M3 2018 c. 12.

Sanctions and monitoring

18. Omit Articles 17 to 22.

Commencement Information

I5 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Implementing powers and derogations

19. Omit Articles 23 to 25.

Changes to legislation: There are currently no known outstanding effects for the The Money Laundering and Transfer of Funds (Information) (Amendment) (EU Exit) Regulations 2019, PART 3. (See end of Document for details)

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Commencement Information

I6 Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Commission Delegated Regulation (EU) 2018/1108

20. Commission Delegated Regulation (EU) 2018/1108 of 7th May 2018 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regulatory technical standards on the criteria for the appointment of central contact points for electronic money issuers and payment service providers and with rules on their functions is revoked.

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Commencement Information

I7 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Changes to legislation:

There are currently no known outstanding effects for the The Money Laundering and Transfer of Funds (Information) (Amendment) (EU Exit) Regulations 2019, PART 3.