

# FINANCIAL SERVICES ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS AND SCHEDULES

#### *Powers to require information*

#### *Section 18: Information relating to financial stability*

#### **New section 165A: Authority's power to require information: financial stability**

199. *Subsection (1)* provides that the FSA may, by giving written notice, require that a person provides the FSA with information or documents described in the notice.
200. *Subsection (2)* sets out the categories of people who may be required to provide information or documents under subsection (1). They include the owners or managers of investment funds and any persons connected to them. Section 165A(2)(d) confers on the Treasury a power to prescribe further categories of persons in respect of which the power under section 165A(1) may be exercised.
201. *Subsection (3)* sets out the test which will enable the FSA to require information: the FSA must consider that the information or documents in question are or might be, relevant to the stability of one or more aspects of the financial system.
202. *Subsection (4)* provides an additional test where a requirement is being imposed on a service provider or a person who is connected with a service provider. In this case, no requirement may be imposed unless the FSA considers that a failure by the provider to provide all or part of the services is likely to pose a serious threat to the stability of the financial system.
203. *Subsection (5)* gives the FSA power to determine the place at which, and the time within which, the information must be provided. The FSA must allow a reasonable period for the provision of the information.
204. *Subsection (6)* gives the FSA power to determine the form in which information must be provided to them.
205. *Subsection (7)* gives the FSA power to require any information provided to be verified or authenticated, by, for example, a firm's auditors.
206. *Subsection (8)* and (9) defines "relevant investment fund" for the purposes of this section, and sets out the other definitions used.
207. *Subsection (10)* defines "connected person" for the purposes of this section. .