



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART XI

INFORMATION GATHERING AND INVESTIGATIONS

Offences

177 Offences.

- (1) If a person other than the investigator (“the defaulter”) fails to comply with a requirement imposed on him under this Part the person imposing the requirement may certify that fact in writing to the court.
- (2) If the court is satisfied that the defaulter failed without reasonable excuse to comply with the requirement, it may deal with the defaulter (and in the case of a body corporate, any director or [^{F1}other] officer) as if he were in contempt [^{F2}; and “officer”, in relation to a limited liability partnership, means a member of the limited liability partnership.].
- (3) A person who knows or suspects that an investigation is being or is likely to be conducted under this Part is guilty of an offence if—
 - (a) he falsifies, conceals, destroys or otherwise disposes of a document which he knows or suspects is or would be relevant to such an investigation, or
 - (b) he causes or permits the falsification, concealment, destruction or disposal of such a document,unless he shows that he had no intention of concealing facts disclosed by the documents from the investigator.
- (4) A person who, in purported compliance with a requirement imposed on him under this Part—
 - (a) provides information which he knows to be false or misleading in a material particular, or
 - (b) recklessly provides information which is false or misleading in a material particular,

Status: Point in time view as at 01/03/2016.

Changes to legislation: Financial Services and Markets Act 2000, Cross Heading: Offences is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

is guilty of an offence.

- (5) A person guilty of an offence under subsection (3) or (4) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (6) Any person who intentionally obstructs the exercise of any rights conferred by a warrant under section 176 is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale, or both.
- (7) “Court” means—
- (a) the High Court;
 - (b) in Scotland, the Court of Session.

Textual Amendments

- F1** Word in s. 177(2) inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), **Sch. 18 para. 8** (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)
- F2** Words in s. 177(2) inserted (6.4.2001 for E.W.S. and 13.9.2004 for N.I.) by [S.I. 2001/1090](#), regs. 1, 9, [Sch. 5 para. 21](#); [S.R. 2004/307](#), reg. 9, **Sch. 4 para. 17**

Modifications etc. (not altering text)

- C1** S. 177 applied (1.12.2001 for E.W.S. and 1.11.2004 for N.I) by [S.I. 2001/1228](#), regs. 1(2)(c), 30(6) (with [reg. 1\(2\)\(3\)](#)); [S.I. 2001/3538](#), art. 2(1); [S.R. 2004/335](#), regs. 1(1)(b), **30(6)** (with [reg. 1\(2\)](#))
S. 177 excluded (1.12.2001) by [S.I. 2001/3646](#), **arts. 1(1), 2(5)**
S. 177 restricted (1.12.2001) by [S.I. 2001/3646](#), **arts. 1(1), 2(7)(a), 4(6)(a), 6(4)(a), 7(4)(a), 8(4)(a), 9(4)(a)**
- C2** S. 177 applied (with modifications) (11.4.2002 for certain purposes and 27.4.2002 otherwise) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) Order 2001 \(S.I. 2001/544\)](#), art. 9G(9) (as inserted by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2002 \(S.I. 2002/682\)](#), arts. 1(2), 4)
- C3** S. 177 applied (with modifications) (7.6.2010) by [The Credit Rating Agencies Regulations 2010 \(S.I. 2010/906\)](#), **reg. 24**
- C4** S. 177 applied (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), regs. 1, **71(2)(h)**
- C5** S. 177 applied (with modifications) (1.1.2014) by [The Capital Requirements Regulations 2013 \(S.I. 2013/3115\)](#), regs. 1(2), **14**
- C6** S. 177 applied (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), arts. 1(5), **23(2)(n)** (with [Pt. 4](#))

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