



Banking Act 2009

2009 CHAPTER 1

PART 5

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

Enforcement

^{F1}202A Injunctions

- (1) If, on the application of the Bank of England, the court is satisfied—
 - (a) that there is a reasonable likelihood that there will be a compliance failure, or
 - (b) that there has been a compliance failure and there is a reasonable likelihood that it will continue or be repeated,the court may make an order restraining the conduct constituting the failure.
- (2) If, on the application of the Bank of England, the court is satisfied—
 - (a) that there has been a compliance failure by the operator of a recognised ^{F2}... payment system [^{F3}, a recognised DSA service provider,]^{F4} or a service provider in relation to such a system]^{F5} or such a DSA service provider], and
 - (b) that there are steps which could be taken for remedying the failure,the court may make an order requiring the operator [^{F6}, DSA service provider]^{F7} or service provider], and anyone else who appears to have been knowingly concerned in the failure, to take such steps as the court may direct to remedy it.
- (3) If, on the application of the Bank of England, the court is satisfied—
 - (a) that there may have been a compliance failure by the operator of a recognised ^{F8}... payment system [^{F9}, a recognised DSA service provider,]^{F10} or a service provider in relation to such a system]^{F11} or such a DSA service provider], or
 - (b) that a person may have been knowingly concerned in a compliance failure,the court may make an order restraining the operator [^{F12}, DSA service provider,]^{F13}, service provider] or person from dealing with any assets which it is satisfied the operator [^{F13}, service provider] or person is reasonably likely to deal with.

Changes to legislation: Banking Act 2009, Section 202A is up to date with all changes known to be in force on or before 08 May 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

- (4) The jurisdiction conferred by this section is exercisable—
- (a) in England and Wales and Northern Ireland, by the High Court, and
 - (b) in Scotland, by the Court of Session.
- (5) In this section—
- (a) references to an order restraining anything are, in Scotland, to be read as references to an interdict prohibiting that thing,
 - (b) references to remedying a failure include mitigating its effect, and
 - (c) references to dealing with assets include disposing of them.]

Textual Amendments

- F1** S. 202A inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 104(7)**, 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)
- F2** Word in s. 202A(2)(a) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 24](#)
- F3** Words in s. 202A(2)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(2\)\(a\)\(i\)](#)
- F4** Words in s. 202A(2)(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(23)(a)**
- F5** Words in s. 202A(2)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(2\)\(a\)\(ii\)](#)
- F6** Words in s. 202A(2) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(2\)\(b\)](#)
- F7** Words in s. 202A(2) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(23)(b)**
- F8** Word in s. 202A(3)(a) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 24](#)
- F9** Words in s. 202A(3)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(3\)\(a\)\(i\)](#)
- F10** Words in s. 202A(3)(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(23)(a)**
- F11** Words in s. 202A(3)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(3\)\(a\)\(ii\)](#)
- F12** Words in s. 202A(3) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(3\)\(b\)](#)
- F13** Words in s. 202A(3) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(23)(c)**

Modifications etc. (not altering text)

- C1** S. 202A 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\(2\)](#)))

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\(4\)\(b\)](#)