



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,

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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.

[^{F3}(7) In this section—

“court” means—

- (a) the High Court;
- (b) in Scotland, the Court of Session;

“investigator appointed by the FCA” means an investigator appointed by the FCA under section 167, 168 or 169;

“officer of the FCA” means an officer authorised by the FCA for the purposes of section 165(3).]

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**
- F3** S. 177(7) substituted (3.7.2016) by [The Financial Services and Markets Act 2000 \(Market Abuse\) Regulations 2016 \(S.I. 2016/680\)](#), regs. 1, **10(11)**

Modifications etc. (not altering text)

- C1** Pt. 11 modified (E.W.S.) (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Claims Management Activity\) Order 2018 \(S.I. 2018/1253\)](#), arts. 1(2)(3), **82(13)**
- C2** Pt. 11 applied in part (with modifications) (31.12.2020) by [The Over the Counter Derivatives, Central Counterparties and Trade Repositories \(Amendment, etc., and Transitional Provision\) \(EU Exit\) Regulations 2019 \(S.I. 2019/335\)](#), regs. 1(1), **75** (with savings in [S.I. 2019/680](#), reg. 11); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- C3** Pt. 11 applied in part (with modifications) (31.12.2020) by [The Transparency of Securities Financing Transactions and of Reuse \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/542\)](#), regs. 1, **36** (with savings in [S.I. 2019/680](#), reg. 11); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- C4** Pt. 11 applied (with modifications) (31.12.2020) by [The Credit Rating Agencies \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/266\)](#), regs. 1(3), **18(1)** (as amended by [S.I. 2020/1384](#), regs. 1(4), 50(3)) (with savings in [S.I. 2019/680](#), reg. 11); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- C5** 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)
- C6** 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)

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- (as inserted by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2002 (S.I. 2002/682), arts. 1(2), 4)
- C7** S. 177 applied (with modifications) (7.6.2010) by The Credit Rating Agencies Regulations 2010 (S.I. 2010/906), **reg. 24**
- C8** S. 177 applied (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), regs. 1, **71(2)(h)**
- C9** S. 177 applied (with modifications) (1.1.2014) by The Capital Requirements Regulations 2013 (S.I. 2013/3115), regs. 1(2), **14**
- C10** 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)
- C11** S. 177 modified (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by The Financial Services and Markets Act 2000 (Claims Management Activity) Order 2018 (S.I. 2018/1253), arts. 1(2)(3), **55(7)**
- C12** S. 177 applied by S.I. 2018/1149, reg. 60 (as inserted (1.3.2019) by The Financial Services Contracts (Transitional and Saving Provision) (EU Exit) Regulations 2019 (S.I. 2019/405), regs. 1(2), **3**)
- C13** S. 177 applied (with modifications) by S.I. 2018/1201, Sch. 3 para. 12H(2) (as substituted (6.9.2019) by The Financial Services (Electronic Money, Payment Services and Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/1212), regs. 1(2), **7(8)**)
- C14** S. 177 applied (with modifications) by S.I. 2018/1201, Sch. 3 para. 32A(2) (as substituted (6.9.2019) by The Financial Services (Electronic Money, Payment Services and Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/1212), regs. 1(2), **7(15)**)
- C15** S. 177 applied (31.12.2020) by The Electronic Commerce and Solvency 2 (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1361), regs. 1(2), **20** (as amended by S.I. 2019/1390, regs. 1(2), 6); 2020 c. 1, Sch. 5 para. 1(1)
- C16** S. 177 applied (with modifications) (31.5.2021) by The Civil Liability Act 2018 (Financial Conduct Authority) (Whiplash) Regulations 2021 (S.I. 2021/594), regs. 1, **2(4)(l)**
- C17** S. 177 applied (8.6.2023 for specified purposes, 7.10.2023 in so far as not already in force) by The Financial Services and Markets Act 2000 (Financial Promotion) (Amendment) Order 2023 (S.I. 2023/612), art. 1(2), **Sch. para. 1(l)** (with art. 11)

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Changes and effects yet to be applied to :

- s. 177(6) words substituted by 2003 c. 44 Sch. 26 para. 54(2)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2023/1347 reg. 8
- Act power to apply conferred (temp. until 15.5.2039) by 2014 c. 21 s. 79(4)
- Act power to apply conferred (temp. until 15.5.2039) by 2014 c. 21 s. 81(10)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17 Ch. 3B inserted by 2023 c. 29 s. 64(3)
- Pt. 20C inserted by 2016 c. 14 s. 30(3)
- s. 31(1)(aa) inserted by 2021 c. 22 s. 22(2)
- s. 32A inserted by 2021 c. 22 s. 22(3)
- s. 32A power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)
- s. 36A and cross-heading inserted by 2021 c. 22 s. 22(4)
- s. 71J and cross-heading inserted by 2021 c. 22 Sch. 8 para. 4
- s. 86(9A) inserted by S.I. 2019/707 reg. 8(9) (This amendment not applied to legislation.gov.uk. Reg. 8(6)-(10) omitted (6.9.2019) by virtue of S.I. 2019/1234, regs. 1(2), 13(c))
- s. 87A(11) inserted by S.I. 2019/707 reg. 10(5) (This amendment not applied to legislation.gov.uk. Reg. 10(4)(5) omitted (6.9.2019) by virtue of S.I. 2019/1234, regs. 1(2), 15(b))
- s. 124(10)(c)(i) word omitted by S.I. 2019/310 reg. 5(11)(b) (This amendment not applied to legislation.gov.uk. Reg. 5(11)(b) omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 51(2)(e))
- s. 129(7)(a) word inserted by S.I. 2019/310 reg. 5(12)(a)(i) (This amendment not applied to legislation.gov.uk. Reg. 5(12)(a)(b) omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 51(2)(f))
- s. 129(7)(c) omitted and word by S.I. 2019/310 reg. 5(12)(a)(ii) (This amendment not applied to legislation.gov.uk. Reg. 5(12)(a)(b) omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 51(2)(f))
- s. 214(5A) inserted by 2021 c. 22 Sch. 8 para. 8
- s. 261E(A1) inserted by 2023 c. 29 s. 64(2)(a)
- s. 367A inserted by 2021 c. 22 Sch. 8 para. 10
- s. 395(13)(h)(i) inserted by 2021 c. 22 Sch. 8 para. 12(2)(c)
- s. 395(13)(bc)-(be) word inserted by 2021 c. 22 Sch. 8 para. 12(2)(b)
- s. 395(14) inserted by 2021 c. 22 Sch. 8 para. 12(3)
- s. 427A(3) words substituted by 2002 c. 40 Sch. 17 para. 59 (This amendment not applied to legislation.gov.uk. The Financial Services and Markets Act 2000 does not contain a section 427A.)
- Sch. 1ZA para. 32(c) and word inserted by 2021 c. 22 Sch. 8 para. 18
- Sch. 2A para. 19(2)(b)(iia) inserted by 2023 c. 29 Sch. 10 para. 19(a)
- Sch. 2A2B power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)
- Sch. 2A power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)
- Sch. 2B inserted by 2021 c. 22 Sch. 7
- Sch. 2B power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)
- Sch. 11A para. 5(3) inserted by S.I. 2019/707 reg. 38(5)(b) (This amendment not applied to legislation.gov.uk. Reg. 38(2)-(5)(7)(8) omitted (6.9.2019) by virtue of S.I. 2019/1234, regs. 1(2), 20)

- Sch. 17A para. 12 words substituted by [S.I. 2019/662 reg. 13\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 13(1) substituted (25.6.2020) by S.I. 2020/646, regs. 1(2)(c), 11(3))