



# Financial Services (Banking Reform) Act 2013

## 2013 CHAPTER 33

### PART 5

#### REGULATION OF PAYMENT SYSTEMS

##### *Information and investigation powers*

#### **85 Powers of persons appointed under section 83**

- (1) An investigator may require any person within subsection (2)—
  - (a) to attend before the investigator at a specified time and place and answer questions, or
  - (b) otherwise to provide any information which the investigator requires.
- (2) The persons referred to in subsection (1) are—
  - (a) the person who is the subject of the investigation (“the person under investigation”);
  - (b) any person connected with the person under investigation;
  - (c) in the case of an investigation into whether there has been a compliance failure, any person who in the investigator's opinion is or may be able to give information which is or may be relevant to the investigation.
- (3) An investigator may also require any person to produce at a specified time and place any specified documents or documents of a specified description.
- (4) A requirement under subsection (1) or (3) may be imposed only so far as the investigator concerned reasonably considers the question, provision of information or production of the document to be relevant to the purposes of the investigation.
- (5) In the case of an investigation into whether there has been a compliance failure, the investigator may also require any person falling within subsection (2)(c) to give the

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*Changes to legislation: There are currently no known outstanding effects for the Financial Services (Banking Reform) Act 2013, Section 85. (See end of Document for details)*

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investigator all assistance in connection with the investigation which the person is reasonably able to give.

- (6) For the purposes of this section, a person is connected with the person under investigation (“A”) if the person is or has at any relevant time been—
- (a) a member of A's group,
  - (b) a controller of A, or
  - (c) a partnership of which A is a member.

- (7) In this section—

“controller” has the same meaning as in FSMA 2000 (see section 422 of that Act);

“group” has the same meaning as in FSMA 2000 (see section 421 of that Act);

“investigator” means a person conducting an investigation under section 83;

“specified” means specified in a notice in writing.

**Modifications etc. (not altering text)**

- C1** Ss. 81-93 applied (with modifications) (9.12.2015) by [The Payment Card Interchange Fee Regulations 2015 \(S.I. 2015/1911\)](#), regs. 1, **14(1)**
- C2** Ss. 81-93 applied (with modifications) (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), regs. 1(6), **135(1)** (with reg. 3)

**Commencement Information**

- I1** S. 85 in force at 1.3.2014 by [S.I. 2014/377](#), art. 2(1)(a), **Sch. Pt. 1**

**Changes to legislation:**

There are currently no known outstanding effects for the Financial Services (Banking Reform) Act 2013, Section 85.