
FINAL NOTICE

To: **OG Pay Ltd**

Address: **108 High Street
Berkhamsted
Hertfordshire
HP4 2BL**

FRN: **798578**

Dated: **30 January 2025**

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby cancels OG Pay Ltd's registration as a Small Payments Institution ("SPI") under the Payment Services Regulations 2017 ("the PSRs").
2. The Authority issued the Firm with the Decision Notice, which notified it that for the reasons given below and pursuant to regulation 10(1)(a) and regulation 10(1)(h) (as applied by regulation 15) of the PSRs, the Authority has decided to take the action specified above.
3. The Firm has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was given to it.
4. Accordingly, the Authority has today cancelled the Firm's registration as an SPI. The cancellation takes effect from the date of this Final Notice.

SUMMARY OF REASONS

5. The Authority has concluded, on the basis of the facts and matters set out below, that the Firm has not provided payment services within 12 months beginning with the date on which the registration took effect. This provides a basis for cancelling the Firm's registration in accordance with Regulation 10(1)(a) (as applied by regulation 15) of the PSRs.
6. Furthermore, the Firm has not provided payment services since registration. The Authority therefore considers that the Firm does not require its registration and that its registration as an SPI should be cancelled in order to protect the interests of consumers, in accordance with Regulation 10(1)(h) (as applied by regulation 15) of the PSRs.
7. The cancellation action set out at paragraph 1 above has been imposed in order to advance the Authority's consumer protection and integrity objectives (sections 1C and 1D of the Act).

DEFINITIONS

8. The definitions below are used in this Final Notice (and in the Annexes):

"the Act" means the Financial Services and Markets Act 2000;

"the Authority" means the Financial Conduct Authority;

"Decision Notice" means the Decision Notice issued by the Authority to the Firm on 9 December 2024;

"EG" means the Authority's Enforcement Guide;

"the Firm" means OG Pay Ltd;

"the Handbook" means the Authority's Handbook of rules and guidance;

"the PSRs" means the Payment Services Regulations 2017;

"Return" means the annual regulatory report submitted by an SPI to the Authority using form FSA057;

"SPI" means Small Payment Institution as defined in Regulation 2(1) of the PSRs; and

"the Tribunal" means the Upper Tribunal (Tax and Chancery Chamber);

RELEVANT STATUTORY PROVISIONS

9. The statutory and regulatory provisions relevant to this Warning Notice are set out in the Annex.

FACTS AND MATTERS

10. The Firm was registered by the Authority as an SPI on 1 August 2018.

11. SPIs are required by rules made by the Authority under the PSRs to report certain information to the Authority, by way of Return, on an annual basis. The Return is made by submitting a form FSA057. The Return includes details of the payment services provided by the SPI in the preceding year.
12. The Firm submitted a Return (covering the period 1 January to 31 December) for each of the years 2018, 2019, 2020, 2021, and 2022. In each Return, it reported having undertaken no payment transactions.
13. On 9 June 2023, the Authority emailed the Firm inviting it to cancel its registration if it was not using its permissions and had no plans to do so.
14. On 26 June 2023, the Firm confirmed that its business had not yet gone live, but it had plans to do so.
15. On 4 July 2023, the Authority emailed the Firm asking for evidence that the Firm would be capable of trading within the next 6 months. However, despite a number of telephone calls, emails, and the issuing of a statutory request between 19 July 2023 and 25 September 2023, the Firm failed to provide any supporting evidence.
16. On 5 March 2024, the Authority sent a letter before action to the Firm by post and by email, notifying it of the Authority's view that it appeared not to have provided payment services within 12 months of becoming registered as an SPI and had failed to submit the Return for the period 1 January 2023 to 31 December 2023 and that its registration would be cancelled on that basis if the Firm did not provide satisfactory evidence that it was providing payment services. The Firm failed to respond.
17. On 15 March 2024, the Firm submitted the Return for the period 1 January 2023 to 31 December 2023, which had been due on 31 January 2024. This Return reported that the Firm was not providing payment services. No other information has been provided by the Firm to satisfy the Authority that the Firm is providing payment services.

FAILINGS

18. On the basis of the facts and matters described above, the Authority considers that:
 - a. The Firm has not provided payment services within 12 months beginning with the date on which the registration took effect. This provides a basis for cancelling the Firm's registration in accordance with Regulation 10(1)(a) (as applied by regulation 15) of the PSRs.
 - b. Furthermore, the Firm has not provided payment services since registration. The Authority therefore considers that the Firm does not require its registration and that its registration as an SPI should be cancelled in order to protect the interests of consumers, in accordance with Regulation 10(1)(h) (as applied by regulation 15) of the PSRs. Protection in this context means ensuring that consumers are not harmed by firms that are not cooperating with their regulator or being misled about the regulatory status of firms and the products/services which they offer.

PROCEDURAL MATTERS

19. This Final Notice is given to the Firm in accordance with section 390(1) of the Act (as applied by paragraph 10 of Schedule 6 of the PSRs).

Decision maker

20. The decision which gave rise to the obligation to give this Final Notice was made by an Authority staff member under the executive procedures.

Publicity

21. Sections 391(4), 391(6) and 391(7) of the Act (as applied by paragraph 10 of Schedule 6 to the PSRs) apply to the publication of information about the matter to which this Final Notice relates. Under those provisions, the Authority must publish such information about the matter to which this Final Notice relates as the Authority considers appropriate. The information may be published in such manner as the Authority considers appropriate. However, the Authority may not publish information if such information would, in the opinion of the Authority, be unfair to the Firm or prejudicial to the interests of consumers.
22. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority Contact

23. For more information concerning this matter generally, the Firm should contact Stuart Doyle at the Authority (direct line: 020 7066 0245; email: stuart.doyle@fca.org.uk).

Jeremy Parkinson
Enforcement and Market Oversight Division

ANNEX A

RELEVANT STATUTORY PROVISIONS

1. The Authority's operational objectives established in section 1B of the Act include protecting and enhancing the integrity of the UK financial system and securing an appropriate degree of protection for consumers.
2. Regulation 15 of the PSRs provides:

"Regulations 7 to 12 apply to registration as a small payment institution as they apply to authorisation as a payment institution as if—

(a) references to authorisation were references to registration;

[...]."
3. Regulation 10(1)(e) of the PSRs, as applied by Regulation 15 of the PSRs, gives the Authority power to cancel the registration of an SPI where the firm does not provide payment services within 12 months beginning with the date on which the authorisation took place.
4. Under Regulation 10(1)(h) of the PSRs (as applied by Regulation 15) the Authority may cancel the registration of a small payment institution where the cancellation is desirable in order to protect the interests of consumers.

RELEVANT HANDBOOK PROVISIONS

5. In exercising its powers to cancel the registration of a small payment institution, the Authority must have regard to guidance published in the Handbook and in regulatory guides, such as EG. The main considerations relevant to the action stated in this notice are set out below.
6. The Authority's policy in relation to exercising its enforcement powers is set out in EG, the relevant provisions of which are summarised below.
7. EG 19.20.2 provides that the Authority's approach to enforcing the PSRs will mirror its general approach to enforcing the Act.
8. EG 19.20.5 provides that, in relation to the PSRs, the Authority has decided to adopt procedures and policies, in relation to the use of its sanctioning and regulatory powers, akin to those it has under the Act.