

Access to Cash sourcebook

Access to Cash sourcebook

ATCS 1	Introduction
1.1	Purpose
1.2	Application
1.3	Interpretation
1.4	Data protection
1.5	Publication of information
1.6	Actions for damages
1.7	Regular reporting
1.8	Other applicable requirements
ATCS 2	Notification of closures
2.1	Closures of facilities of designated firms
2.2	Closures of facilities of persons other than designated firms
2.3	Guidance relating to both types of closure
ATCS 3	Cash access requests
3.1	Raising public awareness
3.2	Notification of information
3.3	Action on receipt of cash access request
ATCS 4	Cash access assessments
4.1	When a cash access assessment must be undertaken
4.2	Role of designated coordination body
ATCS 5	Process for cash access assessments
5.1	Interpretation
5.2	Overview
5.3	Step 1: Identifying local deficiencies
5.4	Step 2: Assessing significance of impacts of local deficiency
5.5	Step 3: Assessing reasonable additional provision
ATCS 6	Publication of outcome of cash access assessments
6.1	Action on completion

ATCS 7	Policies and procedures
7.1	Maintaining effective policies and procedures
7.2	Keeping under review
ATCS 8	Implementation
8.1	Required cash access services
8.2	Publication of information about cash access facilities
8.3	Notification and signage where facility of designated firm closing
8.4	Power of direction
8.5	Relationship with the Principles for Businesses
ATCS 9	Cash access requests: reviews
9.1	Reviews
9.2	Action after review
9.3	Closures: change of circumstances
ATCS 10	Raising awareness of cash access services
10.1	Publication of information
10.2	Categories of information
10.3	Role of designated coordination body
	Transitional provisions and Schedules
TP 1	Transitional Provisions
Sch 1	Recordkeeping requirements
Sch 2	Notification and reporting requirements
Sch 3	Fees and other required payments
Sch 4	Rights of action for damages
Sch 5	Rules that can be waived

Chapter 1

Introduction

1.1 Purpose

1.1.1

G

- (1) This sourcebook sets out *rules* and *guidance* in the service of the FCA's purpose under Part 8B of the Act of seeking to ensure reasonable provision of *cash access services* in the UK or a part of the UK.
- (2) The purpose in (1) includes seeking to ensure reasonable provision of *cash access services* which are free of charge in relation to *relevant personal current accounts*.

1.2 Application

Who?

1.2.1

R

This sourcebook applies to:

- (1) a *designated firm*; and
- (2) a *designated coordination body*.

What?

1.2.2

G

- (1) This sourcebook applies as described in its *rules*.
- (2) The *rules* in this sourcebook are made under the *FCA's* powers in section 131V (as well as section 137T, as applied by section 131V, and section 138D) of the *Act*. ■ GEN 2.2.17R is accordingly not applicable.

Where?

1.2.3

R

Where *rules* in this sourcebook require a *designated person* to do or refrain from doing anything, the *designated person* is required to do or refrain from doing that thing in relation to:

- (1) the *UK*, if it is designated by the Treasury pursuant to section 131R of the *Act* in relation to the whole of the *UK*; or
- (2) the part of the *UK* in relation to which it is designated by the Treasury pursuant to section 131R of the *Act*.

1.2.4

G

■ ATCS 1.2.3R applies to the entire *ATCS* sourcebook. This means that where a *designated firm* is designated in relation to only part of the *UK*, it will not, for example, be required by any *rules* in the sourcebook to:

- (1) make any notifications in relation to areas outside that part;
- (2) undertake *cash access assessments* for areas outside that part;
- (3) provide *required cash access services* outside that part; or
- (4) publish any information for areas outside that part.

1.2.5

R

Where *rules* in this sourcebook require a *designated person* to give notification of a matter to another *designated person*, the notification must

be given to a *designated person* who is designated by the Treasury pursuant to section 131R of the *Act* in relation to the part of the *UK* to which the matter relates.

1.2.6

G

The effect of ■ ATCS 1.2.5R is that where, for example, a *designated firm* is required to give notification under ■ ATCS 2.1.1R of a *relevant closure* of one of its *cash access facilities* in *Great Britain* to another *designated person*, it must give that notification to a designated person who is designated in relation to the *UK* or *Great Britain*.

1.2.7

R

Where *rules* in this sourcebook permit a *designated coordination body* to take an action required by the *rules* for its *participating designated firms*, the body may only take such action if it relates to a part of the *UK* in relation to which it is designated by the Treasury pursuant to section 131R of the *Act*.



1.3 Interpretation

1.3.1

G References to 'businesses' in this sourcebook should be interpreted broadly, to include, for example, charity shops.

1.4 Data protection

- 1.4.1** **R** Where any *rules* in this sourcebook impose requirements on a *designated person* to publish information, the *designated person* must first redact all personal data contained therein.
- 1.4.2** **G**
- (1) *Designated persons* should comply with all applicable *data protection legislation*.
 - (2) *Designated persons* should refer to *data protection legislation* to establish what constitutes 'personal data'.



1.5 Publication of information

1.5.1

G This sourcebook contains various *rules* requiring *designated persons* to publish information in an easily accessible place on their websites. The *FCA* would view the information as 'easily accessible' if the information, or a link to the webpage(s) on which the information is published, is prominently displayed:

- (1) in the case of a *designated firm*, on its (or the relevant brand's) homepages for *relevant current accounts*; and
- (2) in the case of a *designated coordination body*, on a homepage dealing with its role in relation to *access to cash*.

1.6 Actions for damages


1.6.1

R

A contravention of the *rules* in this sourcebook does not give rise to a right of action by a *private person* under section 138D of the *Act* (and each of those *rules* is specified under section 138D(3) of the *Act* as a provision giving rise to no such right of action).



1.7 Regular reporting

- 1.7.1 **G** See  SUP 16.32 for *rules and guidance* on regular data reporting by *designated firms* on access to cash.

1.8 Other applicable requirements

1.8.1

G When undertaking activities in connection with this sourcebook, a *designated person* should continue to follow any other legal or regulatory requirements as applicable, including equality and anti-discrimination law, consumer protection law, competition law and other *Handbook* provisions.

Chapter 2

Notification of closures

2.1 Closures of facilities of designated firms

- 2.1.1** **R** When a *cash access facility* of a *designated firm* is the subject of a *relevant closure*, the *designated firm* must give notification in writing to:
- (1) the *FCA*;
 - (2) any *designated coordination body*; and
 - (3) any *non-participating designated firm*.
- 2.1.2** **R** Notification under **■ ATCS 2.1.1R** must:
- (1) in the case of a planned *relevant closure*, be given as soon as reasonably practicable once the *designated firm* has made its decision;
 - (2) in the case of an unplanned *relevant closure*, be given as soon as reasonably practicable once the *designated firm* is satisfied that it will happen; and
 - (3) give details of the *relevant closure*, including:
 - (a) the address or location of the *cash access facility*;
 - (b) details of the *specified cash access services* that will be lost if it is a full closure, or how they will be impacted if it is not;
 - (c) details of any *specified cash access facility features* that will be lost if it is a full closure, or how they will be impacted if it is not; and
 - (d) the expected date of the *relevant closure*, if known.
- 2.1.3** **G** **■ ATCS 2.1.2R(2)** acknowledges that there may be circumstances where events outside a *designated firm's* control lead to a *relevant closure*, such as a decision by a landlord not to renew a lease or the site suffering physical damage.
- 2.1.4** **R** Where a *designated firm* has given notification under **■ ATCS 2.1.1R** but decides or is satisfied at any time thereafter that the *relevant closure* will no longer happen, it must promptly give notification of the change in writing to the *persons* set out in **■ ATCS 2.1.1R**.

2.2 Closures of facilities of persons other than designated firms

2.2.1 **R** When a *designated person* becomes aware of a *relevant closure* of a *cash access facility* of a *person* other than a *designated firm* as a result of information that is publicly available, it must give notification in writing to:

- (1) the *FCA*;
- (2) any *designated coordination body*; and
- (3) any *non-participating designated firm*.

2.2.2 **R** Notification under **■ ATCS 2.2.1R** must:

- (1) be given as soon as reasonably practicable after the *designated person* becomes aware of the *relevant closure* as a result of publicly available information; and
- (2) contain at least the following information, insofar as the *designated person* is aware of it:
 - (a) the address or location of the *cash access facility*;
 - (b) the name of the *person* who operates or operated it; and
 - (c) the expected date of the *relevant closure* or, if it has already taken place, the approximate date on which it took place.

2.2.3 **R** **■ ATCS 2.2.1R** does not apply where another *designated person* has already provided the required notification under it in respect of the same *cash access facility*.

2.2.4 **R** Where notification has been given under **■ ATCS 2.2.1R** and a *designated person* undertaking a *cash access assessment* as a result is satisfied at any time on the basis of publicly available information that the *relevant closure* will no longer happen, it must promptly give notification of the change in writing to the *persons* set out in **■ ATCS 2.2.1R**.

2.3 Guidance relating to both types of closure

2.3.1

G

- (1) The *Glossary* definition of *relevant closure* excludes events relating to a *cashback facility* or a *cash* delivery or collection service. A retail store where *cash access services* are provided by or under arrangements with the Post Office would not be regarded as a *cashback facility*.
- (2) The definition of *relevant closure* also excludes events insofar as they relate to *cash access services* which are not provided free of charge in relation to *relevant personal current accounts*. The effect is that:
 - (a) if *cash access services* provided at a *cash access facility* in relation to *relevant personal current accounts* are subject to a charge, and other *cash access services* in relation to *relevant personal current accounts* are provided free of charge or *cash access services* are also provided for businesses, the facility is not excluded; and
 - (b) if the only *cash access services* provided at a *cash access facility* relate to *relevant personal current accounts* and these services are all subject to a charge, the facility is excluded.
- (3) By way of example, the full closure of an automatic teller machine which charges for use would be a *relevant closure* if businesses can use it to withdraw *cash*.
- (4) ■ ATCS 2.1.1R applies to *cash access facilities of designated firms* so it does not apply where, for example, the *relevant closure* is a full closure of a Post Office branch. This would fall within scope of ■ ATCS 2.2.1R.

2.3.2

G

- (1) A *relevant closure* includes a reduction in *cash access services* provided at a *cash access facility*, or a change in the nature of such provision, where the reduction or change is material. Materiality relates to the nature and extent of the reduction or change rather than involving an assessment at this stage of the impact on users of *cash access services*. For example, a nominal reduction in opening hours from 40 to 39 hours a week should not be treated as material.
- (2) Reductions or changes which should be regarded as material include:
 - (a) conversion of a free-to-use *cash access service* provided in relation to *relevant personal current accounts* to pay-to-use;
 - (b) removal of a counter or a significant reduction in opening hours;

- (c) removal of the functionality for a reasonable mix of both coins and banknotes to be deposited or withdrawn;
 - (d) loss of or a significant reduction in an *assisted cash access service*;
or
 - (e) withdrawal of a *cash access service* by a *designated firm* from a *cash access facility* through which it provides *cash access services* alongside other providers.
- (3) The list in (2) is not exhaustive.

Chapter 3

Cash access requests

3.1 Raising public awareness

Publication of information

- 3.1.1** **R** A *designated firm* must publish information about *cash access requests* in writing in an easily accessible place on its website.
- 3.1.2** **R** The information required to be published under **■ ATCS 3.1.1R** must include the following details:
- (1) a description of what a *cash access request* is;
 - (2) the circumstances in which a *cash access assessment* must be undertaken under **■ ATCS 4.1.1R(3)**, including the exceptions set out in **■ ATCS 4.1**;
 - (3) whether the *designated firm* undertakes *cash access assessments* itself under **■ ATCS 4.1.1R(3)** or a *designated coordination body* undertakes them for it; and
 - (4) how a *cash access request* can be submitted to the *designated firm* or *designated coordination body* (as appropriate).
- 3.1.3** **R**
- (1) Where a *designated coordination body* undertakes *cash access assessments* under **■ ATCS 4.1.1R(3)**, it must publish information about *cash access requests* in writing in an easily accessible place on its website.
 - (2) The information required to be published by a *designated coordination body* under (1) must include the details in **■ ATCS 3.1.2R(1)** and **■ ATCS 3.1.2R(2)**, together with details of how a *cash access request* can be submitted to it.
- 3.1.4** **G** See **■ ATCS 4.2** for *rules* and *guidance* on the role of a *designated coordination body* in undertaking *cash access assessments*.
- 3.1.5** **R** The methods for submitting a *cash access request* must:
- (1) be sufficiently diverse and straightforward to accommodate the various communications needs of *persons* who may make *cash access requests*; and

- 3.1.6 G
 - (2) enable the *cash access requester* to indicate clearly which *specified cash access services* and which (if any) *specified cash access facility features* the *cash access request* relates to.
- (1) A *cash access request* must be made in writing. See ■ GEN 2.2.14R and ■ GEN 2.2.15G on use of the expression ‘in writing’.
 - (2) The methods for submitting a *cash access request* should take account of people who may have difficulty dealing with online submissions.

Requiring specification

3.1.7 R A *designated person* who undertakes *cash access assessments* under ■ ATCS 4.1.1R(3) must ask a *cash access requester* to indicate which of the *specified cash access services* and which (if any) of the *specified cash access facility features* their *cash access request* relates to.

- 3.1.8 R A *designated person* must:
 - (1) allow the *cash access requester* to provide more information (if they wish) about the *specified cash access services* and any *specified cash access facility features* they have indicated;
 - (2) not seek any additional information from the *cash access requester* unless it would be relevant for the purpose of undertaking the *cash access assessment*;
 - (3) set out in plain language the types of *specified cash access service* and *specified cash access facility feature*, as well as any request for additional information; and
 - (4) ensure any form it uses is easy to navigate.

3.1.9 G The *Glossary* definition of *specified cash access service* is broken down by 4 types of service. It may not be immediately obvious to a *cash access requester* which type or types is/are their area of concern. The *designated person* referred to in ■ ATCS 3.1.7R should give the *cash access requester* the opportunity to provide sufficient information about the *relevant current accounts* their concern relates to so that the *designated person* can establish what type or types of *specified cash access service* the *cash access request* relates to.

3.2 Notification of information

Persons to be notified

3.2.1

R

A *designated firm* must notify the following in writing of the information set out in ■ ATCS 3.1.2R:

- (1) Members of Parliament, Members of the Senedd, Members of the Scottish Parliament and Members of the Northern Ireland Assembly; and
- (2) *local authorities*.

Role of designated coordination body

3.2.2

R

- (1) Where a *designated coordination body* undertakes *cash access assessments* under ■ ATCS 4.1.1R(3), that body may make the notifications required under ■ ATCS 3.2.1R for its *participating designated firms*, subject to the modification that the information to be notified is that set out in ■ ATCS 3.1.3R(2).
- (2) Compliance by the *designated coordination body* with the requirements of ■ ATCS 3.2.1R, as modified by (1), will be treated as compliance by its *participating designated firms* with ■ ATCS 3.2.1R.

3.3 Action on receipt of cash access request

Acknowledging receipt

3.3.1

R

A *designated person* who undertakes *cash access assessments* under ■ ATCS 4.1.1R(3) must promptly acknowledge receipt of a *cash access request* it receives, and at the same time provide the *cash access requester* with the following information:

- (1) confirmation of whether or not the *cash access request* has triggered the requirement to undertake a *cash access assessment*;
- (2) if it has not triggered the requirement, an explanation of why not;
- (3) if it has triggered the requirement:
 - (a) confirmation that it will be undertaking a *cash access assessment*;
 - (b) an estimated timeframe for completion;
 - (c) how the *cash access requester* can find out the outcome; and
 - (d) how the *cash access requester* can ask for a review in accordance with ■ ATCS 9; and
- (4) contact details for any other *designated person* who will be undertaking a *cash access assessment* as a result of the *cash access request*.

Communications procedures

3.3.2

R

Designated persons who undertake *cash access assessments* under ■ ATCS 4.1.1R(3) must establish, implement and maintain effective and transparent procedures for the handling of communications received from a *cash access requester*.

3.3.3

G

The procedures referred to in ■ ATCS 3.3.2R should:

- (1) recognise that communications can be sent by the *cash access requester* by any reasonable means; and
- (2) ensure that the *designated person* responds to any such communications promptly.

3.3.4

G

- (1) A *cash access request* must reference an address, street or retail area. This ensures that *cash access requests* are directed at local community

issues, and that a *designated person* undertaking a *cash access assessment* as a result can identify the local area they need to consider in the assessment. Where the *cash access request* has sought to reference an address, street or retail area but further clarification is needed, this should be sought from the *cash access requester*. This should be done prior to any notification under ■ ATCS 3.3.6R.

- (2) A *cash access request* may be withdrawn. See ■ ATCS 4.1.16R and ■ ATCS 4.1.17G for further details.

3.3.5 **R** Where a *designated firm* receives a *cash access request* which should have been submitted to a *designated coordination body* in accordance with ■ ATCS 3.1.2R, it must promptly provide the *cash access requester* with contact details for the *designated coordination body*.

Notification of receipt of cash access requests

3.3.6 **R** When a *designated person* who undertakes *cash access assessments* under ■ ATCS 4.1.1R(3) receives a *cash access request*, it must promptly give a copy to:

- (1) any *designated coordination body*; and
- (2) any *non-participating designated firm*.

3.3.7 **G** (1) ■ ATCS 3.3.6R does not apply to receipt of a *cash access request* by a *designated firm* who does not undertake *cash access assessments* under ■ ATCS 4.1.1R(3). In those circumstances, the *designated firm* must comply with ■ ATCS 3.3.5R.

(2) Where all *designated firms* participate in the *cash access coordination arrangements* of one *designated coordination body* which undertakes *cash access assessments* under ■ ATCS 4.1.1R(3) for them, there is no one to notify under ■ ATCS 3.3.6R.

3.3.8 **G** The impact of the time it takes to obtain clarification from the *cash access requester* in the circumstances set out in ■ ATCS 3.3.4G will be taken into account in considering the timing of any notification under ■ ATCS 3.3.6R.

3.3.9 **R** Where notification has been given by a *designated person* under ■ ATCS 3.3.6R and the *cash access requester* withdraws their *cash access request* in accordance with ■ ATCS 4.1.16R at any time before the *cash access assessment* is completed, the *designated person* must promptly give notification of the withdrawal in writing to any *persons* set out in ■ ATCS 3.3.6R.

Chapter 4

Cash access assessments

4.1 When a cash access assessment must be undertaken

General rule

- 4.1.1 **R** Subject to ■ ATCS 4.2, each *designated firm* is responsible for undertaking a *cash access assessment* in the following circumstances:
- (1) when a notification under ■ ATCS 2.1.1R (concerning closures of *designated firms*) is received by a *designated coordination body* in whose *cash access coordination arrangements* the *designated firm* participates, or is given or received by it as a *non-participating designated firm*;
 - (2) when a notification under ■ ATCS 2.2.1R (concerning closures of *persons other than designated firms*):
 - (a) is received by a *designated coordination body* in whose *cash access coordination arrangements* the *designated firm* participates, or is given or received by it as a *non-participating designated firm*; or
 - (b) (where there is no one else to notify under ■ ATCS 2.2.1R) is given by a *designated person* to the *FCA*; and
 - (3) in relation to *cash access requests*:
 - (a) when a notification under ■ ATCS 3.3.6R is received by a *designated coordination body* in whose *cash access coordination arrangements* the *designated firm* participates, or is given or received by it as a *non-participating designated firm*; or
 - (b) (where there is no one to notify under ■ ATCS 3.3.6R) when a *designated person* receives the *cash access request*.
- 4.1.2 **G** ■ ATCS 4.2 explains when a *designated coordination body* may undertake a *cash access assessment* for a *designated firm*, and contains *rules and guidance* about the *designated coordination body's* role when it does.
- 4.1.3 **R** The *cash access assessment* must be undertaken in accordance with ■ ATCS 5.
- 4.1.4 **R** ■ ATCS 4.1.1R is subject to the exceptions set out in ■ ATCS 4.1.7R to ■ ATCS 4.1.16R.

- 4.1.5 **G**
- (1) The exceptions in ■ ATCS 4.1.7R, ■ ATCS 4.1.9R and ■ ATCS 4.1.10R apply to the requirement to undertake a *cash access assessment* in the case of a *relevant closure*.
 - (2) The exceptions in ■ ATCS 4.1.11R, ■ ATCS 4.1.13R and ■ ATCS 4.1.16R apply to the requirement to undertake a *cash access assessment* following a *cash access request*.

Timing

- 4.1.6 **R**
- Where the requirement for a *cash access assessment* is triggered under ■ ATCS 4.1.1R, it must be completed:
- (1) as soon as reasonably practicable; and
 - (2) save in exceptional circumstances for reasons beyond the control of the *designated person* undertaking it, within 12 weeks of the notification or other circumstances described in ■ ATCS 4.1.1R as triggering the requirement.

Exception: ATMs at same site

- 4.1.7 **R**
- ATCS 4.1.1R(1) and ■ ATCS 4.1.1R(2) do not apply where the *relevant closure* relates to one or more automatic teller machines located at the same site provided:
- (1) one or more automatic teller machines will remain at the site after the *relevant closure*; and
 - (2) *specified cash access services* of the type subject to the *relevant closure* will continue to be provided along with any *specified cash access facility feature* subject to the *relevant closure* through the remaining machine(s) (individually or collectively) 24 hours a *day*.

- 4.1.8 **G**
- (1) There is no requirement in ■ ATCS 4.1.7R that the *specified cash access services* at the remaining machine(s) must be provided by the same provider(s) who provided them through the machine(s) which is/are the subject of the *relevant closure*. The focus is on the availability of the type of *specified cash access service*, not on the identity of the provider.
 - (2) Where an automatic teller machine is closed for repair, enhancement or replacement at the same location, the repaired, enhanced or replaced machine should be regarded as the same machine. As long as the work will not result in a material reduction or change in provision of *cash access services* provided through the machine and the closure does not last for 6 *months* or more, it is not a *relevant closure*.

Exception: change in circumstances

- 4.1.9 **R**
- A *cash access assessment* does not have to be undertaken under ■ ATCS 4.1.1R(1) (or completed, if already begun) where the *designated firm* whose *cash access facility* was the subject of the *relevant closure* gives any notification required by ■ ATCS 2.1.4R.

4.1.10 **R** A *cash access assessment* does not have to be undertaken under **■ ATCS 4.1.1R(2)** (or completed, if already begun) where any notification required by **■ ATCS 2.2.4R** is given with respect to the *cash access facility* that was the subject of the *relevant closure*.

Exception: earlier cash access assessment covering same ground

4.1.11 **R** **■ ATCS 4.1.1R(3)** does not apply to the extent that a *cash access assessment* is already being undertaken or has been completed within 1 year prior to receipt of the *cash access request* (including by way of update or revision under the *rules* in this sourcebook), which covers:

- (1) the same or substantially the same local area as the one to which the *cash access request* relates; and
- (2) the *specified cash access services* and *specified cash access facility features* covered by the *cash access request*.

4.1.12 **G**

- (1) See **■ ATCS 5.3.2R** and **■ ATCS 5.3.3G** on how to establish the local area.
- (2) See **■ ATCS 5.3.7R** on how to establish which *specified cash access services* and *specified cash access facility features* a *cash access request* is treating as covering.
- (3) The effect of **■ ATCS 4.1.11R** is that where some, but not all, of the same *specified cash access services* and *specified cash access facility features* covered by the *cash access request* are being or were assessed in the earlier *cash access assessment*, a new *cash access assessment* will need to be undertaken in respect of those that are/were not covered.

Exception: insufficient interest

4.1.13 **R** **■ ATCS 4.1.1R(3)** does not apply where the *cash access requester* has insufficient interest in whether there is reasonable provision of *cash access services* in the local area to which the *cash access request* relates.

4.1.14 **R** *Cash access requesters* with sufficient interest for the purposes of **■ ATCS 4.1.13R** include:

- (1) the *FCA*;
- (2) the *persons* referred to in **■ ATCS 5.3.2R**;
- (3) *persons* who regularly visit the local area; and
- (4) authorities, organisations, groups and other *persons* who represent those in (2) and reasonably seek to advance their interests, or otherwise have a legitimate interest in the outcome of the *cash access assessment*.

4.1.15 **G** (1) Examples of *cash access requesters* who should be regarded as falling within **■ ATCS 4.1.14R(4)** include:

- (a) local community groups;
- (b) groups or charities who help *cash* users in vulnerable circumstances in the local area, such as local carers or mental health support groups or charities;
- (c) the Member of Parliament and any Member of the Senedd, Scottish Parliament or Northern Ireland Assembly for the relevant local area; and
- (d) the relevant *local authority*.

(2) See ■ ATCS 5.3.2R and ■ ATCS 5.3.3G on how to establish the local area.

Exception: cash access request wit

4.1.16

R

A *cash access assessment* does not have to be undertaken under ■ ATCS 4.1.1R(3) (or completed, if already begun) where, prior to its completion, the *cash access requester* clearly indicates in writing to the *designated person* to whom they submitted the *cash access request* in accordance with ■ ATCS 3.1.2R(4) or ■ ATCS 3.1.3R(2) that they are withdrawing it.

4.1.17

G

There may be cases where a *cash access requester* is not fully aware of all the *cash access services* available to them in an area. If the relevant *designated person* engages with them to explain what is available, this may in some cases lead to the *cash access request* being withdrawn.

4.2 Role of designated coordination body

- 4.2.1** **R** A *designated coordination body* may undertake a *cash access assessment* required by **■ ATCS 4.1.1R** for its *participating designated firms*.
- 4.2.2** **R** Where a *designated coordination body* has agreed to undertake *cash access assessments* for its *participating designated firms* and the requirement for a *cash access assessment* is triggered under **■ ATCS 4.1.1R**:
- (1) the *designated coordination body* must comply with the relevant requirements in **■ ATCS 4.1**, **■ ATCS 5** to **■ ATCS 7**, **■ ATCS 8.1.12R** and **■ ATCS 9**; and
 - (2) compliance by the *designated coordination body* with the requirements of the *rules* in **■ ATCS 4.1** and **■ ATCS 5** will also be treated as compliance by its *participating designated firms* with those *rules*.
- 4.2.3** **G** Part 8B of the *Act* envisages that *designated firms* may want to use *cash access coordination arrangements* (subject to compliance with any applicable legal or regulatory requirements, including competition law).
- 4.2.4** **G** The effect of **■ ATCS 4.2.1R** and **■ ATCS 4.2.2R** is that:
- (1) where the requirements in **■ ATCS 4.1** and **■ ATCS 5** are met by the *designated coordination body*, they will also be treated as met by its *participating designated firms*, so they do not have to meet these requirements separately; and
 - (2) where any requirements in **■ ATCS 4.1** and **■ ATCS 5** are not met by the *designated coordination body*, they must still be met by its *participating designated firms*.
- 4.2.5** **R** **Notification of cessation of participation**
- (1) A *designated firm* must give the *FCA* notification in writing as soon as reasonably practicable in advance of it ceasing for any reason to be a *participating designated firm*.
 - (2) The notification in (1) must include details of when cessation of its participation in the *cash access coordination arrangements* is due to take place and the reason for the cessation.

Chapter 5

Process for cash access assessments

In this chapter, references to:

- (1) 'local area' means the relevant area established in accordance with ■ ATCS 5.3.1R and ■ ATCS 5.3.2R;
- (2) 'relevant distance' means the distance set out in ■ ATCS 5.3.5R or ■ ATCS 5.3.8R (as appropriate);
- (3) 'urban' means:
 - (a) for England and Wales, an area where the majority of the population live in a settlement of 10,000 people or more;
 - (b) for Scotland, an area where the majority of the population live in a settlement of 3,000 people or more; and
 - (c) for Northern Ireland, an area where the majority of the population live in a settlement of 5,000 people or more;
- (4) 'rural' means:
 - (a) for England and Wales, an area where the majority of the population live in a settlement of fewer than 10,000 people;
 - (b) for Scotland, an area where the majority of the population live in a settlement of fewer than 3,000 people; and
 - (c) for Northern Ireland, an area where the majority of the population live in a settlement of fewer than 5,000 people.



5.2 Overview

The 3 steps

- R** The *cash access assessment* must be a reasonable assessment of the following:
 - (1) step 1 – whether there is, or would be after a *relevant closure*, a local deficiency in provision of *cash access services*;
 - (2) step 2 – if there is or would be such a deficiency, whether its impacts are or would be significant; and
 - (3) step 3 – if there is or would be such a deficiency with significant impacts, what additional *cash access services* it would be reasonable to provide.

G ■ ATCS 5.3 to ■ ATCS 5.5 contain detailed *rules* and *guidance* about the steps referred to in ■ ATCS 5.2.1R.

R The extent and scope of the *cash access assessment* and the work the *designated person* must do to undertake it are dependent upon, and proportionate to, the circumstances of each case.

General qualifications

- R** ■ ATCS 5.2.5R contains restrictions on what can be taken into account in a *cash access assessment* when considering:
 - (1) what *cash access services* are or will be available following a *relevant closure*, where the requirement for the *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*); and
 - (2) what *cash access services* are available, where the requirement for the *cash access assessment* was triggered under ■ ATCS 4.1.1R(3) (concerning *cash access requests*).
- R** The restrictions referred to in ■ ATCS 5.2.4R are as follows:
 - (1) no account is to be taken of the availability of *cash access services* at a *cash access facility* in respect of which a full closure is expected;

- (2) account may only be taken of the availability of *cash access services* at a *cash access facility* where there is expected to be a material reduction in provision of *cash access services*, or a material change in the nature of such provision, on the basis of the *cash access services* the facility will provide after such reduction or change has taken place;
- (3) no account is to be taken of the availability of *cash withdrawal services* of the type falling within paragraph 2(e) of Schedule 1 to the *Payment Services Regulations* (cashback with a purchase);
- (4) no account is to be taken of the availability of any *cash access service* in relation to *relevant personal current accounts* if it is subject to a charge; and
- (5) where more than one *cash access assessment* is undertaken as a result of the same trigger event under ■ ATCS 4.1.1R, no account is to be taken in any of those *cash access assessments* of the availability of additional *cash access services* that might be provided as a consequence of any of the other *cash access assessments*.

R Where any *rules* or *guidance* in ■ ATCS 5 refer to distance to, proximity of, or travel to a *cash access facility*, or where the context otherwise so requires, a *cash access facility* does not include a *cash* delivery or collection service.

G ■ ATCS 5.2.6R applies where *rules* and *guidance* in ■ ATCS 5 are only relevant to *cash access facilities* which users of *cash access services* can visit, as opposed to, for example, a service which delivers *cash* to or collects *cash* from people's homes.

G In considering the availability of *cash access services* (as described in ■ ATCS 5.2.4R(1) or ■ ATCS 5.2.4R(2)), significant weight should be given to whether it can be demonstrated that *cash access services* provided at any *cash access facility* under consideration are provided with consistency during stated opening hours. See ■ ATCS 8.1.6G for guidance in this context on cashback without a purchase.

Sources of information

- R** (1) A *cash access assessment* must be based on sufficient information of which the *designated person* undertaking it is aware at the time it is undertaken, and obtained where appropriate from other sources, to enable it to be a reasonable assessment.
- (2) The *designated person* undertaking a *cash access assessment* must consider:
 - (a) the types of information to use;
 - (b) the content and level of detail of the information to use; and
 - (c) whether and to what extent to obtain information from other sources.

G

- (1) Other sources from whom *designated persons* should consider obtaining relevant information include those that might help them to understand the demographic characteristics of the local area and the need for *cash access services*, as well the range of local matters that could impact this understanding such as transportation issues and planned housing developments. Examples of such sources could be:
 - (a) local community groups;
 - (b) *local authority* departments with responsibility for planning or for cohorts who may be particularly reliant on cash;
 - (c) *consumer* groups;
 - (d) the local office of *persons* listed in ■ ATCS 3.2.1R(1);
 - (e) groups or charities who help local *cash* users in vulnerable circumstances, such as local carers or mental health support groups or charities;
 - (f) staff of *designated firms*; and
 - (g) *customers of designated firms* (for example, through surveys).
- (2) The list of possible sources of information in (1) is not exhaustive.

5.3 Step 1: Identifying local deficiencies

What is the local area?

- R** (1) In order to identify whether there is a local deficiency under **■ ATCS 5.2.1R(1)**, a *cash access assessment* must establish the local area according to the methodology referred to in **■ ATCS 5.3.2R**.
- (2) The methodology must be used consistently by a *designated person* for its *cash access assessments*.
- (3) Where a *cash access request* is submitted by the *FCA*, the *FCA* may specify the local area for the purposes of the *cash access assessment*.

- R** (1) The *cash access assessment* must use an appropriate methodology which enables it to draw a boundary for a local area that takes in the addresses of the *persons* who could be affected if there was a deficiency in the *specified cash access services* being assessed.
- (2) Where a *cash access assessment* is 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 *persons* referred to in (1) are the people or businesses in the area surrounding the *cash access facility* which is the subject of the *relevant closure* who have the potential to be more than nominally affected by the *relevant closure*.
- (3) Where a *cash access assessment* is triggered under **■ ATCS 4.1.1R(3)** (concerning *cash access requests*), the *persons* referred to in (1) are the people or businesses in the area surrounding the address, street or retail area referenced in the *cash access request* who would have the potential to be more than nominally affected if:
 - (a) there was a *relevant closure* of a hypothetical *cash access facility* at the address, street or retail area referenced in the *cash access request*; and
 - (b) the *specified cash access services* being assessed were provided through it.

5.3.3

- G** (1) **■ ATCS 5.3.2R** involves the need to establish who could be affected. The work undertaken to do this should be reasonable and proportionate, bearing in mind that this is not the *cash access assessment* itself. It involves looking at the potential for effects rather than reaching a conclusion on whether there are actual effects. It should not involve the need to establish whether any *persons* actually

use *cash*, nor to undertake any of the detailed steps in ■ ATCS 5.2.1R. The purpose is to establish the grouping of residents and businesses (by reference to an area) that those steps should be directed at.

- (2) In determining the people who could be affected under ■ ATCS 5.3.2R, one consideration may be where people in the relevant surrounding area who might use *cash* are likely to use it regularly, such as retail areas, and the presence (or otherwise) of *cash access facilities* there. For example, if a *relevant closure* takes place in a village, residents of a nearby town may not be regarded as people who could be affected if it is reasonable to expect that they do not make regular use of the relevant *cash access facility* in the village because of the presence of *cash access facilities* in the town.
- (3) ■ ATCS 5.3.2R(3) involves the application of a hypothetical test of who could be affected if a *relevant closure* was to take place. The methodology for determining the *persons* referred to in ■ ATCS 5.3.2R(2) and ■ ATCS 5.3.2R(3) should accordingly be consistent.
- (4) If the methodology adopts a radius measurement extending from the relevant reference point that is the same for every *cash access assessment*, that is unlikely to be regarded as an appropriate methodology as it would not take account of the potential for differing local circumstances, such as differences in geography.
- (5) Where the requirement for a *cash access assessment* is 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 local area is unlikely to be appropriately drawn if it does not at least include the addresses of any *persons* who, as a result of the *relevant closure*, are or would no longer be within the relevant distance of one or more *cash access facilities* which, between them, provide the *specified cash access services* and *specified cash access facility features* being assessed at step 1.

Closures: scope

5.3.4

R

Where the requirement for a *cash access assessment* is 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*):

- (1) an assessment must be made of whether there is or would be, after the *relevant closure*, a local deficiency in provision of each *specified cash access service* that is or was (as the case may be) subject to closure, reduction or change at the *cash access facility* as a result of the *relevant closure*, taking into account any *specified cash access facility feature* subject to the closure, reduction or change;
- (2) where a *designated firm* undertakes a *cash access assessment*, it does not have to assess a *specified cash access service* that relates to *relevant personal current accounts* if it does not provide any such accounts, and it does not have to assess a *specified cash access service* that relates to businesses if it does not provide any *relevant current accounts* for businesses;
- (3) where a *designated coordination body* undertakes a *cash access assessment* for its *participating designated firms*, the body does not

have to assess a *specified cash access service* that relates to *relevant personal current accounts* if none of those *firms* provide any such accounts, and it does not have to assess a *specified cash access service* that relates to businesses if none of those *firms* provide any *relevant current accounts* for businesses;

- (4) an assessment may cover more *specified cash access services* or *specified cash access facility features* than those referred to in (1); and
- (5) ■ ATCS 5.3.5R applies.

Closures: application of relevant distance

5.3.5

R

If at least 95% of people living in the local area have access to one or more *cash access facilities* within:

- (1) 1 mile of where they live, if the local area is predominantly urban; or
- (2) 3 miles of where they live, if the local area is predominantly rural,

through which:

- (3) a *specified cash access service* is provided which is of a type that is or was subject to closure, reduction or change as a result of the *relevant closure*, along with any *specified cash access facility feature* subject to the closure, reduction or change,

the *cash access assessment* may find that there is or would be no local deficiency in provision of that *specified cash access service* after the *relevant closure*, subject to ■ ATCS 5.3.9R.

5.3.6

R

Where more *specified cash access services* or *specified cash access facility features* are assessed than those referred to in ■ ATCS 5.3.4R(1), ■ ATCS 5.3.5R applies as if ■ ATCS 5.3.5R(3) refers to:

- (1) each *specified cash access service* being assessed; and
- (2) each *specified cash access facility feature* being assessed in relation to the service.

Cash access requests: scope

5.3.7

R

Where the requirement for a *cash access assessment* is triggered under ■ ATCS 4.1.1R(3) (concerning *cash access requests*):

- (1) an assessment must be made of whether there is a local deficiency in provision of each *specified cash access service* indicated in the *cash access request*, taking into account any *specified cash access facility feature* indicated in relation to the service;
- (2) where a *designated firm* undertakes a *cash access assessment*, it does not have to assess a *specified cash access service* that relates to *relevant personal current accounts* if it does not provide any such accounts, and it does not have to assess a *specified cash access service* that relates to businesses if it does not provide any *relevant current accounts* for businesses;

- (3) where a *designated coordination body* undertakes a *cash access assessment* for its *participating designated firms*, the body does not have to assess a *specified cash access service* that relates to *relevant personal current accounts* if none of those *firms* provide any such accounts, and it does not have to assess a *specified cash access service* that relates to businesses if none of those *firms* provide any *relevant current accounts* for businesses;
- (4) an assessment may cover more *specified cash access services* or *specified cash access facility features* than those referred to in (1); and
- (5) ■ ATCS 5.3.8R applies.

Cash access requests: application of relevant distance

5.3.8 **R** If at least 95% of people living in the local area have access to one or more *cash access facilities* within:

- (1) 1 mile of where they live, if the local area is predominantly urban; or
- (2) 3 miles of where they live, if the local area is predominantly rural,

through which:

- (3) a *specified cash access service* being assessed is provided, along with any *specified cash access facility feature* being assessed in relation to the service,

the *cash access assessment* may find that there is no local deficiency in provision of that *specified cash access service*, subject to ■ ATCS 5.3.9R.

Step 1 qualifications

5.3.9 **R** ■ ATCS 5.3.5R and ■ ATCS 5.3.8R cannot be relied on where:

- (1) the time or cost of travelling for those living in the local area to any *cash access facility* that would otherwise be relied on to meet the requirements in those *rules* is such that it would not be reasonable to regard the relevant distance as an appropriate determining measure; or
- (2) the *cash access facility* or *cash access facilities* which would otherwise be relied on to meet the requirements in those *rules* do not, or would not after a *relevant closure*, have sufficient capacity between them to accommodate users of the relevant *cash access service* from the local area.

5.3.10 **R** For the purposes of establishing whether there are *cash access facilities* that meet the requirements in ■ ATCS 5.3.5R or ■ ATCS 5.3.8R, account may only be taken of the availability of a *specified cash access service* and any *specified cash access facility feature* relating to the service at a branch of a *bank* or *building society* within the relevant distance if one of the conditions in ■ ATCS 5.3.11R or ■ ATCS 5.3.12R is satisfied.

5.3.11 **R** The first condition referred to in **■ ATCS 5.3.10R** is that the same type of *specified cash access service* and (where relevant) *specified cash access facility feature* are available to *customers* of another *relevant current account provider* besides the *bank or building society* referred to in that *rule* at a *cash access facility* within the relevant distance.

5.3.12 **R** The second condition referred to in **■ ATCS 5.3.10R** is that:

- (1) the requirement for the *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*); and
- (2) the *cash access facility* which is the subject of the *relevant closure* is a branch of the *bank or building society* referred to in **■ ATCS 5.3.10R**.

Guidance

5.3.13 **G**

- (1) The *cash access assessment* begins by considering whether there is a local deficiency in provision of *cash access services* by reference to what is available within the relevant distance. Exclusions from consideration of what *cash access services* are available for the purposes of **■ ATCS 5.3.5R** or **■ ATCS 5.3.8R** are set out in **■ ATCS 5.2.5R** and **■ ATCS 5.3.10R**. The effect of **■ ATCS 5.2.5R(1)** is that where a *cash access assessment* is undertaken as a result of an expected full closure of a *cash access facility*, that facility must be ignored for the purposes of **■ ATCS 5.3.5R** or **■ ATCS 5.3.8R**. Where the assessment results from a material reduction or change in provision of *cash access services* expected at a *cash access facility*, the effect of **■ ATCS 5.2.5R(2)** is that the facility can be taken into account but only to the extent of the *cash access services* it will provide after the reduction/change.
- (2) See **■ ATCS 4.1.12G(3)** on the impact of **■ ATCS 4.1.11R** on the *specified cash access services* and *specified cash access facility features* that must be assessed in accordance with **■ ATCS 5.3.7R(1)**. *Designated persons* may want to bear this in mind when considering the scope of *cash access assessments*. Unless assessments are undertaken on a holistic basis (ie, by assessing all *specified cash access services* and *specified cash access facility features*), they could in theory have to act on multiple *cash access requests* indicating different issues in respect of the same or substantially the same local area within a 12-month period.
- (3) There is no requirement in **■ ATCS 5.3.5R(3)** that the *specified cash access service* at a *cash access facility* within the relevant distance must be provided by the same provider that provided it at the *cash access facility* which is the subject of the *relevant closure*. The focus is on the availability of the type of *specified cash access service*, not on the identity of the provider.
- (4) Reliance on **■ ATCS 5.3.5R** or **■ ATCS 5.3.8R** is not dependent on all the *specified cash access services* under assessment being provided at the same *cash access facility*. They may be provided through a combination of 2 or more *cash access facilities*.

- (5) ■ ATCS 5.3.9R(1) is most likely to apply in rural areas – for example, where:
 - (a) geographical barriers mean that it takes substantially longer for people living in the local area to travel to the relevant *cash access facility* or *cash access facilities* than it does to travel to their nearest retail areas; or
 - (b) limited transport networks mean that it costs people living in the local area substantially more to travel to the relevant *cash access facility* or *cash access facilities* than it does to travel to their nearest retail areas.
- (6) An example of where ■ ATCS 5.3.9R(2) may apply is if a *cash access facility* subject to a full closure has several service counters, and the only other *cash access facility* within the relevant distance with equivalent *specified cash access services* and *specified cash access facility features* has one counter. If this means the other *cash access facility* would be unable to accommodate the additional demand from users of *cash access services* in the local area following the *relevant closure*, ■ ATCS 5.3.5R cannot be relied on.
- (7) Opening hours may be relevant to consideration of a *cash access facility's* capacity under ■ ATCS 5.3.9R(2). For example, the facility may be open for so few hours each week that this leads to unacceptable delays in service or queues.
- (8) Predictable fluctuations in demand may also be relevant to consideration of capacity. For example, where a local area receives a significant influx of visitors during the holiday season or on market days, which puts pressure on the *cash access facility*.
- (9) The effect of ■ ATCS 5.3.10R is that if the only *cash access facility* within the relevant distance is a branch of a *bank* or *building society*, and the condition in ■ ATCS 5.3.12R is not met, the only *specified cash access services* provided at the branch that it may be possible to take into account for the purposes of ■ ATCS 5.3.5R or ■ ATCS 5.3.8R are services which are also available to *customers* of at least one other *relevant current account provider*. An example of this is a *cash withdrawal service* provided through an automatic teller machine which is part of the LINK network. If *cash withdrawal services* are being assessed, it may be possible to find there is no local deficiency in them where there is such a machine, subject to any *specified cash access facility features* that also need to be assessed and the qualifications in ■ ATCS 5.3.9R. But if any *cash deposit services* are being assessed in this scenario and these are not also available to *customers* of another *relevant current account provider*, they will have to proceed to step 2.

Background to relevant distances

5.3.14

G

- (1) Under section 131U(5) of the *Act*, a local deficiency in the provision of *cash access services* is: 'a circumstance which limits the ability of persons in any locality in a part of the United Kingdom to (a) withdraw cash from a relevant current account, or (b) place cash on a relevant current account'.

- (2) Under section 131U(6) of the *Act*, in determining whether there are local deficiencies, the *FCA* must have regard to the Treasury's Cash Access Policy Statement published under section 131P(6) of the *Act* which is currently in effect, as well as such other matters as the *FCA* considers appropriate.
- (3) The relevant distances are taken from the Treasury's Cash Access Policy Statement published on 18 August 2023. These distances are measured in a straight line.
- (4) The distances in the Cash Access Policy Statement do not include distances for business premises from *cash access facilities*. However, the statement says: 'the distance relative to the residential population is considered here to be a suitable proxy'. No separate distances are given in this chapter relative to business premises.

Going to step 2

5.3.15

R

If ■ ATCS 5.3.5R or ■ ATCS 5.3.8R cannot be relied on, it must be found that there is, or would be after a *relevant closure*, a local deficiency in provision of the relevant *specified cash access service*.



5.4 Step 2: Assessing significance of impacts of local deficiency

Scope

5.4.1

R

- (1) Under **ATCS 5.2.1R(2)**, an assessment must be made of the significance of the impacts of the local deficiency found in the provision of any of the *specified cash access services* that were assessed at step 1.
- (2) The assessment must consider the significance of the impacts on users of *cash access services* in general in the local area, not just *customers of designated firms*.

Factors

5.4.2

R

Subject to **ATCS 5.4.1R**, the factors a *cash access assessment* must have regard to when considering whether the impacts of a local deficiency are or would be significant include the following:

- (1) the number of *persons* in the local area likely to be affected, including:
 - (a) the number of holders of *relevant personal current accounts* likely to be affected; and
 - (b) the number of businesses which accept *cash payments* likely to be affected;
- (2) the likely impact on those in the local area likely to be affected, bearing in mind in particular:
 - (a) their characteristics;
 - (b) the impact on those in vulnerable circumstances;
 - (c) the extent of the need for *assisted cash access services*;
 - (d) the extent of the need for businesses which accept *cash payments* to use *cash access services* for both coins and banknotes;
 - (e) the extent to which those likely to be affected may be outside the relevant distance when considering proximity to the nearest suitable *cash access facilities* with (between them) sufficient capacity to accommodate users of *cash access services* from the local area;
 - (f) whether the additional travel time for those likely to be affected to get to the *cash access facilities* referred to in (e) over and above the travel time to their nearest retail areas is unreasonable;

- (g) whether those likely to be affected have to incur unreasonable costs in travelling to the *cash access facilities* referred to in (e) over and above the costs of travel to their nearest retail areas; and
 - (h) the impact of any predictable fluctuations in demand for *cash access services*.
- (3) The list of factors in (1) and (2) is not exhaustive.

Guidance on factors

- (1) An assessment under ■ ATCS 5.2.1R(2) is only required where it has been identified that there is or would be a local deficiency under ■ ATCS 5.2.1R(1).
- (2) Subject to ■ ATCS 5.4.1R, an assessment will need to be made of the degree to which users of *cash access services* in the local area (both people and businesses) are impacted.
- (3) ■ ATCS 5.2.5R excludes consideration of the availability of certain *cash access services* at step 2.
- (4) The degree to which the nearest suitable *cash access facilities* with (between them) sufficient capacity may be outside the relevant distance is a factor. For example, if they are only just outside the relevant distance, that may indicate (leaving aside other factors) that the deficiency does not or would not have significant impacts. This factor should involve looking at issues such as:
 - (a) the *cash access services* available at, the features of and the capacity of the nearest *cash access facilities*;
 - (b) the distance to the nearest *cash access facilities* needed to reasonably meet the cumulative demand of users of *cash access services* from the local area; and
 - (c) how far outside the relevant distance these *cash access facilities* might be – in particular, the furthest such facility.
- (5) Opening hours may be relevant to a *cash access facility's* capacity. For example, the facility may be open for so few hours each week that this leads to unacceptable delays in service or queues.
- (6) The other factors set out in ■ ATCS 5.4.2R also involve the question of degree. For example, where a substantial number of people in the local area are likely to be affected, that would suggest significant impacts.
- (7) In having regard to the number of businesses likely to be affected and the impacts on them, consideration should, in particular, be given to types of businesses that might be expected to be heavily dependent on *cash*.
- (8) The impact on those with characteristics of vulnerability is a factor. This should involve identifying when users of *cash access services* with characteristics of vulnerability, including those who may have particular difficulties with accessing *cash access services* due to disabilities, are or would be significantly impacted. *Designated*

persons should refer to Finalised Guidance (FG) 21/1 (Guidance for firms on the fair treatment of vulnerable customers) for more information on our approach to characteristics of vulnerability.

- (9) An example of predictable fluctuations in demand for *cash access services* and their impact is where a local area receives a significant influx of visitors during the holiday season or on market days, which puts pressure on the *cash access facilities* in the area.
- (10) Regard should be had to any concerns raised by local community representatives and organisations about the adequacy of *cash access facilities*.

5.5 Step 3: Assessing reasonable additional provision

Identifying additional cash access services

5.5.1 **R** The assessment under ■ ATCS 5.2.1R(3) must identify the additional *cash access services* that would:

- (1) address the significant impacts of any local deficiency identified by the assessment under ■ ATCS 5.2.1R(2); and
- (2) be reasonable to provide.

5.5.2 **R** The identification in accordance with ■ ATCS 5.5.1R must:

- (1) detail which of the *specified cash access services* are to be provided;
- (2) state that any *cash access services* to be provided in relation to *relevant personal current accounts* are to be free of charge;
- (3) specify whether each *specified cash access service* should allow for a reasonable mix of both coins and banknotes to be deposited or withdrawn (as appropriate);
- (4) identify whether any *assisted cash access services* should be provided and, if so, the type of assistance;
- (5) specify the area within which any *cash access facilities* that will provide the *cash access services* should be located;
- (6) specify the capacity needs and opening hours of any *cash access facilities* which will provide the *cash access services*; and
- (7) specify whether the *cash access services* are to be provided on a permanent or trial basis and, if the latter, the trial period.

Guidance on identification and reasonableness

5.5.3 **G** (1) ■ ATCS 5.5.1R does not require the *cash access assessment* to identify the *cash access facilities* from which the additional *cash access services* are to be provided. The *rules* are accordingly channel-neutral in this respect, subject to the matters set out in ■ ATCS 5.5.2R.

(2) The definition of *assisted cash access service* is channel-neutral in terms of how the assistance should be provided, so this could involve the physical presence of the appropriately trained individual or the

provision of assistance by them via, for example, video link. The exact nature of any assistance needed in the circumstances must be identified in accordance with ■ ATCS 5.5.2R(4).

- (3) In delivering any *cash access services*, *designated firms* should be mindful of the duty to make reasonable adjustments for people with disabilities under the Equality Act 2010 in *Great Britain* and the need to comply with equivalent legislation in Northern Ireland. While *cash access assessments* are not expected to make judgments about compliance with such legislation, they should explain their findings on the impact on those who have particular difficulties with accessing *cash access services* due to disabilities. Those findings may assist *designated firms* in ensuring they meet any obligations under the relevant legislation.
- (4) ■ ATCS 5.2.5R excludes consideration of the availability of certain *cash access services* at step 3.

5.5.4

G

- (1) The question of reasonableness in terms of the identification required under ■ ATCS 5.5.1R and ■ ATCS 5.5.2R is likely to depend on matters specific to the local area, which could include:
 - (a) whether any *cash access services* have been provided in the local area in the past and, if so, their nature and extent;
 - (b) the reasons, if known, for any *relevant closures* in the local area in the past;
 - (c) the likely cost of additional provision of a particular service;
 - (d) whether any additional *cash access services* which would wholly or partly address the significant impacts of the local deficiency identified by the *cash access assessment* are due to be provided by anyone independently of the assessment and any other *cash access assessment* undertaken as a result of the same trigger event, and the timeline for such additional provision;
 - (e) in terms of the identification of the location of any *cash access facilities* under ■ ATCS 5.5.2R(5), proximity to areas where *cash* is most likely to be used, such as retail areas; and
 - (f) in terms of the identification of capacity needs and opening hours of any *cash access facilities* under ■ ATCS 5.5.2R(6), any predictable changes in demand for *cash access services*.
- (2) The list of matters in (1) is not exhaustive.

5.5.5

G

Given the number of different solutions available, it should only be concluded at step 3 in very exceptional cases that it is not reasonable for any additional *cash access services* to be provided.

Trials

5.5.6

G

It may be appropriate in some cases for additional *cash access services* to be provided for a trial period. In such cases, ■ ATCS 6.1.2R(10), ■ ATCS 6.1.5R, ■ ATCS 6.1.6G, and ■ ATCS 8.1.12R to ■ ATCS 8.1.15G apply.

Chapter 6

Publication of outcome of cash access assessments

6.1 Action on completion

6.1.1 **R** As soon as reasonably practicable after completion of a *cash access assessment*, the *designated person* who undertook it must publish in writing the information set out in **■ ATCS 6.1.2R** in an easily accessible place on its website.

Information to be published

6.1.2 **R** The information that must be published under **■ ATCS 6.1.1R** is as follows:

- (1) the date of the *cash access assessment*;
- (2) why it was undertaken;
- (3) where the requirement for the *cash access assessment* was triggered by a *relevant closure* which has not happened yet, when the *relevant closure* is expected to take place (if known);
- (4) a summary of the criteria and rationales used to undertake the assessments required by **■ ATCS 5.2.1R**;
- (5) the local area established in accordance with **■ ATCS 5.3.1R** and **■ ATCS 5.3.2R**, and the methodology used to establish it;
- (6) the outcomes of the assessments required by **■ ATCS 5.2.1R** with respect to the provision of additional *cash withdrawal services* and *cash deposit services* for:
 - (a) people living in the local area; and
 - (b) businesses in the local area;
- (7) a summary of the outcome of the matters set out in **■ ATCS 5.5.2R(3)** to **■ ATCS 5.5.2R(6)**;
- (8) a statement that any additional *cash access services* in relation to *relevant personal current accounts* are to be provided free of charge;
- (9) whether any additional *cash access services* are to be provided on a permanent or trial basis;
- (10) where any additional *cash access services* are to be provided on a trial basis:
 - (a) a summary of the reasons for considering that a trial is appropriate;

- (b) the criteria for determining whether the trial is successful; and
 - (c) the trial period;
- (11) details of who can request a review under ■ ATCS 9 and how one can be requested;
- (12) who must provide or procure the provision of any *required cash access services* in accordance with ■ ATCS 8.1.1R(1) or ■ ATCS 8.1.1R(2); and
- the relevant timescale in ■ ATCS 8 for delivery of any *required cash access services*.

6.1.3

G

- (1) The requirement in ■ ATCS 6.1.1R can be met by publishing the *cash access assessment* itself if it clearly sets out all the information set out in ■ ATCS 6.1.2R.
- (2) See ■ ATCS 9.2.3R for the requirement to update the information published under ■ ATCS 6.1.1R following completion of a review under ■ ATCS 9.
- (3) Identification under ■ ATCS 6.1.2R(12) of the *designated firms* with a delivery obligation under ■ ATCS 8.1.1R(1) or ■ ATCS 8.1.1R(2) involves identifying any *designated firms* who might meet the delivery obligation through an existing *cash access facility* as well as those who will not. See further ■ ATCS 8.1.2G(3).

6.1.4

R

Where notification has been given under ■ ATCS 2.1.4R or ■ ATCS 2.2.4R that a *relevant closure* is no longer happening, the information published under ■ ATCS 6.1.1R must be updated to explain that any additional *cash access services* no longer have to be provided as a result of ■ ATCS 8.1.11R.

Trials

6.1.5

R

- (1) Where a *cash access assessment* is updated in accordance with ■ ATCS 8.1.12R following completion of a trial period, the *designated person* updating it must, as soon as reasonably practicable, update the information published under ■ ATCS 6.1.1R as appropriate.
- (2) The updated information under (1) must include the following:
 - the date on which the *cash access assessment* was updated;
 - (a) how the information in ■ ATCS 6.1.2R has been updated in light of the trial; and
 - (c) a summary of the reasons for updating the information in this way.

6.1.6

G

See ■ ATCS 9.2.3R for the requirement to update the information published under ■ ATCS 6.1.5R following completion of a review under ■ ATCS 9.

Chapter 7

Policies and procedures

7.1 Maintaining effective policies and procedures

7.1.1

R

A *designated person* who undertakes *cash access assessments* must:

- (1) establish, implement and maintain clear and effective policies and procedures:
 - (a) to enable it to undertake *cash access assessments* in accordance with ■ ATCS 4 and ■ ATCS 5, and reviews under ■ ATCS 9; and
 - (b) setting out the principal factors and criteria it will take into account in undertaking them;
- (2) set out the policies and procedures in writing;
- (3) have the policies and procedures approved by its board of directors, committee of management or other governing body, or those *persons* who effectively direct the business; and
- (4) publish the policies and procedures in writing in an easily accessible place on its website and keep the published information up to date.

7.2 Keeping under review

- 7.2.1** **R** A *designated person* who undertakes *cash access assessments* must:
- (1) assess and periodically review:
 - (a) the effectiveness of the policies and procedures referred to in **■ ATCS 7.1.1R**, taking into account in particular its own experience and feedback from users of *cash access services* and other stakeholders; and
 - (b) its compliance with the policies and procedures, and with its obligations under *ATCS*;
 - (2) in the light of (1), take appropriate measures to address any deficiencies in the policies and procedures, or in its compliance with its obligations; and
 - (3) establish, implement and maintain robust governance arrangements and internal control mechanisms designed to ensure compliance with **■ ATCS 7**.
- 7.2.2** **R** Where a *designated person* proposes to update the policies and procedures referred to in **■ ATCS 7.1.1R**, it must submit a report to the *FCA* containing a description of any substantial changes.

Chapter 8

Implementation

8.1 Required cash access services

Provision

8.1.1

R

- (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

G

- (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

8.1.7

R

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

R

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.

8.1.9

R

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:

8.1.15

G

- (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;
 - (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.



8.2 Publication of information about cash access facilities

8.2.1 **R** Each *designated firm* required to provide or procure the provision of *required cash access services* under **■ ATCS 8.1.1R** must, as soon as reasonably practicable, publish in writing the information set out in **■ ATCS 8.2.2R** in an easily accessible place on its website.

Information to be published

8.2.2 **R** The information referred to in **■ ATCS 8.2.1R** comprises the following details about any existing or new *cash access facility* that will be used to provide the *required cash access services*:

- (1) the address or location of any existing *cash access facility*, and the expected address or location of any new *cash access facility*;
- (2) opening hours;
- (3) accessibility information, including availability of wheelchair access, hearing loop and audio assistance;
- (4) details of which *specified cash access services* will be available;
- (5) whether each *specified cash access service* will allow for a reasonable mix of both coins and banknotes to be deposited or withdrawn (as appropriate);
- (6) what (if any) *assisted cash access services* will be available;
- (7) whether a balance enquiry service will be available;
- (8) the expected date from which the *required cash access services* will be provided (or, where applicable, that they are already being provided); and
- (9) whether the *required cash access services* are to be provided on a permanent or trial basis and, if the latter, details of the trial period.

8.2.3 **R** *Designated firms* must keep the information they publish under **■ ATCS 8.2.1R** up to date.

8.2.4 **G** (1) A *designated firm* may not be in a position to give a definitive date under **■ ATCS 8.2.2R(8)**. For example, it may still be negotiating a lease

of premises. In such circumstances, the *designated firm* should provide its best estimate of the date or range of dates, explaining why it is unable at that point to be more definitive.

- (2) Examples of where the published information should be updated are where there has been a review under ■ ATCS 9, where no additional *cash access services* will be provided as a result of ■ ATCS 8.1.11R or where the *cash access assessment* has been updated under ■ ATCS 8.1.12R.

8.3 Notification and signage where facility of designated firm closing

Notification

- 8.3.1** **R** (1) Where the requirement for a *cash access assessment* was triggered under **■ ATCS 4.1.1R(1)** (concerning closures of *designated firms*), the *designated firm* whose *cash access facility* is the subject of the *relevant closure* must notify the following in writing of the information set out in **■ ATCS 8.3.2R**:
- (a) the Member of Parliament and any Member of the Senedd, Scottish Parliament or Northern Ireland Assembly for the local area; and
 - (B) the *local authorities* for the local area.
- (2) The notification in (1) must take place as soon as reasonably practicable after 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.
- 8.3.2** **R** The information that must be notified under **■ ATCS 8.3.1R** is as follows:
- (1) the reason why a *cash access assessment* was undertaken;
 - (2) its outcome in terms of the provision of additional *cash access services*; and
 - (3) any information required to be published under **■ ATCS 8.2.1R**.
- 8.3.3** **R** If any of the information notified under **■ ATCS 8.3.1R** changes as a result of **■ ATCS 9**, **■ ATCS 8.1.11R** or otherwise, the *designated firm* must, as soon as reasonably practicable, notify the relevant Member of Parliament, any relevant Member of the Senedd, Scottish Parliament or Northern Ireland Assembly, and the relevant *local authorities* of the change.
- ### Role of designated coordination body
- 8.3.4** **R** (1) A *designated coordination body* may make any notifications required under **■ ATCS 8.3.1R** or **■ ATCS 8.3.3R** for its *participating designated firms*.
- (2) Compliance by the *designated coordination body* with the notification requirements in **■ ATCS 8.3.1R** and **■ ATCS 8.3.3R** will also be

treated as compliance by the *participating designated firms* with those *rules*.

Signage

8.3.5

R

- (1) Where the requirement for a *cash access assessment* was triggered under ■ ATCS 4.1.1R(1) (concerning closures of *designated firms*), the *designated firm* whose *cash access facility* is the subject of the *relevant closure* must deploy accessible signage at that facility:
 - (a) setting out any information required to be published under ■ ATCS 8.2.1R; and
 - (b) signposting where to find information published under ■ ATCS 10 about the availability of *cash access services* with respect to its *relevant current accounts*.
- (2) The signage must be deployed according to the timeframe set out in ■ ATCS 8.3.1R(2) and remain in place at least until the *relevant closure* takes place.

8.3.6

R

A *designated firm* must keep the information in the signage deployed under ■ ATCS 8.3.5R up to date.

8.4 Power of direction

8.4.1

G

- (1) If the *FCA* is not satisfied that *designated persons* have complied with their obligations in this sourcebook, it may exercise its power to direct them under section 131W of the *Act* or take other appropriate measures for the purpose referred to in ■ ATCS 1.1.1G.
- (2) By way of example, where the *FCA* considers that a *cash access assessment* has not been conducted in accordance with ■ ATCS 5, the power of direction may be used to direct:
 - (a) a *designated person* to undertake a new *cash access assessment*;
or
 - (b) *designated firms* to provide or procure the provision of additional *cash access services* of the type and in the manner described in the direction.

8.5 Relationship with the Principles for Businesses

- 8.5.1** G *Designated firms* are reminded that the following will continue to apply to their relationships with their *customers*, as appropriate, including throughout the process of planning or dealing with any *relevant closures* of their *cash access facilities* and in the delivery of any *cash access services*:
- (1) *Principle 12* (Consumer Duty) and ■ **PRIN 2A** (The Consumer Duty); or
 - (2) *Principle 6* (Customers' interests) and *Principle 7* (Communications with clients), where *Principle 12* and ■ **PRIN 2A** do not apply (for example, because of the type of *customer*).
- 8.5.2** G (1) FG22/6 (Branch and ATM closures or conversions), as updated on 11 October 2022, contains guidance on *Principle 6* and *Principle 7* in the context of full or partial closures of branches or automatic teller machines, and conversions of such machines from free-to-use to pay-to-use. ■ **PRIN 2A.1.17G** explains the relevance of such guidance to consideration of *firms'* obligations under *Principle 12* and ■ **PRIN 2A**.
- Some notification or publication requirements in this sourcebook may overlap to an extent with expectations in FG22/6. Such requirements are independent of FG22/6, but where appropriate *designated firms* may be able to comply with a requirement in this sourcebook and meet a potentially overlapping expectation in FG22/6 in the same communication.
- 8.5.3** G FG21/1 (Guidance for firms on the fair treatment of vulnerable customers) is relevant to *designated firms'* relationships with their *customers*, including in the delivery of *cash access services* to them.
- (2) For *customers* with protected characteristics such as physical or mental health disabilities, *designated firms* should also be mindful of their duty to make reasonable adjustments for people with disabilities under the Equality Act 2010. In Northern Ireland, where the Equality Act 2010 is not enacted but other anti-discrimination legislation applies, *designated firms* should ensure that they comply with any applicable legislation.
 - (3) *Principle 12* and ■ **PRIN 2A** support existing legal requirements, such as those in the Equality Act 2010 and anti-discrimination legislation in Northern Ireland, by requiring *firms* to monitor whether any group of *retail customers* is experiencing different outcomes than other *customers* and take appropriate action where they do. As set out in

FG22/5 (Final non-Handbook Guidance for firms on the Consumer Duty), *firms* should be able to identify when *customers* with characteristics of vulnerability or *customers* who share specific protected characteristics, under the Equality Act 2010 or equivalent legislation, receive systematically poorer outcomes. This may indicate that the *firm* is not meeting the Consumer Duty for those groups or is breaching its responsibilities under legislation.

Chapter 9

Cash access requests: reviews

9.1 Reviews

- 9.1.1** **R** A *designated person* must carry out a review of whether a *cash access assessment* it has undertaken should be revised where a request is made in the circumstances set out in **■ ATCS 9.1.2R**.
- 9.1.2** **R** The circumstances referred to in **■ ATCS 9.1.1R** are where a request is made to review the outcome of a *cash access assessment*, including one that has been updated under **■ ATCS 8.1.1R**:
- (1) by a *person* with sufficient interest in whether there is reasonable provision of *cash access services* in the local area which is the subject of the *cash access assessment*;
 - (2) in writing;
 - (3) within 28 *days* of the publication of information required by **■ ATCS 6.1.1R** or **■ ATCS 6.1.5R**; and
 - (4) which refers to information that:
 - (a) the *designated person* was not aware of when it undertook or (in the case of **■ ATCS 8.1.12R**) updated the *cash access assessment*, and which could have an impact on its outcome; or
 - (b) highlights factual inaccuracies in the original or updated *cash access assessment* which could have an impact on its outcome.
- 9.1.3** **G** **■ ATCS 4.1.13R** to **■ ATCS 4.1.15G** apply for the purpose of establishing whether a *person* has sufficient interest under **■ ATCS 9.1.2R(1)**.
- 9.1.4** **R** The *designated person* must:
- (1) undertake the review required by **■ ATCS 9.1.1R** reasonably, diligently and fairly;
 - (2) obtain any additional information necessary to complete the review;
 - (3) complete it within 12 weeks of receipt of the request to review;
 - (4) record in writing the reason for undertaking the review and its conclusion, together with its rationale for reaching that conclusion; and
 - (5) where appropriate, produce a revised *cash access assessment*.

9.2 Action after review

- 9.2.1** **R** Following completion of its review, the *designated person* must confirm its conclusion promptly in writing to the *person* who requested the review, setting out its rationale.
- 9.2.2** **G** The requirement in **■ ATCS 9.2.1R** can be met by giving the *person* who requested the review a copy of the record referred to in **■ ATCS 9.1.4R(4)**.
- 9.2.3** **G** Where the review results in a revised *cash access assessment*, the *designated person* must, as soon as reasonably practicable, update the information published under **■ ATCS 6.1.1R** or **■ ATCS 6.1.5R** to explain:
- (1) that the *cash access assessment* has been reviewed;
 - (2) why it has been reviewed; and
 - (3) any resulting changes to the published information.
- 9.2.4** **R** Where the review results in a revised *cash access assessment* compliant with **■ ATCS 5**, **■ ATCS 8.1.1R** applies as if references to a *cash access assessment* are to the revised *cash access assessment*.

9.3 Closures: change of circumstances

9.3.1

R

- (1) A review does not have to be undertaken under ■ ATCS 9.1.1 (or completed, if already begun) where ■ ATCS 8.1.11R applies because a *relevant closure* is no longer happening.
- (2) Where (1) applies, the *designated person* who would otherwise undertake or complete the review must promptly give notification in writing of the following to the *person* who requested it:
 - (a) the change in circumstances; and
 - (B) that the review no longer has to be undertaken (or completed, if already begun).

Chapter 10

Raising awareness of cash access services



10.1 Publication of information

- 10.1.1** **R** (1) A *designated firm* must publish information about the availability of *cash access services* with respect to its *relevant current accounts*.
- (2) The information referred to in (1) must be:
- (a) published in writing in an easily accessible place on the *designated firm's* website; and
 - (b) reviewed regularly and kept up to date.

- 10.1.2** **G** The requirements in **■ ATCS 10.1.1R(2)(a)**:
- (1) may be met through publication of an appropriate online locator tool; and
 - (2) do not preclude additional forms of publication.

Exclusions

- 10.1.3** **R** The following information is excluded from **■ ATCS 10.1.1R**:
- (1) information that is not reasonably accessible to or obtainable by the *designated firm*; and
 - (2) information about *cash withdrawal services* of the type falling within paragraph 2(e) of Schedule 1 to the *Payment Services Regulations* (cashback with a purchase).

10.2 Categories of information

10.2.1 **G** Subject to **■ ATCS 10.1.3R**, the information that should be published under **■ ATCS 10.1.1R(1)** includes details of the following for each *cash access facility* where any *cash access services* are provided, insofar as relevant to the particular type of facility:

- (1) the type of *cash access facility*;
- (2) its address or location;
- (3) which of the *specified cash access services* are available;
- (4) opening hours;
- (5) accessibility information, including availability of wheelchair access, hearing loop and audio assistance;
- (6) what (if any) *assisted cash access services* are available;
- (7) whether each *cash access service* allows for a reasonable mix of both coins and banknotes to be deposited or withdrawn (as appropriate);
- (8) whether a balance enquiry service is available;
- (9) whether personal identification number (PIN) management services are available; and
- (10) whether any *cash access services* provided in relation to *relevant personal current accounts* are provided free of charge and, if not, what the charges are.

10.2.2 **G** The details in **■ ATCS 10.2.1G** are not intended to be exhaustive. Additional details should be published where these would be helpful to *customers*.



10.3 Role of designated coordination body

- 10.3.1** **R** A *designated coordination body* may publish the information referred to in ■ ATCS 10.1.1R on its website for its *participating designated firms*.
- 10.3.2** **R** Where a *designated coordination body* publishes the information referred to in ■ ATCS 10.1.1R(1), it must:
- (1) publish it in writing in an easily accessible place on its website; and
 - (2) review it regularly and keep it up to date.
- 10.3.3** **R** Compliance by the *designated coordination body* with ■ ATCS 10.3.2R will be treated as compliance by the *participating designated firm* with ■ ATCS 10.1.1R.
- 10.3.4** **R** Where a *participating designated firm* relies on ■ ATCS 10.3.1R, it must:
- (1) publish in writing in an easily accessible place on its website, details of how the information published by the *designated coordination body* under ■ ATCS 10.3.2R can be accessed; and
 - (2) provide sufficient information to the *designated coordination body* to enable it to meet the requirement in ■ ATCS 10.3.2R(2) to keep the published information up to date.

Transitional Provisions

ATCS TP 1 Transitional Provisions

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: date in force	(6) Handbook pro- vision coming into force
1.1	ATCS 2.1.1R and ATCS 2.2.1R	R	ATCS 2.1.1R and ATCS 2.2.1R do not apply to a <i>relevant closure</i> that was imple- mented prior to 18 September 2024	18 September 2024	18 September 2024

Access to Cash Sourcebook

Schedule 1 Recordkeeping requirements

Sch 1.1 G

The aim of the *guidance* in the following table is to give the reader a quick overall view of the relevant record-keeping requirements.

Sch 1.2 G

It is not a complete statement of those requirements and should not be relied on as if it were.

Handbook reference	Subject of record	When record must be made	Contents of record	Retention period
ATCS 9.1.4R(4)	Review required by ATCS 9.1.1R	Completion of review	Reason for undertaking re-view, conclusion and rationale for conclusion	Not specified

Access to Cash Sourcebook

Schedule 2 Notification and reporting requirements

Sch 2.1 G

The aim of the *guidance* in the following table is to give the reader a quick overall view of the relevant notification and reporting requirements.

Sch 2.2 G

It is not a complete statement of those requirements and should not be relied on as if it were.

Sch 2.3 G

The relevant *Handbook* references should be consulted to see who is subject to each notification or reporting requirement, and who the notification or report must be made to.

Handbook reference	Matter to be notified	Contents of notification	Trigger event	Time allowed
ATCS 2.1.1R and ATCS 2.1.2R	<i>Relevant closure of designated firm's cash access facility</i>	Details of <i>relevant closure</i> including those set out in ATCS 2.1.2R(3)	<i>Designated firm</i> decision, or being satisfied a <i>relevant closure</i> will happen	As soon as reasonably practicable
ATCS 2.1.4R	Where notification given under ATCS 2.1.1R but <i>relevant closure</i> will no longer happen	<i>Relevant closure</i> will no longer happen	<i>Designated firm</i> whose <i>cash access facility</i> was the subject of the <i>relevant closure</i> decides or is satisfied that <i>relevant closure</i> will no longer happen	Promptly
ATCS 2.2.1R, ATCS 2.2.2R and ATCS 2.2.3R	<i>Relevant closure of cash access facility of person other than designated firm</i>	Information set out in ATCS 2.2.2R(2)	<i>Designated person</i> aware of <i>relevant closure</i> as a result of publicly available information	As soon as reasonably practicable
ATCS 2.2.4R	Where notification given under ATCS 2.2.1R but <i>relevant closure</i> will no longer happen	<i>Relevant closure</i> will no longer happen	<i>Designated person</i> undertaking <i>cash access assessment</i> satisfied on the basis of publicly available information that <i>relevant</i>	Promptly

Handbook reference	Matter to be notified	Contents of notification	Trigger event	Time allowed
ATCS 3.2.1R	The matters set out in ATCS 3.1.2R	Information set out in ATCS 3.1.2R	<i>closure</i> will no longer happen Not specified	Not specified
ATCS 3.3.6R	Receipt of <i>cash access request</i> by <i>designated person</i> who undertakes <i>cash access assessments</i> under ATCS 4.1.1R(3)	Copy of <i>cash access request</i>	Receipt of <i>cash access request</i>	Promptly
ATCS 3.3.9R	Withdrawal of <i>cash access request</i>	<i>Cash access request</i> has been withdrawn	Clear indication in writing by <i>cash access requester</i> to relevant <i>designated person</i>	Promptly
ATCS 4.2.5R	Ceasing to be <i>participating designated firm</i>	Cessation of participation, including when due to take place and reason for it	<i>Participating designated firm</i> aware of cessation of participation	As soon as reasonably practicable in advance
ATCS 7.2.2R	Substantial changes to policies and procedures in ATCS 7.1.1R	Description of substantial changes	<i>Designated person</i> proposes to update policies and procedures	When the update is proposed
ATCS 8.3.1R	Information from <i>designated firm</i> whose <i>cash access facility</i> is the subject of the <i>relevant closure</i>	Reason why <i>cash access assessment</i> undertaken, outcome regarding additional <i>cash access services</i> , and information set out in ATCS 8.2.2R	Completion of relevant <i>cash access assessment</i>	As soon as reasonably practicable
ATCS 8.3.3R	Changes to information notified under ATCS 8.3.1R	Changes to the information	Changes to the information	As soon as reasonably practicable
ATCS 9.3.1R(2)	Effect of ATCS 9.3.1R(1)	Change in circumstances and review no longer has to be undertaken (or completed, if already begun)	When ATCS 8.1.11R applies	Promptly

Fees and other required payments

Schedule 3 Fees and other required payments

Sch 3
Not used

Rights of action for damages

Schedule 4 Rights of action for damages

Sch 4.1 G

The table below sets out the *rules* in ATCS contravention of which by an *authorised person* may be actionable under section 138D of the Act (Actions for damages) by a *person* who suffers loss as a result of the contravention.

Sch 4.2 G

If a 'Yes' appears in the column headed 'For private person?', the *rule* may be actionable by a *private person* under section 138D (or, in certain circumstances, their fiduciary or representative; see article 6(2) and 3(c) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI 2001/2256)). A 'Yes' in the column headed 'Removed' indicates that the FCA has removed the right of action under section 138D(3) of the Act. If so, a reference to the *rule* in which it is removed is also given.

Sch 4.3 G

The column headed 'For other person?' indicates whether the *rule* may be actionable by a *person* other than a *private person* (or their fiduciary or representative) under article 6(2) and (3) of those regulations. If so, an indication of the type of *person* by whom the *rule* may be actionable is given.

Rule	Right of action under section 138D		
	For private person?	Removed?	For other person?
All rules in ATCS	No	Yes ATCS 1.6.1R	No

Rules that can be waived

Schedule 5 Rules that can be waived

Sch 5.1 G

As a result of section 138A of the *Act* (Modification or waiver of rules) the *FCA* has power to waive all its *rules*, other than *rules* made under section 64A (Rules of conduct), section 137O (Threshold condition code), section 247 (Trust scheme rules), section 248 (Scheme particulars rules), section 261I (Contractual scheme rules) or section 261J (Contractual scheme particulars rules) of the *Act*.

