

Status: Point in time view as at 07/03/2016.

Changes to legislation: Financial Services and Markets Act 2000, Cross Heading: Power of FCA to call for information is up to date with all changes known to be in force on or before 12 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)



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART VI

OFFICIAL LISTING

[^{F1}Power of [^{F2}FCA] to call for information

Textual Amendments

- F1** Ss. 89H-89J and cross-heading inserted (8.11.2006) by [Companies Act 2006 \(c. 46\)](#), ss. **1267**, **1300(1)(a)**
- F2** Words in ss. 89A-97 substituted (24.1.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012 \(c. 21\)](#), ss. **16(2)(3)(g)**, **122(3)** (with [Sch. 20](#)); [S.I. 2013/113](#), art. **2(1)(c)**, [Sch. Pt. 3](#); [S.I. 2013/423](#), art. **3**, [Sch.](#)

89H [^{F2}FCA's] power to call for information

- (1) The [^{F2}FCA] may by notice in writing given to a person to whom this section applies require him—
- to provide specified information or information of a specified description, or
 - to produce specified documents or documents of a specified description.
- (2) This section applies to—
- an issuer in respect of whom transparency rules have effect;
 - a voteholder;
 - an auditor of—
 - an issuer to whom this section applies, or
 - a voteholder;
 - a person who controls a voteholder;
 - a person controlled by a voteholder;
 - a director or other similar officer of an issuer to whom this section applies;

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- (g) a director or other similar officer of a voteholder or, where the affairs of a voteholder are managed by its members, a member of the voteholder.
- (3) This section applies only to information and documents reasonably required in connection with the exercise by the [F²FCA] of functions conferred on it by or under sections 89A to 89G (transparency rules).
- (4) Information or documents required under this section 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.
- (5) If a person claims a lien on a document, its production under this section does not affect the lien.

89I Requirements in connection with call for information

- (1) The [F²FCA] may require any information provided under section 89H to be provided in such form as it may reasonably require.
- (2) The [F²FCA] may require—
 - (a) any information provided, whether in a document or otherwise, to be verified in such manner as it may reasonably require;
 - (b) any document produced to be authenticated in such manner as it may reasonably require.
- (3) If a document is produced in response to a requirement imposed under section 89H, the [F²FCA] may—
 - (a) take copies of or extracts from the document; or
 - (b) require the person producing the document, or any relevant person, to provide an explanation of the document.
- (4) In subsection (3)(b) “relevant person”, in relation to a person who is required to produce a document, means a person who—
 - (a) has been or is a director or controller of that person;
 - (b) has been or is an auditor of that person;
 - (c) has been or is an actuary, accountant or lawyer appointed or instructed by that person; or
 - (d) has been or is an employee of that person.
- (5) If a person who is required under section 89H to produce a document fails to do so, the [F²FCA] may require him to state, to the best of his knowledge and belief, where the document is.

89J Power to call for information: supplementary provisions

- (1) The [F²FCA] may require an issuer to make public any information provided to [F²the FCA] under section 89H.
- (2) If the issuer fails to comply with a requirement under subsection (1), the [F²FCA] may, after seeking representations from the issuer, make the information public.
- (3) In sections 89H and 89I (power of [F²FCA] to call for information)—
 - “control” and “controlled” have the meaning given by subsection (4) below;

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“specified” means specified in the notice;

“voteholder” means a person who—

- (a) holds voting rights in respect of any voting shares for the purposes of sections 89A to 89G (transparency rules),^{F3} ...
- (b) ^{F3}...

(4) For the purposes of those sections a person (“A”) controls another person (“B”) if—

- (a) A holds a majority of the voting rights in B,
- (b) A is a member of B and has the right to appoint or remove a majority of the members of the board of directors (or, if there is no such board, the equivalent management body) of B,
- (c) A is a member of B and controls alone, pursuant to an agreement with other shareholders or members, a majority of the voting rights in B, or
- (d) A has the right to exercise, or actually exercises, dominant influence or control over B.

(5) For the purposes of subsection (4)(b)—

- (a) any rights of a person controlled by A, and
 - (b) any rights of a person acting on behalf of A or a person controlled by A,
- are treated as held by A.]

Textual Amendments

- F3** Words in s. 89J(3) omitted (1.11.2015 for specified purposes, 26.11.2015 in so far as not already in force) by virtue of [The Transparency Regulations 2015 \(S.I. 2015/1755\)](#), regs. 1(2)(3), **2(5)**

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