

**Implementation**

# Chapter 8

# Implementation

## 8.1 Required cash access services

### Provision

#### 8.1.1

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- (1) Where a *cash access assessment* compliant with ■ ATCS 5 is undertaken by a *designated coordination body*, each of the *participating designated firms* for whom the body undertook the assessment must provide or procure the provision of the *required cash access services* in the manner set out under ■ ATCS 5.5.2R for at least 2 years.
- (2) Where a *cash access assessment* compliant with ■ ATCS 5 is undertaken by a *designated firm*, it must provide or procure the provision of the *required cash access services* in the manner set out under ■ ATCS 5.5.2R for at least 2 years.
- (3) The *required cash access services* that a *designated firm* must provide under (1) or (2) relate to the *relevant current accounts* it provides to its *customers*.
- (4) Any *required cash access services* that relate to *relevant personal current accounts* must be provided free of charge.
- (5) A balance enquiry service must be available alongside any *required cash access service* that is a *cash withdrawal service*.

#### 8.1.2

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- (1) A *designated firm* has to provide or procure the provision of the *required cash access services* for its own *customers*.
- (2) A *designated firm* is not required to alter its practices, policies or procedures with respect to the offering or opening of *relevant current accounts*. If, for example, it does not offer *relevant current accounts* to businesses, it does not have to start doing so.
- (3) A *designated firm* may be able to establish that it is already meeting the requirements in ■ ATCS 8.1.1R through an existing *cash access facility*, such as one of its branches. Alternatively, a *designated firm* may be able to meet these requirements by making modifications at an existing *cash access facility*.
- (4) It may be economic and efficient for *designated firms* to deliver the *required cash access services* through shared facilities, such as a banking hub or a shared automatic teller machine, rather than through individual facilities (subject to compliance with any applicable legal or regulatory requirements, including competition law).

- (5) This sourcebook does not prescribe the arrangements for enhancing or installing any *cash access facilities* through which the *required cash access services* may be provided. But *designated firms* will need to ensure that any necessary arrangements are in place so that they are in a position to comply with ■ ATCS 8.1.1R.
- (6) *Designated firms* should also consider any other applicable law. This includes, but is not limited to, equalities legislation such as the Equality Act 2010 or equivalent legislation in Northern Ireland. See ■ ATCS 5.5.3G(3) on the duty to make reasonable adjustments.
- (7) ■ ATCS 8.1.1R does not preclude the provision of other services at the *cash access facilities* that will be used to deliver the *required cash access services*.
- (8) The *rules* are neutral as to the legal model for the provision of the *required cash access services*. So, they may be provided directly by a *designated firm*, or through its agent, or procured through a third party who provides a service as *principal*.

**Consistency of service**

8.1.3 **R** When a *designated firm* is deciding on the type of *cash access facility* to be used to deliver *required cash access services*, it must take reasonable account of whether the facility will provide consistency in delivery of the *cash access services* during its stated opening hours.

8.1.4 **G** Where a *designated firm* proposes to provide *required cash access services* through an agent or procure them through a third party acting as *principal*, it may want to consider entering into appropriate arrangements with regard to consistency of service in order to evidence compliance with ■ ATCS 8.1.3R.

**Use of cashback**

8.1.5 **R** A *cash withdrawal service* of the type falling within paragraph 2(e) of Schedule 1 to the *Payment Services Regulations* (cashback with a purchase) must not be relied on to deliver any *required cash access services* under ■ ATCS 8.1.1R.

- 8.1.6 **G**
  - (1) A *cashback facility* providing a *cash withdrawal service* of the type falling within paragraph 3 of Schedule 1 to the *Payment Services Regulations* (cashback without a purchase) can be a useful source of *cash*. However, it will not enable compliance with ■ ATCS 8.1.1R(5) if a balance enquiry service is not also available.
  - (2) Consistency of service may be an issue for cashback without a purchase if, for example, provision is up to the discretion of the retailer. It may also be dependent on the availability of *cash* in the retailer's till, which in turn may be reliant on other business of the retailer and subject to particular stress if the service is relied on as the sole *cash withdrawal service* in an area.
  - (3) Cashback without a purchase should therefore generally be regarded as contributing a *cash withdrawal service* which is supplementary to

other *cash withdrawal services*, unless it can be demonstrated that it will provide consistency of service during stated opening hours.

### Timing

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Where the requirement for a *cash access assessment* was triggered under ■ ATCS 4.1.1R(1) (concerning closures of *designated firms*) or ■ ATCS 4.1.1R(2) (concerning closures of *persons* other than *designated firms*) as a result of a decision of a *designated firm* to close a *cash access facility* or to cease, reduce or change provision of a *cash access service* (including a service procured through a third party), the *designated firm* must not implement the closure, cessation, reduction or change until the following conditions are satisfied:

- (1) a *cash access assessment* has been completed by the *designated firm*, or by a *designated coordination body* where ■ ATCS 4.2.1R is relied on, in accordance with ■ ATCS 5;
- (2) the information in respect of the relevant *cash access assessment* has been published under ■ ATCS 6.1.1R;
- (3) any review under ■ ATCS 9 in respect of the relevant *cash access assessment* has been completed and any requirements in ■ ATCS 9.2.3R satisfied; and
- (4) the requirements in ■ ATCS 8.1.1R(1) are being met by each *participating designated firm* or the requirements in ■ ATCS 8.1.1R(2) are being met by the *designated firm* (as appropriate) in respect of any *required cash access services* resulting from the relevant *cash access assessment*.

8.1.8

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Where the requirement for a *cash access assessment* was triggered under ■ ATCS 4.1.1R(1) (concerning closures of *designated firms*) or ■ ATCS 4.1.1R(2) (concerning closures of *persons* other than *designated firms*), the requirements of ■ ATCS 8.1.1R must be met by each *designated firm* without unreasonable delay, and in any event (save in exceptional circumstances):

- (1) within 3 *months* of the later of:
  - (a) publication of the information under ■ ATCS 6.1.1R in respect of the relevant *cash access assessment*; or
  - (b) completion of any review under ■ ATCS 9 in respect of the relevant *cash access assessment* and satisfaction of any requirements in ■ ATCS 9.2.3R; or
- (2) if later, by the time the *relevant closure* takes place.

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Where the requirement for a *cash access assessment* was triggered under ■ ATCS 4.1.1R(3) (concerning *cash access requests*), the requirements of ■ ATCS 8.1.1R must be met by each *designated firm* without unreasonable delay, and in any event (save in exceptional circumstances) within 3 *months* of the later of:

- (1) publication of the information under ■ ATCS 6.1.1R in respect of the relevant *cash access assessment*; or

- (2) completion of any review under ■ ATCS 9 in respect of the relevant *cash access assessment* and satisfaction of any requirements in ■ ATCS 9.2.3R.

8.1.10 **G** The review process in ■ ATCS 9 will be taken into account in considering what constitutes a reasonable delay under ■ ATCS 8.1.8R and ■ ATCS 8.1.9R.

**Closures: change of circumstances**

8.1.11 **R** The requirements in ■ ATCS 8.1.1R do not have to be met:

- (1) in the case of a *cash access assessment* triggered under ■ ATCS 4.1.1R(1) (concerning closures of *designated firms*), where any notification has been given under ■ ATCS 2.1.4R that the *relevant closure* will no longer happen; or
- (2) in the case of a *cash access assessment* triggered under ■ ATCS 4.1.1R(2) (concerning closures of persons other than *designated firms*), where any notification has been given under ■ ATCS 2.2.4R that the *relevant closure* will no longer happen.

**Trials**

8.1.12 **R** Where *cash access services* are provided for a trial period in accordance with a *cash access assessment*, the *designated person* who undertook it must, as soon as reasonably practicable following completion of the trial period, update it in a manner that is compliant with ■ ATCS 5 in light of the lessons learnt from the trial.

8.1.13 **R** Where a *cash access assessment* is updated under ■ ATCS 8.1.12R:

- (1) ■ ATCS 8.1.1R applies as if references to a *cash access assessment* are to the updated *cash access assessment*;
- (2) the requirements of ■ ATCS 8.1.1R must be met without unreasonable delay and in any event (save in exceptional circumstances) within 3 *months* of the later of:
  - (a) publication of the updated information under ■ ATCS 6.1.5R in respect of the relevant *cash access assessment*; or
  - (b) completion of any review under ■ ATCS 9 in respect of the updated *cash access assessment* and satisfaction of any requirements in ■ ATCS 9.2.3R.

8.1.14 **R** Where *cash access services* are provided for a trial period in accordance with a *cash access assessment*, the requirements of ■ ATCS 8.1.1R must continue to be met with respect to the *required cash access services* being trialled until:

- (1) the *designated person* who undertook the *cash access assessment* has complied with ■ ATCS 8.1.12R and ■ ATCS 6.1.5R following completion of the trial;

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- (2) any review under ■ ATCS 9 in respect of the updated *cash access assessment* has been completed and any requirements in ■ ATCS 9.2.3R satisfied; and
  - (3) the requirements of ■ ATCS 8.1.1R are being met in respect of any *required cash access services* resulting from the updated *cash access assessment*, whether they are the same *cash access services* as those being trialled or different.
- (1) The effect of ■ ATCS 8.1.13R(1) is that the minimum period for provision under ■ ATCS 8.1.1R(1) or ■ ATCS 8.1.1R(2) will apply to the *required cash access services* resulting from the updated *cash access assessment*, even if some of them were provided as part of the trial.
  - (2) The effect of ■ ATCS 8.1.14R is that if, following completion of a trial, an updated *cash access assessment* compliant with ■ ATCS 5 does not identify any additional *cash access services* under ■ ATCS 5.5.1R, the trialled *cash access services* may cease to be provided at the time indicated in ■ ATCS 8.1.14R(1) and ■ ATCS 8.1.14R(2) without being replaced, subject to any need to undertake a further *cash access assessment* and the consequent application of ■ ATCS 8.1.7R (see (4) and (5) below).
  - (3) ■ ATCS 5.5.5G states that it should only be concluded in very exceptional cases where a *cash access assessment* has reached step 3 that it is not reasonable for any additional *cash access services* to be provided.
  - (4) Cessation, reduction or change in provision of trialled *cash access services* in the circumstances referred to in (2), or otherwise under ■ ATCS 8.1.14R, is not a *relevant closure* in relation to additional *cash access services* that were put in place for the trial, as long as the condition as to timing in paragraph (f) of the *Glossary* definition of *relevant closure* is met (ie, the cessation, reduction or change takes place within 2 years of the services being put in place).
  - (5) Cessation, reduction or change in provision of trialled *cash access services* could however be a *relevant closure* if it relates to an existing *cash access service* relied on to meet the requirements of ■ ATCS 8.1.1R for the trial (see further ■ ATCS 8.1.2G(3)). If it would be a *relevant closure* and none of the exceptions in ■ ATCS 4.1 apply, a further *cash access assessment* would need to be undertaken and ■ ATCS 8.1.7R would apply.