



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART XI

INFORMATION GATHERING AND INVESTIGATIONS

Appointment of investigators

168 Appointment of persons to carry out investigations in particular cases

- (1) Subsection (3) applies if it appears to an investigating authority that there are circumstances suggesting that—
 - (a) a person may have contravened any regulation made under section 142; or
 - (b) a person may be guilty of an offence under section 177, 191, 346 or 398(1) or under Schedule 4.
- (2) Subsection (3) also applies if it appears to an investigating authority that there are circumstances suggesting that—
 - (a) an offence under section 24(1) or 397 or under Part V of the Criminal Justice Act 1993 may have been committed;
 - (b) there may have been a breach of the general prohibition;
 - (c) there may have been a contravention of section 21 or 238; or
 - (d) market abuse may have taken place.
- (3) The investigating authority may appoint one or more competent persons to conduct an investigation on its behalf.
- (4) Subsection (5) applies if it appears to the Authority that there are circumstances suggesting that—
 - (a) a person may have contravened section 20;
 - (b) a person may be guilty of an offence under prescribed regulations relating to money laundering;
 - (c) an authorised person may have contravened a rule made by the Authority;

Status: This is the original version (as it was originally enacted).

- (d) an individual may not be a fit and proper person to perform functions in relation to a regulated activity carried on by an authorised or exempt person;
 - (e) an individual may have performed or agreed to perform a function in breach of a prohibition order;
 - (f) an authorised or exempt person may have failed to comply with section 56(6);
 - (g) an authorised person may have failed to comply with section 59(1) or (2);
 - (h) a person in relation to whom the Authority has given its approval under section 59 may not be a fit and proper person to perform the function to which that approval relates; or
 - (i) a person may be guilty of misconduct for the purposes of section 66.
- (5) The Authority may appoint one or more competent persons to conduct an investigation on its behalf.
- (6) “Investigating authority” means the Authority or the Secretary of State.