

## SCHEDULES

### SCHEDULE 12

#### AMENDMENTS OF PARTS 11 AND 23 OF FSMA 2000

##### PART 1

###### PART 11 OF FSMA 2000: INFORMATION GATHERING AND INVESTIGATIONS

- 8 (1) Section 168 (appointment of investigator in specific cases) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (a), and
  - (b) in paragraph (b), for “191” substitute “191F”.
- (3) In subsection (2)—
- (a) in paragraph (a), for “or 397” substitute “or under Part 7 of the Financial Services Act 2012”, and
  - (b) after paragraph (b) insert—
    - “(ba) an authorised person may have contravened section 20 in relation to a credit-related regulated activity;”.
- (4) In subsection (4)—
- (a) in the opening words, for “the Authority” substitute “an investigating authority”,
  - (b) in paragraph (c), for “Authority” substitute “investigating authority”,
  - (c) after that paragraph insert—
    - “(ca) a recognised investment exchange may have contravened the recognition requirements (within the meaning of Part 18);”.
  - (d) in paragraph (f), for “an authorised or exempt person” substitute “a person”,
  - (e) in paragraph (h), for “the Authority” substitute “a regulator”,
  - (f) in paragraph (j), omit the words from “or by any” to the end, and
  - (g) for paragraph (k) substitute—
    - “(k) a person may have contravened a qualifying EU provision that is specified, or of a description specified, for the purposes of this subsection by the Treasury by order.”
- (5) In subsection (5), for “Authority” substitute “investigating authority”.
- (6) For subsection (6) substitute—
- “(6) Investigating authority” means—
    - (a) in subsections (1) to (3), the FCA, the PRA or the Secretary of State;
    - (b) in subsections (4) and (5), the FCA or the PRA.”