
STATUTORY INSTRUMENTS

2013 No. 1635

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Referral Fees) Regulations 2013

PART 5

Investigatory powers

Investigations under Part 11 of the 2000 Act

13.—(1) Part 11 (information gathering and investigations)(**1**) of the 2000 Act applies for the purposes of these Regulations with the following modifications.

(2) In the following provisions, references to authorised persons are to be treated as references to referral fees authorised persons—

- (a) section 165(1), (3), (7)(a) and (8);
- (b) section 166(2);
- (c) section 167(1), (4) and (5A);
- (d) section 176(3)(a).

(3) In section 165 (regulators' power to require information: authorised persons etc.)—

- (a) in subsection (4) for “or under this Act” substitute “the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Referral Fees) Regulations 2013”;
- (b) in subsection (7)—
 - (i) in paragraph (a) for “by either regulator” substitute “by the FCA”;
 - (ii) omit paragraphs (b) to (d).

(4) Omit sections 165A (PRA's power to require information: financial stability), 165B (safeguards etc in relation to exercise of power under section 165A) and 165C (orders under section 165A(2)(d)).

(5) Omit section 166A (appointment of skilled person to collect and update information).

(6) In section 167 (appointment of persons to carry out general investigations)—

- (a) in paragraphs (a) and (c) of subsection (1) omit “a recognised investment exchange or”;
- (b) in paragraph (a) of subsection (1) omit “or of an appointed representative”;
- (c) in subsection (5A)—
 - (i) omit paragraphs (a) and (c);
 - (ii) in paragraph (b) omit “or the PRA”;
- (d) omit subsection (6).

(1) Part 11 was amended by section 62 of and Schedule 7 to the Counter Terrorism Act 2008 (c. 28), sections 18, and 24 of and Schedule 2 to the Financial Services Act 2010 (c. 28), Schedule 12 to the Financial Services Act 2012, S.I. 2001/1090 and S.I. 2007/126.

- (7) In section 168 (appointment of persons to carry out investigations in particular cases)—
- (a) in subsection (1) for paragraph (b) substitute—
 - “(b) a referral fees authorised person may have contravened any restriction imposed by section 56 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 or any requirement imposed by or under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Referral Fees) Regulations 2013.”;
 - (b) omit subsections (2), (4) and (5);
 - (c) for subsection (6) substitute—
 - “(6) In subsections (1) and (3) “investigating authority” means the FCA.”
- (8) Omit sections 169 (investigations etc. in support of overseas regulator) and 169A (support of overseas regulator with respect to financial stability).
- (9) In section 170 (investigations: general)—
- (a) in subsection (1) omit “or (5)”;
 - (b) in subsection (3)(a) omit “or (4)”;
 - (c) omit subsection (3)(b);
 - (d) for subsection (10) substitute—
 - “(10) “Investigating authority”, in relation to an investigator, means the FCA.”.
- (10) In section 171 (powers of persons appointed under section 167) omit subsections (3A) and (7).
- (11) In subsection (4) of section 172 (additional power of persons appointed as a result of section 168(1) or (4)), omit “or (4)”.
- (12) Omit section 173 (powers of persons appointed as a result of section 168(2)).
- (13) In section 174 (admissibility of statements made to investigators)—
- (a) in subsection (2) omit “or in proceedings in relation to action to be taken against that person under section 123”;
 - (b) in subsection (4) omit “or (5)”;
 - (c) in subsection (5) omit “173”.
- (14) In subsection (8) of section 175 (information and documents: supplemental provisions), omit “or (5)”.
- (15) In section 176 (entry of premises under warrant)—
- (a) omit subsection (4);
 - (b) in subsection (10) omit “or (5)”;
 - (c) in subsection (11)—
 - (i) in paragraph (a) omit “87C, 87J,” and “,165A, 169A”;
 - (ii) in paragraph (b) omit “,173”.