Enforcement Guide

Chapter 19 Non-FSMA powers



19.20 **Payment Services Regulations** 2017

- 19.20.1 The FCA has investigation and sanctioning powers in relation to both criminal and civil breaches of the Payment Services Regulations. The Payment Services Regulations impose requirements including, amongst other things, obligations on payment service providers to provide users with a range of information and various provisions regulating the rights and obligations of payment service users and providers.
- 19.20.2 The FCA's approach to enforcing the Payment Services Regulations will mirror its general approach to enforcing the Act, as set out in ■EG 2. It will seek to exercise its enforcement powers in a manner that is transparent, proportionate, responsive to the issue, and consistent with its publicly stated policies. It will also seek to ensure fair treatment when exercising its enforcement powers. Finally, it will aim to change the behaviour of the person who is the subject of its action, to deter future non-compliance by others, to eliminate any financial gain or benefit from non-compliance, and where appropriate, to remedy the harm caused by the non-compliance.
- 19.20.3 The regulatory powers which the Payment Services Regulations provide to the *FCA* include:

the power to require information; powers of entry and inspection; power of public censure; the power to impose financial penalties; the power to prosecute or fine unauthorised providers; and the power to vary an authorisation on its own initiative.

- 19.20.4 [deleted]
- 19.20.5 The Payment Services Regulations, for the most part, mirror the FCA's investigative, sanctioning and regulatory powers under the Act. The FCA has decided to adopt procedures and policies in relation to the use of those powers akin to those it has under the Act. Key features of the FCA's approach are described below.