

# Cash Management Services Agreement

# UK Legal and Regulatory

# Provisions Schedule

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## SMBC Bank International plc

This Schedule is supplemental to the Cash Management Services Agreement (the “Agreement”) between SMBC Bank International plc and the Customer. It sets out additional terms and conditions that we need to include in order to comply with legal and regulatory provisions that apply in the UK. Expressions defined in the Agreement have the same meanings in this Schedule.

### 1. Payment Services Regulations

The Payment Services Regulations 2017 (SI 2017/752) will apply to the Agreement, except for the following provisions which shall not apply to the Agreement: (i) all the provisions of Part 6; and (ii) the following provisions of Part 7: regulations 66(1), 67(3) and (4), 75, 79, 80, 83, 91, 92 and 94. Regulations 86 to 88 do not apply to the Agreement, except to transactions in euro, in sterling when executed wholly within the UK, or transactions involving one currency conversion between euro and sterling carried out in the UK, and in the case of cross-border transactions, where the cross-border transfer takes place in euro (as set out in Regulation 85(1)(c)), and except for other transactions that are executed wholly within the EEA in which case the provisions of Regulation 86(3) will apply.

### 2. Exceptions to Limitation of Liability

Nothing in Clause 12 of the General Terms of Use Schedule or otherwise in the Agreement shall exclude or in any way limit any person's liability to you for (i) fraud, (ii) death or personal injury caused by its negligence (including negligence as defined in s. 1 Unfair Contract Terms Act 1977), (iii) breach of terms regarding title implied by s. 12 Sale of Goods Act 1979 and/or s. 2 Supply of Goods and Services Act 1982, (iv) gross negligence or (v) any liability to the extent the same may not be excluded or limited as a matter of law or regulation, including, but not limited to, certain provisions of the Payment Services Regulations 2017 that are not expressly disapplied by the Agreement.

### 3. Third Party Rights

The Contracts (Rights of Third Parties) Act 1999 shall not apply to the Agreement and no person who is not a party to the Agreement may enforce any provision of it.