

**FINANCIAL SERVICES (CROSS-BORDER PAYMENTS
IN EURO) ACT 2006**

Principal Act

Act. No. 2006-02

Commencement 20.4.2006
Assent 20.4.2006

Amending
enactments

Relevant current
provisions

Commencement
date

None

English sources:

None cited

EU Legislation/International Agreements involved:

Regulation (EC) No. 2560/2001

ARRANGEMENT OF SECTIONS

Section

1. Title and commencement.
2. Interpretation.
3. Civil proceedings.
4. Criminal proceedings.
5. Offences by a body corporate.

AN ACT TO PROVIDE FOR EFFECTIVE SANCTIONS IN CASE OF A BREACH OF THE PROVISIONS OF COUNCIL REGULATION (EC) NO. 2560/2001 OF THE EUROPEAN PARLIAMENT AND THE COUNCIL OF 19 DECEMBER 2001 ON CROSS-BORDER PAYMENTS IN EURO.

Title and commencement.

1.(1) This Act may be cited as the Financial Services (Cross-Border Payments in Euro) Act 2006.

(2) This Act comes into operation on the date of publication.

Interpretation.

2. In this Act—

- (a) the “Community Regulation” means Regulation (EC) No. 2560/2001 of the European Parliament and of the Council of 19 December 2001 on cross-border payments in euro; and
- (b) expressions used in the Community Regulation have the same meaning in this Act as they have in the Community Regulation.

Civil proceedings.

3. Any contravention by an institution of—

- (a) Article 3(1) of the Community Regulation; or
- (b) Article 3(2) of the Community Regulation,

shall be actionable at the suit of a person who suffers loss as a result of the contravention, subject to the defences and other matters applying to actions for breach of statutory duty.

Criminal proceedings.

4. Any institution that fails to comply with—

- (a) any provision of Article 4 of the Community Regulation;
- (b) Article 5(1) of the Community Regulation;
- (c) the last sentence of Article 5(2) of the Community Regulation;
or

(d) Article 5(3) of the Community Regulation,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Offences by a body corporate.

5.(1) If an offence under this Act committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of any director, chief executive, manager, secretary or other similar officer of the corporate body, or any person purporting to act in any such capacity; or
- (b) to be attributable to any neglect on his part,

he as well as the corporate body is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) If the affairs of a corporate body are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body.

(3) If an offence under this Act committed by a partnership is shown—

- (a) to have been committed with the consent or connivance of a partner, or any person purporting to act as a partner; or
- (b) to be attributable to any neglect on his part,

he as well as the partnership is guilty of an offence and is liable to be proceeded against and punished accordingly.

(4) If an offence under this Act committed by an unincorporated association (other than a partnership) is shown—

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or any person purporting to act in any such capacity; or
- (b) to be attributable to any neglect on his part,

he as well as the association is guilty of an offence and is liable to be proceeded against and punished accordingly.