
STATUTORY INSTRUMENTS

2021 No. 716

The Payment and Electronic Money Institution Insolvency Regulations 2021

FCA direction

38.—(1) The FCA may direct the administrator to prioritise one or more special administration objectives, subject as follows.

(2) A direction may only be given if the FCA is satisfied that the giving of the direction is necessary, having regard to the public interest in—

- (a) the stability of the financial systems of the United Kingdom,
- (b) the maintenance of public confidence in the stability of the financial markets, payment systems and payment services and electronic money sectors of the United Kingdom, or
- (c) securing an appropriate degree of protection for users or holders.

(3) A direction must be given in writing and should set out reasons for giving the direction.

(4) Before giving a direction the FCA must consult the Treasury and the Bank of England.

(5) If the FCA thinks that the circumstances that gave rise to the need for it to give a direction have passed, it must withdraw its direction.

[^{F1}(6) Where the FCA has given a direction under this regulation and the direction has not been withdrawn, the following provisions do not apply—

- (a) in England and Wales and Scotland, paragraphs 49(1) to (3), 51, 53, 54 and 55 of Schedule B1 to the IA 1986;
- (b) in Northern Ireland, paragraphs 50(1) to (3), 52, 54, 55 and 56 of Schedule B1 to the I(NI)O 1989.]

F1 [Reg. 38\(6\) substituted \(4.1.2024\) by The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023 \(S.I. 2023/1399\), regs. 1\(2\), 13](#)

Commencement Information

I1 [Reg. 38](#) in force at 8.7.2021, see [reg. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the The Payment and Electronic Money Institution Insolvency Regulations 2021, Section 38.