



Financial Services (Banking Reform) Act 2013

2013 CHAPTER 33

PART 5

REGULATION OF PAYMENT SYSTEMS

Complaints

68 Complaints by representative bodies

- (1) A designated representative body may make a complaint to the Payment Systems Regulator that a feature, or combination of features, of a market in the United Kingdom for services provided by payment systems is, or appears to be, significantly damaging the interests of those who use, or are likely to use, those services (“service-users”).
- (2) “Designated representative body” means a body designated by the Treasury by order.
- (3) The Treasury—
 - (a) may designate a body only if it appears to them to represent the interests of service-users of any description, and
 - (b) must publish in such manner as they think fit (and may from time to time vary) criteria to be applied by them in determining whether to make or revoke a designation.
- (4) The reference in subsection (1) to a feature of a market in the United Kingdom for services provided by payment systems is a reference to—
 - (a) the structure of the market concerned or any aspect of that structure,
 - (b) any conduct (whether or not in the market concerned) of one or more than one person who supplies or acquires services in the market concerned, or
 - (c) any conduct relating to the market concerned of customers of any person who supplies or acquires services,

Status: This is the original version (as it was originally enacted).

and “conduct” includes any failure to act (whether or not intentional) and any other unintentional conduct.

(5) In this section “market in the United Kingdom” includes a market which operates only in a part of the United Kingdom.

(6) In section 234C of FSMA 2000 (complaints by consumer bodies), after subsection (1) insert—

“(1A) But a complaint may not be made to the FCA under this section if it is a complaint which could be made to the Payment Systems Regulator by a designated representative body under section 68 of the Financial Services (Banking Reform) Act 2013 (complaints by representative bodies).

“Designated representative body” and “the Payment Systems Regulator” have the same meaning in this subsection as they have in that section.”

69 Response by Regulator

(1) The Payment Systems Regulator must within 90 days after the day on which it receives a complaint under section 68 publish a response stating how it proposes to deal with the complaint, and in particular—

- (a) whether it has decided to take any action, or to take no action, and
- (b) if it has decided to take action, what action it proposes to take.

(2) The response must—

- (a) include a copy of the complaint, and
- (b) state the Payment Systems Regulator’s reasons for its proposals.

(3) The Treasury may by order amend subsection (1) by substituting any period for the period for the time being specified there.

70 Complaints: guidance

(1) The guidance given by the Payment Systems Regulator under section 96—

- (a) must include guidance about the presentation of a reasoned case for a complaint under section 68, and
- (b) may include guidance about any other matters that appear to the Payment Systems Regulator to be appropriate for the purposes of that section.

(2) Guidance given in accordance with subsection (1) is to be treated as general guidance for the purposes of this Part.