

FEES (PAYMENT SYSTEMS REGULATOR) INSTRUMENT (No 5) 2017

Powers exercised

- A. The Financial Conduct Authority makes this instrument in the exercise of:
- (1) the powers in paragraph 9 (Funding) of Schedule 4 (The Payment Systems Regulator) of the Financial Services (Banking Reform) Act 2013 (“FSBRA”);
 - (2) the powers in and under Regulation 15 of The Payment Card Interchange Fee Regulations 2015 (SI 2015/1911); and
 - (3) the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
 - (a) section 137T (General supplementary powers);
 - (b) section 139A (Power of the FCA to give guidance); and
 - (c) paragraph 23 (Fees) in Part 3 (Penalties and Fees) of Schedule 1ZA (The Financial Conduct Authority).
- B. The rule-making powers listed above are specified for the purpose of paragraph 9 of schedule 4 to FSBRA and section 138G (Rule-making instruments) of the Act.

Commencement

- C. This instrument comes into force on 15 December 2017.

Amendments to the Handbook

- D. The Fees manual (FEES) is amended in accordance with the Annex to this instrument.

Citation

- E. This instrument may be cited as the Fees (Payment Systems Regulator) Instrument (No 5) 2017.

By order of the Board
7 December 2017

Annex

Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking through indicates deleted text.

9 Payment Systems Regulator funding

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9.2 PSR fees

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Time of payment

- 9.2.2 R If the *PSR fee* paid by a *direct payment service provider* for the previous *fee year* for a particular *regulated payment system* or *IFR card payment system* was at least £20,000, that *direct payment service provider* must pay to the *operator* of that particular *regulated payment system* or *IFR card payment system* FCA:
- (1) an amount equal to 50% of the *PSR fee* payable for the previous *fee year*, by ~~15 March~~ at the end of the previous 1 April in the current *fee year* or, if later, within 30 days of the date of the invoice; and
 - (2) the balance of the *PSR fee* due by ~~15~~ 1 September in the current *fee year* or, if later, within 30 days of the date of the invoice.
- 9.2.2A R ~~The operator of each regulated payment system or IFR card payment system must pay the amounts collected (as collection agent for the FCA) under FEES 9.2.2R to the FCA by the following dates:~~
- (1) ~~1 April in the current fee year;~~
 - (2) ~~1 October in the current fee year.~~ [deleted]
- 9.2.2B R If an *operator* of an *IFR card payment system* or *card payment system* is liable to pay *PSR fees* itself under *FEES 9.2.1DR* or *FEES 9.2.1ER*, and the *PSR fee* it paid for the previous *fee year* for its *IFR card payment system* or *card payment system* was at least £20,000, that *operator* must pay to the *FCA*:
- (1) an amount equal to 50% of the *PSR fee* payable for the previous *fee year*, by ~~15 March~~ at the end of the previous 1 April in the current *fee year* or, if later, within 30 days of the date of the invoice; and
 - (2) the balance of the *PSR fee* due by ~~15~~ 1 September in the current *fee year* or, if later, within 30 days of the date of the invoice.

~~[Note: Transitional provisions apply to FEES 9.2.2R to FEES 9.2.2BR inclusive: see FEES TP 12.4]~~

9.2.3 R If the *PSR fee* paid by a *direct payment service provider* for a particular *regulated payment system* or *IFR card payment system* for the previous *fee year* was less than £20,000, the *direct payment service provider* must pay its *PSR fee* in full to the ~~operator of that regulated payment system or IFR card payment system~~ FCA:

- (1) by ~~15~~ 1 September in the current *fee year*; or
- (2) if later, within 30 *days* of the date of the invoice.

9.2.3A R ~~The operator of each regulated payment system and IFR card payment system must pay the amounts collected (as collection agent for the FCA) under FEES 9.2.3R to the FCA by the following date:~~

- (1) ~~1 October in the current fee year; or~~
- (2) ~~if later, within 15 days of the date payment of an amount in respect of PSR fees is received by the operator from a direct payment service provider.~~ [deleted]

9.2.3B R If an *operator* of an *IFR card payment system* or *card payment system* is liable to pay *PSR fees* itself under *FEES 9.2.1DR* or *FEES 9.2.1ER*, and the *PSR fee* it paid for the previous *fee year* for its *IFR card payment system* or *card payment system* was less than £20,000, that *operator* must pay its *PSR fee* in full to the *FCA*:

- (1) by ~~15~~ 1 September in the current *fee year*; or
- (2) if later, within 30 days of the date of the invoice.

Method of payment and invoicing

9.2.4 G ~~A direct payment service provider or an operator of a regulated payment system or an IFR card payment system should pay its fees to the FCA by direct debit, electronic credit transfer, cheque, Maestro, Visa Debit or by credit card (Visa/MasterCard only) and should notify the FCA operator to whom it is paying the relevant PSR fee if it intends to pay in another way.~~

9.2.4A R ~~A direct payment service provider or an operator of a regulated payment system or an IFR card payment system must pay its PSR fees to the FCA operator (acting as collection agent for the FCA) of the regulated payment system or IFR card payment system to which the fee relates.~~

9.2.4B R ~~The operator of a regulated payment system or an IFR card payment system, acting as collection agent for the FCA, must pay to the FCA the amounts it receives from or on behalf of direct payment service providers under FEES 9.2.4AR.~~ [deleted]

- 9.2.4C R ~~With respect to invoices for *PSR fees*:~~
- ~~(1) the operator of each regulated payment system or IFR card payment system must issue invoices to its direct payment service providers for the amount of the *PSR fee* relating to each direct payment service provider for their participation in that regulated payment system or IFR card payment system;~~
 - ~~(2) invoices must be separate invoices which include only the amount of the *PSR fee* applicable to each direct payment service provider, and must include no other charges, fees, administrative or handling fees;~~
 - ~~(3) invoices must be issued by the operator on a sufficiently timely basis to enable the direct payment service providers to pay *PSR fees* to the operator (acting as collection agent for the *FCA*) by the dates specified in *FEES 9.2.2R* and *9.2.3R*; and~~
 - ~~(4) the requirements of *FEES 9.2.4CR*(1), (2) and (3) also apply where the operator of a card payment system or IFR card payment system is liable to pay *PSR fees* itself under *FEES 9.2.1DR* or *FEES 9.2.1ER*.
[deleted]~~
- 9.2.4D R (1) The operator of a regulated payment system or IFR card payment system must provide to the FCA and PSR, for each of its direct payment service providers (and for itself, where it is an operator acting as an acquirer or card issuer), a copy of:
- (a) its calculations (as specified in column 3 of Tables A and C of *FEES 9 Annex 1R*); and
 - (b) the underlying data (as specified in column 5 of Tables A and C of *FEES 9 Annex 1R*) required to calculate the fees allocation of each fee payer.
- (2) The operator of a regulated payment system or IFR card payment system must:
- (a) provide the information in (1) to the PSR and FCA as soon as possible practicable, but no later than 1 March each year ~~once *FEES 9 Annex 1R* is updated for a fee year~~; and
 - (b) ~~obtain the PSR's agreement to provide such other data to the FCA and PSR on request to enable the individual *PSR fees* on a sufficiently timely basis to be able to issue invoices to direct payment service providers in accordance with *FEES 9.2.4CR* to be verified.~~
- (3) The operator of each regulated payment system and IFR card payment system must provide to the PSR an updated version of the information set out in *FEES 9.2.4DR*(1) by no later than two working days after the dates set out in *FEES 9.2.2R* and *FEES 9.2.3R*,

~~indicating which *direct payment service providers* have not paid, or not paid in full, their *PSR fees*. [deleted]~~

- 9.2.4E G ~~An operator of a regulated payment system or an *IFR card payment system* should pay the amounts due to the *FCA* under *FEES 9.2.2BR*, *FEES 9.2.3BR* and *FEES 9.2.4BR* by electronic credit transfer and should notify the *FCA* if it intends to pay in another way. [deleted]~~
- 9.2.4F G ~~With respect to invoices for *PSR fees*, an operator of a regulated payment system or an *IFR card payment system* should round any monetary sums to two decimal points. [deleted]~~

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