

Chapter 15

Guidance on the scope of the Payment Services Regulations 2017

15.6 Territorial scope

Q45. We are a UK payment institution - when will we need to make a passport notification?

[deleted]

Q46. We are a non- UK payment institution providing payment services to UK customers from a location outside the UK. Do we require authorisation or registration under the regulations?

No. When considering whether you fall within the scope of the PSRs 2017, our starting point is to consider whether an EEA payment services provider would be providing cross-border services in analogous circumstances (for example, when it provides payment services to EEA customers in an EEA State other than the place in which it is located).

As regards the provision of cross-border payment services between EEA States, in our view the Commission Interpretative Communication (Freedom to provide services and the interest of the general good in the Second Banking Directive (97C 209/04)) provides a useful starting point, in particular because payment services form part of the *CRD* passport.

Accordingly, we would not generally expect a payment services provider incorporated and located outside the UK to be within the scope of the regulations, if all it does is to provide internet-based and other services to UK customers from that location.