



GUERNSEY STATUTORY INSTRUMENT

2019 No. 96

**The Single Euro Payments Area (Guernsey)
(Amendment) Regulations, 2019**

<i>Made</i>	12 th September, 2019
<i>Coming into operation</i>	14 th September, 2019
<i>Laid before the States</i>	, 2019

THE COMMITTEE FOR ECONOMIC DEVELOPMENT, in exercise of the powers conferred on it by section 60 of the Single Euro Payments Area (Guernsey) Ordinance, 2016^a, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of Ordinance.

1. The Single Euro Payments Area (Guernsey) Ordinance, 2016 is amended as follows.

2. In section 56, after the words "any provision of this Ordinance" insert the words "(except section 49B)".

3. In section 34(4)(c), for the word "consumer" substitute the word "customer".

Citation.

^a No. II of 2016; as amended by No. IX of 2016 and G.S.I. No. 104 of 2017.

4. These Regulations may be cited as the Single Euro Payments Area (Guernsey) (Amendment) Regulations, 2019.

Commencement.

5. These Regulations shall come into force on the 14th September, 2019.

Dated this 12th September, 2019.



DEPUTY A.C. DUDLEY-OWEN

Vice-President of the Committee for Economic Development

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Single Euro Payments Area (Guernsey) Ordinance, 2016 ("the **Ordinance**") to provide that a contravention of, or failure to comply with, the requirements of section 49B of the Ordinance is not an offence. Payment service providers to whom the Ordinance applies must under that section apply "strong customer authentication" ("SCA"), as defined in section 62 of the Ordinance, in accordance with regulatory technical standards adopted under Article 98 of Directive

(EU) 2015/2366 of the European Parliament and of the Council of 25th November 2015 on payment services in the internal market. Regulatory technical standards have now been adopted under Article 98 of that Directive and apply from the 14th September 2019. Notwithstanding the above, the European Banking Authority has accepted that National Competent Authorities may give firms extra time to implement SCA. In the UK, the Financial Conduct Authority has stated that it will not take regulatory action against firms simply because they do not meet the relevant requirements for SCA from the 14th September 2019 in areas covered by an agreed industry implementation plan. In Guernsey, section 56 of the Ordinance provides that a payment service provider who, without reasonable excuse, contravenes or fails to comply with any provision of the Ordinance is guilty of an offence. This amendment therefore permits the same approach to the implementation of SCA in Guernsey as will be taken in the UK, without the possibility of payment service providers committing an offence. The Regulations also substitute a reference to "customer" in section 34(4)(c) of the Ordinance.

These Regulations come into force on the 14th September, 2019.
