



ABU DHABI GLOBAL MARKET
سوق أبوظبي العالمي

**FINANCIAL SERVICES AND MARKETS
(AMENDMENT No X) REGULATIONS 2020**

FINANCIAL SERVICES AND MARKETS (AMENDMENT NO X) REGULATIONS 2020

Regulations to amend the Financial Services and Markets Regulations 2015.

Date of Enactment: [●] 2020

The Board of Directors of the Abu Dhabi Global Market, in exercise of its powers under Article 6(1) of Law No. 4 of 2013 concerning the Abu Dhabi Global Market issued by His Highness the Ruler of the Emirate of Abu Dhabi, hereby enacts the following Regulations—

1. Amendments to the Financial Services and Markets Regulations 2015

258. Definitions

(1) In these Regulations, unless the context otherwise requires—

<u>Money Transmission Remittance</u>	<p>means-</p> <p>(a) selling or issuing payment instruments;</p> <p>(b) selling or issuing stored value; or</p> <p>(c) receiving money or monetary value for transmission remittance, including electronic transmission remittance, to a location within or outside the Abu Dhabi Global Market, <u>without the use of a Payment Account, Payment Instrument or stored value.</u></p>
<u>Money Remitter</u>	<u>means an Authorised Person with a Financial Services Permission enabling it to undertake Money Remittance.</u>
<u>Payee</u>	<u>means a Person who is the intended recipient of Money that has been the subject of a Payment Transaction.</u>
<u>Payer</u>	<p>means:</p> <p>(a) <u>a Person who holds a Payment Account and initiates or consents to the initiation of a Payment Transaction from that Payment Account; or</u></p> <p>(b) <u>where there is no Payment Account, a Person who initiates a Payment Transaction.</u></p>
<u>Payment Account</u>	<u>means an account held in the name of one or more Payers or Payees that is used for the execution of Payment Transactions.</u>
<u>Payment Account Provider</u>	<u>means an Authorised Person providing Payment Accounts.</u>
<u>Payment Instrument</u>	<p>means any:</p> <p>(a) <u>personalised device; or</u></p>

	<p><u>(b) personalised set of procedures agreed between a Payer or Payee and the Payment Service Provider, used by a Payer or Payee in order to initiate a Payment Transaction through a Payment Service Provider.</u></p>
<u>Payment Service Provider</u>	<p><u>means an Authorised Person with a Financial Services Permission allowing it to deliver Payment Services.</u></p>
<u>Payment Services</u>	<p><u>means:</u></p> <p><u>(a) services enabling cash to be placed in, or withdrawn from, a Payment Account and all of the operations required for operating a Payment Account;</u></p> <p><u>(b) the execution of Payment Transactions, including transfers of Money to or from a Payment Account by the user's Payment Service Provider, or by another Payment Service Provider, through:</u></p> <p><u>(i) the execution of direct debits, including one-off direct debits;</u></p> <p><u>(ii) the execution of Payment Transactions through a Payment Instrument;</u></p> <p><u>(iii) the execution of credit transfers between bank accounts, including standing orders;</u></p> <p><u>(c) issuing Payment Instruments;</u></p> <p><u>(d) selling or issuing stored value;</u></p> <p><u>(e) receiving money or monetary value for transmission by means of a Payment Instrument to a location within or outside the Abu Dhabi Global Market.</u></p>
<u>Payment Transaction</u>	<p><u>means an act initiated by the Payer or Payee, or on behalf of the Payer, of placing, transferring or withdrawing Money, irrespective of any underlying obligations between the Payer and Payee.</u></p>
<u>Stored Value Provider</u>	<p><u>means an Authorised Person selling or issuing stored value.</u></p>

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**Schedule 1
Regulated Activities**

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Chapter 8 Money Services

The activity

52. Providing Money Services

Providing currency exchange, or Money Transmission ~~Transmission~~ Remittance or Payment Services is a specified kind of activity.

Exclusions

53. Connected Services

An Authorised Person does not Provide Money Services if it does so in relation to the carrying on of another Regulated Activity where Providing Money Services is in connection with and a necessary part of that other Regulated Activity.

53A. Other exclusions

The following do not constitute Payment Services—

- (a) Payment Transactions executed wholly in cash and directly between the Payer and the Payee, without any intermediary intervention;
- (b) Payment Transactions between the Payer and the Payee through a commercial agent authorised in an agreement to negotiate or conclude the sale or purchase of goods or services on behalf of either the Payer or the Payee but not both the Payer and the Payee;
- (c) the professional physical transport of banknotes and coins, including their collection, processing and delivery;
- (d) services where cash is provided by the Payee to the Payer as part of a Payment Transaction for the purchase of goods or services following an explicit request by the Payer immediately before the execution of the Payment Transaction;
- (e) cash-to-cash currency exchange operations where the Money is not held on a Payment Account;
- (f) Payment Transactions based on any of the following documents drawn on the Payment Service Provider with a view to placing Money at the disposal of the Payee:
 - (i) paper cheques of any kind, including travellers cheques;
 - (ii) bankers' drafts;
 - (iii) paper-based vouchers;
- (g) Payment Transactions carried out within a payment or securities settlement system amongst Payment Service Providers, banks, settlement agents, central

counterparties, clearing houses, and central banks, their respective agents or branches, or for their respective own accounts;

- (h) Payment Transactions related to securities asset servicing, including dividends, income or other distributions, or redemption or sale, carried out by persons referred to in subparagraph (g), or by investment firms, credit institutions, collective investment undertakings or asset management companies providing investment services or by any other entities allowed to have the custody of financial instruments;
- (i) services provided by technical service providers, which support the provision of Payment Services, without the provider entering at any time into possession of the Money to be transferred, including:
 - (i) the processing and storage of data;
 - (ii) trust and privacy protection services;
 - (iii) data and entity authentication;
 - (iv) information technology;
 - (v) communication network provision; and
 - (vi) the provision and maintenance of terminals and devices used for Payment Services;
- (j) services based on specific Payment Instruments that can be used only in a limited way and meet one of the following conditions:
 - (i) allow the holder to acquire goods or services only in the issuer's premises;
 - (ii) are issued by a professional issuer and allow the holder to acquire goods or services only within a limited network of service providers which have direct commercial agreements with the issuer; or
 - (iii) may be used only to acquire a very limited range of goods or services; or
- (k) Payment Transactions and related services between members of the same Group, without any intermediary intervention by a Payment Service Provider other than an undertaking belonging to the same Group;
- (l) cash withdrawal services provided through automatic teller machines.

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2. Short title, extent and commencement

- (1) These Regulations may be cited as the Financial Services and Markets (Amendment No X) Regulations 2020.
- (2) These Regulations shall apply in the Abu Dhabi Global Market.
- (3) These Regulations come into force on the date of their publication.