
FINAL NOTICE

To: PayAfrique.com Limited

Address: 83 Victoria Street, Westminster, Victoria, London, SW1H 0HW

FRN: 572479

Dated: 19 September 2024

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against PayAfrique.com Limited ("the Firm").
2. Pursuant to regulation 10(1)(h) (as applied by regulation 15) of the Payment Services Regulations 2017 ("PSRs"), the Authority has cancelled the Firm's registration as a Small Payment Institution ("SPI").
3. The Authority issued to the Firm a Warning Notice and Decision Notice which notified the Firm of its decision to take the action specified above. The Firm did not make representations within 28 days of the date of the Warning Notice and has not referred the matter to the Tribunal within 28 days of the date of the Decision Notice. Accordingly, the Authority has today cancelled the registration granted to the Firm, as a SPI under the PSRs.

DEFINITIONS

4. The definitions below are used in this Final Notice (and in the Annex):

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

"the Authority" means the Financial Conduct Authority;

"the Decision Notice" means the Decision Notice issued by the Authority to the Firm dated 11 June 2024;

"EG" means the Authority's Enforcement Guide;

"the Firm" means PayAfrique.com Limited;

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

"the PSRs" means the Payment Services Regulations 2017;

"Return(s)" means the annual regulatory reports submitted by the Firm to the Authority using form FSA057 for the period 1 January to 31 December for the years ended 2022 and 2023;

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

"SUP" means the Authority's Supervision Manual, part of the Handbook;

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

"the Warning Notice" means the warning notice given to the Firm dated 7 May 2024.

RELEVANT STATUTORY PROVISIONS

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

FACTS AND MATTERS RELIED ON

6. The Firm was registered by the Authority as a SPI on 27 November 2018.
7. SPIs are required by rules made by the Authority under the PSRs to report certain information to the Authority, by way of a Return, on an annual basis. The Return is made by submitting a form FSA057 which includes details of the payment services provided by the SPI in the preceding year.
8. The Firm submitted Returns (covering the period 1 January to 31 December) for the years 2020 and 2021. In the Returns, it reported having undertaken no payment transactions, nor any other business. Additionally, despite repeated requests and warnings to the Firm from the Authority, the Firm has failed to submit Returns (covering the period 1 January to 31 December) for the years 2022 and 2023.
9. On 6 October 2023, the Authority sent a letter to the Firm by post and by email, notifying it of the Authority's view that it appeared not to have provided payment services and that its registration may be cancelled on that basis. The Firm failed to respond.
10. Through the Warning Notice, the Authority gave notice that it proposed to take the action

described above and the Firm was given the opportunity to make representations to the Authority about that proposed action.

11. No representations having been received by the Authority from the Firm within the time allowed by the Warning Notice, the Authority issued the Firm with the Decision Notice.
12. The Firm has not made any representations and therefore the Authority considers the matters described in the Warning Notice and Decision Notice to be regarded as undisputed.

REASONS FOR THE ACTION

13. The Authority has concluded, on the basis of the facts and matters described above, that by failing to submit the Returns for the last two years and to respond adequately to the Authority's repeated requests that it do so, the Firm has failed to demonstrate a readiness and willingness to comply with its ongoing regulatory obligations and to deal with the Authority in an open and co-operative way. This provides a basis for cancelling the Firm's registration in accordance with regulation 10(1)(h) (as applied by regulation 15) of the PSRs in order to protect the interests of consumers.
14. Furthermore, on the basis that the Firm has not submitted Returns for 2023 and 2022 and the Returns for 2021 and 2020 show no evidence of the undertaking of payment transactions, the Authority considers that the Firm has not provided payment services for a period of at least the last 12 months. The Authority considers that this also provides the basis for cancelling the Firm's registration in accordance with regulation 10(1)(h) (as applied by regulation 15) of the PSR in order to protect the interests of consumers.
15. The Authority has therefore cancelled the Firm's registration as a SPI for the reasons described above.

REPRESENTATIONS

16. The Firm has made no representations in respect to the matters that relate to this Final Notice

PROCEDURAL MATTERS

17. 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 PSR's) and it is being served on the Firm at the address last notified to the Authority as the Firm's principal place of business.

Decision maker

18. 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

19. Sections 391(4), 391(6) and 391(7) of the Act (as applied by paragraph 10 of Schedule 6 of 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.

20. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority contact

21. For more information concerning this matter generally, the Firm should contact Kojusola Baiyeshea at the Authority (direct line: 020 7066 1990).

Jeremy Parkinson
Enforcement and Market Oversight Division

ANNEX

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. Under Regulation 10(1)(h) of the PSRs (as applied by Regulation 15), the Authority may cancel the registration of a SPI where the cancellation is desirable in order to protect the interests of consumers.
4. Regulation 109 of the PSR provides:

“(1) A person must give the [Authority] such information as the [Authority] may direct in respect of its provision of payment services or its compliance with requirements imposed by or under Parts 2 to 7 or regulation 105 (access to bank accounts).

(2) Information required under this regulation must be given at such time and in such form, and verified in such manner, as the [Authority] may direct.”

RELEVANT HANDBOOK PROVISIONS

5. In exercising its powers to cancel the registration of a SPI, 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 the Decision Notice are set out below.

Submission of Returns

6. SUP 16.13.3D requires a small payment institution to submit to the Authority a duly completed return as set out in the table in SUP 16.13.4D.
7. The table in SUP 16.13.4D directs that a small payment institution is required to submit the FSA057 return annually, one month from 31 December each calendar year.
8. SUP 16 Annex 28C D specifies the format by which the FSA057 return is to be completed and submitted.

The Enforcement Guide

9. The Authority's policy in relation to exercising its enforcement powers is set out in EG,

the relevant provisions of which are summarised below.

10. EG 19.20.2 provides that the Authority's approach to enforcing the PSRs will mirror its general approach to enforcing the Act.
11. EG 19.20.5 provides that, in relation to the PSR, 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.