

**Payment Services**

**Add a PSD Agent Form**

Application under regulation 34 of The Payment Services Regulations 2017

**Firm name (name of Payment Institution)**

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**Firm reference number (FRN)**

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**Purpose of this form**

This form should only be used by a Payment Institution (“PI”) if they wish to notify the FCA of a new UK agent.

This form should NOT be used to notify the FCA of the appointment of an agent in Gibraltar. For agents in Gibraltar, the Passporting Out application should be used.

**Important Information**

Please keep a copy of the forms you complete and any supporting documents you include with this application for your future reference.

The FCA processes personal data in line with the requirements of The General Data Protection Regulation (EU) 2016/679 and the Data Protection Act 2018. For further information about the way we use the personal data collected in this form, please read our privacy notice available on our website: [www.fca.org.uk/privacy](http://www.fca.org.uk/privacy) .

**By Post**

Please send your notification to the FCA at:

Authorisations Division

The Financial Conduct Authority

12 Endeavour Square

London

E20 1JN

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| 1 | Application Contact Details |

**1.1 Contact name at the PI (this is not necessarily the same person making the declaration at the end of the form)**

|  |  |
| --- | --- |
| Title |  |

|  |  |
| --- | --- |
| First name(s) |  |

|  |  |
| --- | --- |
| Last name |  |

|  |  |
| --- | --- |
| Job title |  |

|  |  |
| --- | --- |
| Mobile number |  |

|  |  |
| --- | --- |
| Email Address |  |

|  |  |
| --- | --- |
| Business address |  |
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|  |
| Postcode |  |

|  |  |
| --- | --- |
| Phone number |  |

|  |  |
| --- | --- |
| 2 | Agent details |

**2.1 Agent name**

Sole Traders and Partnerships: this must be your personal name. Sole Traders and Partnerships will always appear on the FCA Register under their personal name(s) with any additional names which you can provide later in the form shown as a trading name. For example, an individual called William Bloggs, a sole trader firm or Mr John X and Mrs Sue Y, a partnership firm, who has an additional trading name of XYZ Company should provide their name as William Bloggs or Mr John X and Mrs Sue Y here.

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**2.2 Is the agent registered with the FCA?**

Yes ⏵You must provide the Firm Reference Number (FRN)

No ⏵Continue to Question 2.3

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**2.3 Legal status**

Private limited company⏵Continue to Question 2.4

Public limited company⏵Continue to Question 2.4

Partnership

Limited partnership

Limited liability partnership

Unincorporated association

Sole trader⏵Continue to Question 2.7

Other⏵Please specify below

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**2.4 In which country was the Agent incorporated or formed?**

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| --- |
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**2.5 Companies House Number or equivalent Registered Overseas reference number (if applicable)**

N/A

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| --- |
|  |

**2.6 Legal Entity Identifier (LEI)**

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| --- |
|  |

**2.7 Principal Place of Business of Agent Address (include country if not UK)**

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| --- | --- |
| Business address |  |
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|  |
|  |
| Postcode |  |

|  |  |
| --- | --- |
| Phone number |  |

|  |  |
| --- | --- |
| Email Address |  |

**2.8 Website address**

|  |
| --- |
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**2.9 Does the Agent intend to use any trading names as well as the registered name given in Question 2.1 above**

No⏵Continue to Section 3

Yes⏵Provide names below

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**2.10 Will the API be engaging the agent to provide payment services in Gibraltar?**

Yes

No ⏵ Continue to Section 3

**2.11 Does the API hold a passport to Gibraltar?**

Yes ⏵ Continue to Section 3

No⏵ Continue to Question 2.12

**2.12 Has a notification been made?**

No \*

Yes ⏵ Please indicate the type of passport the PSD agent will operate under

Establishment

Services

\* If this PSD agent is established in, or will provide payment services into Gibraltar, you will need to supply this information by using the relevant Passporting Out application, specifying:

* whether the PSD agent is an establishment in Gibraltar or will provide services from the UK; and
* the payment services that will be provided.

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| 3 | Money laundering controls  Firms wishing to appoint agents need to provide a description of the internal control mechanisms that will be used by the agent to comply with money laundering legislation. If you have indicated that the PSD agent will be providing services on your behalf in another jurisdiction you will need to demonstrate how the internal controls comply with national money laundering legislation in the relevant state.. |

**3.1 Has the PI already supplied to us, as part of another application, a description of the money laundering controls that will be used by all their agents, and do you confirm that those controls will be used by this agent?**

No⏵Please provide a description of the internal money laundering controls to be used by this to comply with money laundering legislation.

Yes⏵Continue to Section 4

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| 4 | The directors and persons responsible for the management of the PSD agent  Please see Fitness and Propriety Annex for the questions that we expect you to ask each of the individual(s) listed below to assess their fitness and propriety. This list is not exhaustive and you should advise individual(s) to disclose to you any issues that could affect their fitness and propriety. |

**4.1 Please complete the following for the proprietor, director(s)/partners(s) and person(s) responsible for the management within the agent.**

If there is not enough space below, please continue on a separate sheet of paper and attach it to the form.

Please indicate the number of additional sheets provided

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**Individual 1**

Title

|  |
| --- |
|  |

First name(s)

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| --- |
|  |

Last name

|  |
| --- |
|  |

Commonly used name

|  |
| --- |
|  |

Previous name(s) if applicable

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| --- |
|  |

National Insurance number or equivalent

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| --- |
|  |

Date of birth (dd/mm/yyyy)

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Place of birth

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Has the individual been assessed as fit and proper?

No

Yes

Is there anything to disclose in relation to the Fitness and Propriety annex?

No

Yes⏵You must provide details below or attach further information, clearly identifying the individual(s) it relates to

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| --- |
|  |

Details attached

**Individual 2**

Title

|  |
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First name(s)

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|  |

Last name

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Commonly used name

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| --- |
|  |

Previous name(s) if applicable

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National Insurance number or equivalent

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| --- |
|  |

Date of birth (dd/mm/yyyy)

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Place of birth

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Has the individual been assessed as fit and proper?

No

Yes

Is there anything to disclose in relation to the Fitness and Propriety annex?

No

Yes⏵You must provide details below or attach further information, clearly identifying the individual(s) it relates to

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| --- |
|  |

Details attached

**Individual 3**

Title

|  |
| --- |
|  |

First name(s)

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| --- |
|  |

Last name

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|  |

Commonly used name

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Previous name(s) if applicable

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| --- |
|  |

National Insurance number or equivalent

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|  |

Date of birth (dd/mm/yyyy)

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Place of birth

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Has the individual been assessed as fit and proper?

No

Yes

Is there anything to disclose in relation to the Fitness and Propriety annex?

No

Yes⏵You must provide details below or attach further information, clearly identifying the individual(s) it relates to

|  |
| --- |
|  |

Details attached

|  |  |
| --- | --- |
| 5 | Declaration and signature |

**Warning**

Knowingly or recklessly giving the FCA information, which is false or misleading in a material particular, may be a criminal offence and may lead to disciplinary sanctions or other enforcement action by the FCA (Payment Services Regulations 2017 (‘PSR’s). If necessary, please take appropriate professional advice before supplying information to us.

It should not be assumed that information is known to the FCA merely because it is in the public domain or has previously been disclosed to the FCA or another regulatory body. If you are not sure whether a piece of information is relevant, please include it anyway.

You must notify us immediately of any material change to the information provided. If you do not, the application may take longer to be processed.

**Declaration**

By submitting this notification:

* I/we confirm that this information is accurate and complete to the best of my/our knowledge and belief and that I/we have taken all reasonable steps to ensure that this is the case.
* I am/we are aware that it is a criminal offence knowingly or recklessly to give the FCA information that is false or misleading in a material particular.
* I am/we are aware that some questions do not require supporting evidence. However, the records, which demonstrate the applicant firm's compliance with the requirements in relation to the questions, are available to the FCA on request.
* I/we will notify the FCA immediately if there is a significant change to the information given in the form. If I/we fail to do so, this may result in a delay in the application process or enforcement action

|  |  |
| --- | --- |
| **Date** |  |
| **Name of signatory** |  |
| **Position of signatory** |  |
| **Signature** |  |

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|  | Annex – Fitness and Propriety |

We expect you to ask the questions below to each of the individual(s) who are the director(s)/partner(s) and persons responsible for the management of the PSD agent, to assess their fitness and propriety. This list is not exhaustive and you should advise the individual(s) to disclose to you any issues that could affect their fitness and propriety.

**Criminal proceedings**

In answering the questions in this part you should include matters in the UK and/or overseas. Any references to criminal convictions or cautions do not include criminal convictions or cautions that are now spent.

**1.1 Has the individual ever been convicted of any criminal offence? (You should include any conviction of an offence for which the individual received an absolute or conditional discharge. Include traffic offences only if they resulted in a ban from driving or involved driving without insurance.) You should include all matters in respect of 1.1 even where the individual themselves was not the subject of the investigation.**

1. **Has the individual ever received a caution in relation to any criminal offence?**

No  Yes

1. **Is the individual currently the subject of any criminal investigation?**

No  Yes

1. **Has the individual been ordered to produce documents pursuant to any ongoing criminal investigation or been the subject of a search (with or without a warrant) relating to any ongoing criminal investigation?**

No  Yes

**1.2 Is the individual currently the subject of any proceedings relating to any criminal offence?**

No  Yes

Please revert to the PSD Individual form guidance notes for the meaning of ‘position of influence’ in the context of the questions below in this part of the form.

**1.3 Has any firm at which the individual holds or has held a position of influence ever:**

1. **been convicted of any criminal offence?**

No  Yes

1. **been summonsed, charged with or otherwise prosecuted for any criminal offence?**

No  Yes

1. **been the subject of any criminal which has not resulted in a conviction?**

No  Yes

1. **been ordered to produce documents pursuant to any criminal investigation or been the subject of a search (with or without a warrant) relating to any criminal investigation?**

No  Yes

You should include all matters arising during the individual’s association with that firm and for a one year after the individual ceased to be associated with it.) You should include all matters even where the charge, prosecution or investigation has not resulted in a conviction and, in respect of 1.3(iv), even where the firm itself was not the subject of the investigation. However, you are not required to disclose details of any specific individuals who were subject to historic (as opposed to ongoing) criminal investigations, prosecutions, summons or other historic criminal proceedings.

**1.4 Is any firm at which the individual holds or has held a position of influence currently the subject of any criminal proceedings or the subject of a criminal investigation? (You should include all matters arising during the individual’s association with that firm and for one year after the PSD individual ceased to be associated with it.)**

No  Yes

**Civil proceedings**

In answering the questions in this part you should include matters in the UK and/or overseas

**2.1 Has the individual ever been:**

1. **judged by a court liable for any fraud, misfeasance, negligence, wrongful trading or other misconduct?**

No  Yes

1. **the subject of a judgment debt or award?**

No  Yes

1. **party to any other civil proceedings which resulted in a finding against the individual (other than a judgment debt or award referred to at 2.1 (ii) above)? (You should include, for example, injunctions and employment tribunal proceedings.)**

No  Yes

You should include all County Court Judgment(s) – CCJs made against the Individual, whether satisfied or not.

1. the sum and date of all judgment debts or CCJs (whether satisfied or not); and
2. the total number of all CCJs ordered.

**2.2 Is the individual currently:**

1. **a party to any civil proceedings?**

No  Yes

1. **aware of anybody’s intention to begin civil proceedings against them? (You should include any ongoing disputes whether or not such dispute is likely to result in a finding against the Individual or the order of a judgment debt.)**

No  Yes

**2.3 Has any firm at which the individual holds or has held a position of influence ever been:**

1. **judged by a court liable for any fraud, misfeasance, wrongful trading or other misconduct?**

No  Yes

1. **party to any other civil proceedings which resulted in a finding against the firm?**

No  Yes

1. **the subject of a judgment debt or award other than in relation to matters mentioned at 2.2(i) and 2.2(ii) above? (You should include all CCJs) made against the firm, whether satisfied or not.)**

No  Yes

You should include all matters arising during the individual’s association with that firm and for one year after the individual ceased to be associated with it.

**2.4 Is any firm at which the individual holds or has held a position of influence currently:**

1. **a party to civil proceedings?**

No  Yes

1. **aware of anyone’s intention to begin civil proceedings against them?**

No  Yes

Where the individual no longer holds a position of influence at the firm consider whether the matters have arisen within one year of the individual ceasing to be associated with the firm. Include all matters which have arisen within this period.)

**2.5 Has the individual ever:**

1. **filed for bankruptcy or had a bankruptcy petition served on them;**

No  Yes

1. **been judged bankrupt;**

No  Yes

1. **been the subject of a bankruptcy restrictions order (including an interim bankruptcy restrictions order) or offered a bankruptcy restrictions undertaking;**

No  Yes

1. **made any arrangements with creditors for example a deed of arrangement or an individual voluntary arrangement (or in Scotland a trust deed);**

No  Yes

1. **had assets sequestrated; or**

No  Yes

1. **been involved in any proceedings relating to the above matters even if such proceedings did not result in the making of any kind of order or result in any kind of agreement?**

No  Yes

**2.6 Is the individual currently involved in any proceedings in relation to any of the matters set out in 2.5(i) – (vi) above (You should include where the individual is in the process of entering into any kind of agreement in favour of the their creditors.)?**

No  Yes

**2.7 Does the individual have any outstanding financial obligations connected with regulated activities (including any activities regulated by the FCA/PRA or any other regulatory body), which the individual has carried on in the past?**

No  Yes

**2.8 Has any firm at which the individual holds – or has held – a position of influence at any time during and within one year of the individual’s involvement:**

1. **been put into liquidation?**

No  Yes

1. **been wound up (whether compulsorily or voluntarily)?**

No  Yes

1. **ceased trading?**

No  Yes

1. **had a receiver or administrator appointed?**

No  Yes

1. **entered into any voluntary arrangement with its creditor?**

No  Yes

**Business and employment matters**

In answering the questions in this part you should include matters in the UK and/or overseas.

**3.1 Has the individual ever been:**

1. **dismissed;**

No  Yes

1. **asked to resign or agreed to resign; or**

No  Yes

1. **Suspended**

No  Yes

**from any profession, vocation, office, employment, position of trust, fiduciary appointment or similar whether or not remunerated?**

**3.2 Has the individual ever been:**

1. **disqualified from acting as a director or similar position?**

No  Yes

1. **the subject of any proceedings of a disciplinary nature (whether or not the proceedings resulted in any finding)?**

No  Yes

1. **the subject of any investigation which might lead to or might have led to disciplinary proceedings?**

No  Yes

1. **notified of any potential proceedings of a disciplinary nature?**

No  Yes

1. **the subject of any allegations of malpractice or misconduct in connection with any business activities?**

No  Yes

**Regulatory matters**

Please see the PSD Individual form guidance notes for the meaning of ‘regulatory body’ and ‘authorisation’ in the context of the questions below. In answering the questions in this part you should include matters in the UK and/or overseas.

**4.1 In relation to activities regulated by the FCA/PRA or any other regulatory body has the individual ever:**

1. **been refused, had revoked, restricted or terminated, any authorisation granted or required by any regulatory body?**

No  Yes

1. **been criticised, censured, disciplined, suspended, expelled, fined, or been the subject of any other disciplinary or intervention action by any regulatory body**

No  Yes

1. **received a warning that such disciplinary or intervention action may be taken (whether public or privately)?**

No  Yes

1. **been the subject of an investigation by any regulatory body whether or not such investigation resulted in a finding?**

No  Yes

1. **resigned or ceased to act while under investigation by any such body or been required to resign or cease acting by any regulatory body?**

No  Yes

1. **decided, after applying for any authorisation granted by any regulatory body, not to proceed with the application?**

No  Yes

1. **provided payment services on behalf of a regulated firm under any contractual agreement where that agreement was terminated by the regulated firm?**

No  Yes

**4.2 Has any firm where the individual held a position of influence (during their association with that firm as well as for one year after they ceased to be associated with it):**

1. **been refused, had revoked, restricted or terminated, any authorisation granted or required by any regulatory body?**

No  Yes

1. **been criticised, censured, disciplined, suspended, expelled, fined, or been the subject of any other disciplinary or intervention action by any regulatory body?**

No  Yes

1. **received a warning that such disciplinary or intervention action may be taken (whether public or privately)?**

No  Yes

1. **been the subject of an investigation by any regulatory body whether or not such investigation resulted in a finding?**

No  Yes

1. **been required or requested to produce documents or any other information to any regulatory body?**

No  Yes

1. **ceased operating while under investigation by any such body or been required to cease operating by any regulatory body?**

No  Yes

1. **decided, after applying for any authorisation granted by any regulatory body, not to proceed with the application?**

No  Yes

1. **provided payment services on behalf of a regulated firm under any contractual agreement where that agreement was terminated by the regulated firm?**

No  Yes

**4.3 In relation to activities regulated by the FCA/PRA or any other regulatory body has the individual ever:**

1. **been found to have carried on activities for which authorisation by the FCA/PRA is required (or any activity requiring authorisation from any other regulatory body) without the requisite authorisation?**

No  Yes

1. **been investigated for the possible carrying on of activities requiring authorisation by the FCA/PRA (or activities requiring authorisation from any other regulatory body) without the requisite authorisation whether or not such investigation resulted in a finding?**

No  Yes

1. **been found to have performed a controlled function (or an equivalent function requiring approval by the FCA/PRA or any other regulatory body) without the requisite approval?**

No  Yes

1. **been investigated for the possible performance of a controlled function (or an equivalent function requiring approval by the FCA/PRA or any other regulatory body) without the requisite approval, whether or not such investigation resulted in a finding?**

No  Yes

**been the subject of a disqualification direction under section 59 of the Financial Services Act 1986 or a prohibition order under section 56 of the Financial Services and Markets Act 2000, or received a warning notice proposing that such a direction or order be made?**

**4.4 Has any firm where the individual held a position of influence (during their association with that firm as well as for one year after they ceased to be associated with it):**

1. **been found to have carried on activities for which authorisation or registration by the FCA is required (or any activity requiring authorisation from any other regulatory body) without the requisite authorisation?**

No  Yes

1. **been investigated for the possible carrying on of activities requiring authorisation or registration by the FCA/PRA (or activities requiring authorisation from any other regulatory body) without the requisite authorisation, whether or not such investigation resulted in a finding?**

No  Yes

1. **been found to have performed a controlled function (or an equivalent function requiring approval by the FCA/PRA or any other regulatory body) without the requisite approval?**

No  Yes

1. **been investigated for the possible performance of a controlled function (or an equivalent function requiring approval by the FCA/PRA or any other regulatory body) without the requisite approval, whether or not such investigation resulted in a finding?**

No  Yes

1. **been found to have failed to comply with an obligation under the Payment Services Regulations 2009 to notify us of the identity of a person acting in a position of influence over its payment services business?**

No  Yes