



# Financial Services and Markets Act 2000

## 2000 CHAPTER 8

### PART XI

#### INFORMATION GATHERING AND INVESTIGATIONS

##### *Powers to gather information*

#### **165 [F<sup>1</sup>Regulators] power to require information [F<sup>2</sup>: authorised persons etc].**

- (1) [F<sup>3</sup>Either regulator] may, by notice in writing given to an authorised person, require him—
  - (a) to provide specified information or information of a specified description; or
  - (b) to produce specified documents or documents of a specified description.
- (2) The information or documents must be provided or produced—
  - (a) before the end of such reasonable period as may be specified; and
  - (b) at such place as may be specified.
- (3) An officer who has written authorisation from the [F<sup>4</sup>regulator] to do so may require an authorised person without delay—
  - (a) to provide the officer with specified information or information of a specified description; or
  - (b) to produce to him specified documents or documents of a specified description.
- (4) This section applies only to information and documents reasonably required in connection with the exercise by [F<sup>5</sup>either regulator] of functions conferred on it by or under this Act.
- (5) [F<sup>6</sup>The regulator in question] may require any information provided under this section to be provided in such form as it may reasonably require.
- (6) [F<sup>7</sup>The regulator in question] may require—

*Status: Point in time view as at 21/03/2016. This version of this provision has been superseded.*

**Changes to legislation:** Financial Services and Markets Act 2000, Section 165 is up to date with all changes known to be in force on or before 16 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)

- (a) any information provided, whether in a document or otherwise, to be verified in such manner, or
  - (b) any document produced to be authenticated in such manner,
- as it may reasonably require.
- (7) The powers conferred by subsections (1) and (3) may also be <sup>F8</sup>exercised—
- (a) by either regulator, to impose requirements on a person who is connected with an authorised person;
  - (b) by the FCA, to impose requirements on an operator, trustee or depositary of a scheme recognised under section <sup>F9</sup>... 272 who is not an authorised person;
  - (c) by the FCA, to impose requirements on a recognised investment exchange;
  - (d) by the FCA, to impose requirements on a person who is connected with a recognised investment exchange.]
  - <sup>F10</sup>(e) by either regulator, to impose requirements on a person who provides any service to an insurance undertaking, reinsurance undertaking or third-country insurance undertaking.]
- (8) “Authorised person” includes a person who was at any time an authorised person but who has ceased to be an authorised person.
- (9) “Officer” means an officer of <sup>F11</sup>the regulator exercising the power] and includes a member of <sup>F12</sup>that regulator's] staff or an agent of <sup>F13</sup>that regulator].
- (10) “Specified” means—
- (a) in subsections (1) and (2), specified in the notice; and
  - (b) in subsection (3), specified in the authorisation.
- (11) For the purposes of this section, a person is connected with <sup>F14</sup>another person] (“A”) if he is or has at any relevant time been—
- (a) a member of A's group;
  - (b) a controller of A;
  - (c) any other member of a partnership of which A is a member; or
  - (d) in relation to A, a person mentioned in Part I of Schedule 15 <sup>F15</sup>(reading references in that Part to the authorised person as references to A)].

#### Textual Amendments

- F1** Word in s. 165 heading substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(9\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F2** S. 165: words in heading inserted (8.6.2010) by Financial Services Act (c. 28), ss. 24(1), 26(2)(d)(e), {Sch. 2 para. 15}
- F3** Words in s. 165(1) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(2\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F4** Word in s. 165(3) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(3\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F5** Words in s. 165(4) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(4\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F6** Words in s. 165(5) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(5\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F7** Words in s. 165(6) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(5\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)

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- F8** Words in s. 165(7) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(6\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F9** Words in s. 165(7)(b) omitted (22.7.2013) by virtue of [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\), reg. 1, Sch. 1 para. 9](#)
- F10** S. 165(7)(e) inserted (1.1.2016) by [The Solvency 2 Regulations 2015 \(S.I. 2015/575\), reg. 1\(2\), Sch. 1 para. 7](#)
- F11** Words in s. 165(9) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(7\)\(a\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F12** Words in s. 165(9) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(7\)\(b\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F13** Words in s. 165(9) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(7\)\(c\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F14** Words in s. 165(11) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(8\)\(a\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F15** Words in s. 165(11)(d) inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 12 para. 1\(8\)\(b\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)

#### Modifications etc. (not altering text)

- C1** Pt. 11 applied (with modifications) (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services Act 2012 \(Consumer Credit\) Order 2013 \(S.I. 2013/1882\), arts. 1\(1\), 3\(5\)](#)
- C2** S. 165 amended (1.12.2001) by [S.I. 2001/2657, arts. 1\(1\), 15\(1\)](#) (which was revoked (8.10.2001) by [S.I. 2001/3083, arts. 1\(2\), 23](#)); [S.I. 2001/3538, art. 2\(1\)](#)  
S. 165 amended (temp. from 11.8.2001 to 1.12.2001) by [S.I. 2001/2659, arts. 1\(2\), 2](#); [S.I. 2001/3538, art. 2\(1\)](#)  
S. 165 amended (1.12.2001) by [S.I. 2001/3083, arts. 1\(2\), 15\(1\)](#); [S.I. 2001/3538, art. 2\(1\)](#)
- C3** S. 165 modified (temp.) (8.4.2002) by [The Financial Services and Markets Act 2000 \(Permission and Applications\) \(Credit Unions etc.\) Order 2002 \(S.I. 2002/704\), art. 8\(1\)\(3\)](#)
- C4** S. 165 amended (18.7.2002 for certain purposes and 21.8.2002 otherwise) by [The Electronic Commerce Directive \(Financial Services and Markets\) Regulations 2002 \(S.I. 2002/1775\), regs. 1, 12\(3\)](#)
- C5** S. 165 applied (with modifications) (6.3.2008) by [The Regulated Covered Bonds Regulations 2008 \(S.I. 2008/346\), reg. 46, Sch. para. 3](#)
- C6** S. 165 applied (with modifications) (31.12.2011) by [The Financial Services and Markets Act 2000 \(Permissions, Transitional Provisions and Consequential Amendments\) \(Northern Ireland Credit Unions\) Order 2011 \(S.I. 2011/2832\), art. 9](#)
- C7** S. 165 applied (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\), regs. 1, 71\(1\)\(a\)](#)
- C8** S. 165 modified in part (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\), arts. 1\(2\)\(6\), 50\(1\)](#)
- C9** S. 165 applied (with modifications) (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\), arts. 1\(2\)\(6\), 12\(9\)](#)
- C10** S. 165 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\(2\)\(a\)](#) (with [Pt. 4](#))
- C11** S. 165(1)(2) extended (1.12.2001) by [S.I. 2001/3646, arts. 1\(1\), 2\(1\)\(3\)\(a\)](#)
- C12** S. 165(1)-(6) applied (with modifications) (1.1.2014) by [The Capital Requirements Regulations 2013 \(S.I. 2013/3115\), regs. 1\(2\), 14](#)
- C13** S. 165(2) 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 \(S.I. 2001/544\),](#)

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- art. 9G(6) (as inserted by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2002 (S.I. 2002/682), arts. 1(2), 4)
- C14** S. 165(5)(6) extended (1.12.2001) by S.I. 2001/3646, **arts. 1(1), 2(3)(b)(c)**
- C15** S. 165(5) 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(6) (as inserted by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2002 (S.I. 2002/682), arts. 1(2), 4)
- C16** S. 165(6) 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(6) (as inserted by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2002 (S.I. 2002/682), arts. 1(2), 4)
- C17** S. 165(9)(10) applied (with modifications) (1.1.2014) by The Capital Requirements Regulations 2013 (S.I. 2013/3115), regs. 1(2), **14**

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