

Application for disputes form

Explanatory note:

This form sets out the information that we expect an application to contain when requesting the Payments Systems Regulator (PSR) to review a dispute.

For each section of the form, the application should set out the kinds of information listed below. Where the applicant considers that any information is not relevant, or that any information is not available, they should explain why this is the case.

Appendix 1 and paragraphs 8.1 to 8.6 of the PSR's Powers and Procedures Guidance provide more detailed information and guidance on how to apply to the PSR about disputes.

YOUR DETAILS

Business name:

Address:

Phone:

Primary contact:
(*Person who knows details of dispute*)

Job title:

Phone of contact person:

Email:

SECTION A: OVERVIEW OF THE APPLICATION

Please provide or indicate:

- The nature of the applicant's business and its scale (local, national, international).¹
- The broad facts of the dispute and its commercial context.
- The legal basis according to which the application to the PSR is being made (e.g. section 56 or 57).
- The proposed remedy or remedies for resolution of the dispute.

SECTION B: DETAILS OF THE DISPUTE

Please provide or indicate:

- The relevant payment system(s) and downstream products or services.
- The full facts of the dispute and its commercial context, including all relevant background and evidence.
- The full details of any justification given for the conduct or action leading to the dispute.
- The reasons why an application has been made to the PSR.
- If the dispute relates to a request for access to a payment system: the business plans of any relevant product or service, including forecasts, demonstrating how and when it is intended to launch the products or services that would be provided in the event that access is granted.
- If the dispute relates to fees, charges, terms or conditions of an agreement relating to a payment system: a copy of the relevant version of the agreement or contract, clearly identifying the clauses that are at issue.
- If the dispute relates to fees or charge being too high: benchmarking data in relation to those fees or charges, or an explanation of why no such data is applicable or available.
- If the dispute relates to another matter: sufficient information and supporting evidence to enable us to understand the context and subject matter of the dispute.
- If there are any ex ante regulatory conditions applying to any party to the dispute: the full details of those conditions and whether (and, if so, why) the applicant considers that a relevant obligation is not being met by the other party.

SECTION C: HISTORY OF COMMERCIAL NEGOTIATIONS

Please provide or indicate:

- The full details of any negotiations which have taken place between the applicant and the other party (or parties) to the dispute, including documentary evidence of those negotiations.
- In the event that a party has refused to enter into negotiations: full details of the applicant's attempts to enter into negotiations, including evidence of those attempts.
- The details of any options or proposed solutions put forward by any party during negotiations, including what was accepted or rejected, and why.

¹ Details of relevant turnover or volumes/values of relevant transactions would also be helpful.

SECTION D: REMEDY SOUGHT

Please provide or indicate:

- The full details of the remedy sought by the applicant, with reasons and justifications.
- The legal basis for the remedy sought (for example, section 56 or 57 FSBRA).
- The applicant's assessment of how the remedy sought would be consistent with the PSR's statutory duties, objectives and/or regulatory principles (as set out in sections 49 to 53 FSBRA).²

SECTION E: SUPPORTING INFORMATION AND EVIDENCE

Please provide or indicate:

- Details about the provision of any relevant product or service which depends on access to the payment system which is the subject of the dispute, including business plans relating to the relevant product or service (see Section B).
- Copies of the relevant contract or terms which are the subject of the dispute (see Section B).
- If applicable, benchmarking data in relation to any fees or charges which are in dispute, or an explanation of why no such data is available (see Section B).
- Relevant documentary evidence of commercial negotiations between the applicant and the other party (or parties) to the dispute, and a chronology of events where appropriate (see Section C).
- Any other relevant supporting information or documentary evidence.

² The applicant may also wish to give a view on how the subject matter of the dispute and the remedy sought relate to broader regulatory issues or policies (for example, where the matter in dispute is also subject to any investigation, review, consultation or other programme of work by the PSR or another regulator).