



Banking Act 2009

2009 CHAPTER 1

PART 5

^{F1}... PAYMENT SYSTEMS [^{F1}AND SERVICE PROVIDERS]

Enforcement

201 Warning

- (1) Before imposing a sanction on the operator of [^{F1a}] payment system [^{F2}, on a DSA service provider,]^[F3], on a service provider in relation to such a system]^[F4] or such a DSA service provider] or on another person the Bank of England must—
- give the operator [^{F5}, DSA service provider]^[F6], service provider] or other person a notice (a “warning notice”),
 - give the operator [^{F7}, DSA service provider]^[F8], service provider] or other person at least 21 days to make representations,
 - consider any representations made, and
 - as soon as is reasonably practicable, give the operator [^{F9}, DSA service provider]^[F10], service provider] or other person a notice stating whether or not the Bank intends to impose the sanction.

^[F11](1A) Before imposing a sanction on a person who is a service provider in relation to a recognised payment system [^{F12}or recognised DSA service provider] the Bank must also—

- give the operator of the payment system [^{F13}, or DSA service provider] a notice (a “warning notice”),
- give the operator [^{F14}, or DSA service provider] at least 21 days to make representations,
- consider any representations made, and
- as soon as reasonably practicable, give the operator [^{F15}or DSA service provider] a notice stating whether the Bank intends to impose the sanction.]

(2) In [^{F16}subsections (1) and (1A)] “imposing a sanction” means—

Changes to legislation: Banking Act 2009, Section 201 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) publishing details under section 197(1),
 - (b) requiring the payment of a penalty under section 198,
 - (c) giving a closure order under section 199, or
 - (d) making an order under section 200.
- (3) Despite [^{F17}subsections (1) and (1A)], if satisfied that it is necessary the Bank may without notice—
- (a) give a closure order under section 199, or
 - (b) make an order under section 200.

Textual Amendments

- F1** Word in s. 201(1) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), **Sch. 9 para. 23**
- F2** Words in s. 201(1) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 29(2)(a)**
- F3** Words in s. 201(1) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(21)(a)(i)**
- F4** Words in s. 201(1) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 29(2)(b)**
- F5** Words in s. 201(1)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 29(2)(c)**
- F6** Words in s. 201(1)(a) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(21)(a)(ii)**
- F7** Words in s. 201(1)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 29(2)(d)**
- F8** Words in s. 201(1)(b) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(21)(a)(ii)**
- F9** Words in s. 201(1)(d) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 29(2)(e)**
- F10** Words in s. 201(1)(d) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(21)(a)(ii)**
- F11** S. 201(1A) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(21)(b)**
- F12** Words in s. 201(1A) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 29(3)(a)**
- F13** Words in s. 201(1A)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 29(3)(b)**
- F14** Words in s. 201(1A)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 29(3)(c)**
- F15** Words in s. 201(1A)(d) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 29(3)(d)**
- F16** Words in s. 201(2) substituted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(21)(c)**
- F17** Words in s. 201(3) substituted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(21)(c)**

Modifications etc. (not altering text)

- C1** S. 201 applied by 2013 c. 33, s. 124A(8) (as inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), **Sch. 9 para. 49(3)** (with ss. 2(2), 5(2)))

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Commencement Information

- II** S. 201 in force at 12.11.2009 for specified purposes and 31.12.2009 in so far as not already in force by S.I. 2009/3000, arts. 2, 4, [Sch. para. 2](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(8A)(8B) inserted by [2012 c. 21 s. 96\(3\)](#)
- s. 8(2)(d) and word inserted by [2012 c. 21 s. 96\(4\)\(b\)](#)