
STATUTORY INSTRUMENTS

2001 No. 2657

The Financial Services and Markets Act 2000
(Transitional Provisions and Savings) (Civil Remedies,
Discipline, Criminal Offences etc.) Order 2001

PART 6

INFORMATION GATHERING AND INVESTIGATIONS

Appointment of persons to carry out investigations in particular cases

18.—(1) Section 168(3) applies if it appears to the Authority or the Secretary of State that there are circumstances suggesting that any person may have committed an offence under any of the following enactments or if it appears to the Authority that any person may have contravened any of the following enactments—

- (a) section 3, 47, 56(1), 57(2), 76(3) or 200(2) of the Financial Services Act;
- (b) section 3(1) or 18 of the Banking Act(4);
- (c) section 2 or 72(5) of the Insurance Companies Act;
- (d) section 9 of, or paragraph 3 of Schedule 3 to, the Building Societies Act;
- (e) section 31 of the Friendly Societies Act 1992.

(2) For the purposes of Part XI, a person appointed under section 168(3) as a result of paragraph (1) is to be treated as having been appointed as a result of subsection (2) of section 168.

(3) Section 168(5) applies if—

- (a) it appears to the Authority or the Secretary of State that there are circumstances suggesting that any person may have committed an offence under any of the provisions specified by article 13 other than those specified by paragraph (1); or
- (b) it appears to the Authority that there are circumstances suggesting that—
 - (i) any person may have contravened any of the provisions specified by article 2(3) other than those enactments specified by paragraph (1);
 - (ii) an authorised person who was immediately before commencement a member of a recognised self-regulating organisation or recognised self-regulating organisation for friendly societies may have contravened a rule imposed by that organisation that regulated the carrying on by him of investment business; or

(1) Amended by the Companies Act 1989 (c. 40) Schedule 23 and modified by S.I.1992/3218.
(2) Modified by S.I. 1992/3218 and S.I. 1995/3275.
(3) Amended by S.I. 1996/2827 and modified by S.I. 1992/3218 and S.I. 1995/3275.
(4) Modified by S.I. 1992/3218.
(5) Amended by the Cable and Broadcasting Act 1984 (c. 46) Schedule 5.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(iii) a person who was, immediately before commencement, a person specified by paragraph (1)(a) of article 9 may have contravened a requirement specified by paragraph (1)(b) of that article.

(4) For the purposes of Part XI, a person appointed under section 168(5) as a result of paragraph (3) is to be treated as having been appointed as a result of subsection (4) of section 168.