

**PAYMENT SERVICES AND BUY NOW PAY LATER
(ADMINISTRATIVE AMENDMENTS) INSTRUMENT 2019**

Powers exercised

- A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of the powers and related provisions in or under:
- (1) the following sections of the Act:
 - (a) section 137A (The FCA’s general rules) (including as applied by paragraph 3 of part 1 of Schedule 6 of the Payment Services Regulations (“the Regulations”) 2017);
 - (b) section 137T (General supplementary powers) (including as applied by paragraph 3 of part 1 of Schedule 6 of the Regulations);
 - (c) section 139A (Power of the FCA to give guidance);
 - (d) paragraph 13(4) of Schedule 17 (FCA’s rules); and
 - (2) the following regulations of the Payment Services Regulations 2017:
 - (a) regulation 30(4) and (5) (Supervision of firms exercising passport rights);
 - (b) regulation 98 (3)(Management of operational and security risks)
 - (b) regulation 109 (Reporting requirements); and
 - (c) regulation 120 (Guidance).
- B. The rule-making powers listed above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

Commencement

- C. (1) Part 1 of Annex A to this instrument comes into force on 28 June 2019.
(2) Part 2 of Annex A to this instrument comes into force on 14 September 2019, immediately after those changes made by the Payment Services Instrument 2017 (FCA 2017/54) and the Payment Services (Amendment) Instrument 2018 (FCA 2018/57) enter into effect.
(3) Annex B to this instrument comes into force on 12 November 2019, immediately after those changes made by Part 2 of Annex B to the Buy Now Pay Later Instrument 2019 (FCA 2019/72) enter into effect.

Amendments to the Handbook

- D. The Supervision manual (SUP) of the FCA’s Handbook of rules and guidance is amended in accordance with the Annex to this instrument.
- E. The Consumer Credit sourcebook (CONC) is amended in accordance with Annex B to this instrument.

Citation

- F. This instrument may be cited as the Payment Services and Buy Now Pay Later (Administrative Amendments) Instrument 2019.

By order of the Board
27 June 2019

Annex A

Amendments to the Supervision manual (SUP)

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

Part 1: Comes into force on 28 June 2019

16 Reporting requirements

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16.13 Reporting under the Payment Services Regulations

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16.13.13 D The assessments required by regulation 98(2) of the *Payment Services Regulations* must be submitted (except payment service providers mentioned in paragraph (1) (c) and (ca) of the *Glossary* definition of payment service provider and paragraph (1)(c) of the *Glossary* definition of electronic money issuer) to the *FCA*:

...

16.13.14 G Payment service providers (except payment service providers mentioned in paragraph (1) (c) and (ca) of the *Glossary* definition of payment service provider and paragraph (1)(c) of the *Glossary* definition of electronic money issuer) should submit the form and the assessments to the *FCA* in accordance with SUP 16.13.13D(2) as soon as practicable after the assessments have been completed.

16.13.15 G Payment service providers (except payment service providers mentioned in paragraphs (1) (c) and (ca) of the *Glossary* definition of payment service provider and paragraph (1)(c) of the *Glossary* definition of electronic money issuer) may provide operational and security risk assessments to the *FCA* on a more frequent basis than once every calendar year if they so wish. Payment service providers (except payment service providers mentioned in paragraph (1) (c) and (ca) of the *Glossary* definition of payment service provider and paragraph (1)(c) of the *Glossary* definition of electronic money issuer) should not, however, submit such assessments more frequently than once every quarter.

16.13.16 G Subject to the requirements in SUP 16.13.13D, payment service providers (except payment service providers mentioned in paragraph (1) (c) and (ca) of the *Glossary* definition of payment service provider and paragraph (1)(c) of the *Glossary* definition of electronic money issuer) should submit a nil return for each quarter in which they do not make a submission to the *FCA*.

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Part 2: Comes into force 14 September 2019

15 Notifications to the FCA

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15.14 Notifications under the Payment Services Regulations

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Notifying problems with a dedicated interface (article 33(3) of the SCA RTS)

15.14.38 D *Account information service providers, payment initiation service providers, payment service providers issuing card-based payment instruments, and account servicing payment service providers must report problems with dedicated interfaces as required by article 33(3) of the SCA RTS to the FCA:*

- (a) without undue delay;
- (b) using the form set out in ~~SUP 16~~ SUP 15 Annex 13~~RD~~; and
- (c) by electronic means made available by the FCA.

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**16 Annex REP017 Payments Fraud Report
27ED**

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Losses due to fraud per liability bearer:

- 45 The reporting payment service provider
- 46 The Payment service user (~~payer~~) (payee)
- 47 Others

A	
Total losses	

...

Losses due to fraud per liability bearer:

- 152 The reporting payment service provider
- 153 The Payment service user (~~payer~~) (payee)
- 154 Others

A	
Total losses	

...

- 169 **Authenticated via strong customer authentication**
- 170 *of which fraudulent ~~credit transfers~~ e-money payment transactions by fraud types:*
- 171 Issuance of a payment order by the fraudster
- 172 Modification of a payment order by the fraudster

- 173 **Authenticated via non-strong customer authentication**
- 174 *of which fraudulent ~~credit transfers~~ e-money payment transactions by fraud types:*
- 175 Issuance of a payment order by the fraudster
- 176 Modification of a payment order by the fraudster

- 177 Low value
- 178 Trusted beneficiary
- 179 Recurring transaction
- 180 Payment to self
- 181
- 182 Transaction risk analysis

- 183 **Via non-remote payment initiation channel**
- 184 *of which:*

- 184 **Authenticated via strong customer authentication**
- 185 *of which fraudulent ~~credit transfers~~ e-money payment transactions by fraud types:*
- 186 Issuance of a payment order by the fraudster
- 187 Modification of a payment order by the fraudster

- 188 **Authenticated via non-strong customer authentication**
- 189 *of which fraudulent ~~credit transfers~~ e-money payment transactions by fraud types:*
- 189 Issuance of a payment order by the fraudster

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46AD interface

REP020 Quarterly statistics on availability and performance of dedicated interfaces

1 Do you wish to make a nil return?

A

2 Daily statistics

This section must be completed for each payment services user interface and dedicated interface for which the firm has published the daily statistics on its website

Day	A		B	C <u>Has exemption been granted for dedicated interface?</u>				
	Interface Name/Id		Interface type					
	Availability statistics			Performance statistics				
	Interface-type		Payment services user interface	Dedicated interface				
	Has exemption been granted for dedicated interface?							
	Uptime (%)	Downtime (%)	Response (milliseconds)	PISP AISP response (milliseconds)	AISP PISP response (milliseconds)	CBP/ISP/SP Yes/No response (milliseconds)	Error response rate (%)	
1	D	E	F	G	H	I	J	
...								

16 Annex 46BG Notes on completing REP020 Statistics on the availability and performance of a dedicated interface

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Data elements

...	
Dedicated interface	
...	
2I – <u>CBP/ISP/SP</u> yes/no response (milliseconds)	...
...	

Annex B

Amendments to the Consumer Credit sourcebook (CONC)

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

TP 8 Other transitional provisions

(1)	(2)	(3)	(4)	(5)	(6)
	Material to which the transitional provision applies		Transitional provision	Transitional provision: dates in force	Handbook provision coming into force
...					
2	CONC 6.7.16B	R	A <i>firm</i> need not comply with CONC 6.7.16BR in respect of drawdowns of <i>credit</i> made on or before 12 June <u>November</u> 2019.	From 12 November 2019	12 November 2019
3	CONC 6.7.16B	G	The effect of TP 2 is that where an agreement allows for multiple drawdowns, a <i>firm</i> must comply with CONC 6.7.16BR in respect of drawdowns of <i>credit</i> made after 12 June <u>November</u> 2019, but need not do so for drawdowns made on or before this date.	From 12 November 2019	12 November 2019