
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*.

