



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART XI

INFORMATION GATHERING AND INVESTIGATIONS

Conduct of investigations

176 Entry of premises under warrant.

- (1) A justice of the peace may issue a warrant under this section if satisfied on information on oath given by or on behalf of the Secretary of State, [^{F1}either regulator] or an investigator that there are reasonable grounds for believing that the first, second or third set of conditions is satisfied.
- (2) The first set of conditions is—
 - (a) that a person on whom an information requirement has been imposed has failed (wholly or in part) to comply with it; and
 - (b) that on the premises specified in the warrant—
 - (i) there are documents which have been required; or
 - (ii) there is information which has been required.
- (3) The second set of conditions is—
 - (a) that the premises specified in the warrant are premises of an authorised person or an appointed representative;
 - (b) that there are on the premises documents or information in relation to which an information requirement could be imposed; and
 - (c) that if such a requirement were to be imposed—
 - (i) it would not be complied with; or
 - (ii) the documents or information to which it related would be removed, tampered with or destroyed.
- (4) The third set of conditions is—

Status: Point in time view as at 22/07/2013. This version of this provision has been superseded.

Changes to legislation: Financial Services and Markets Act 2000, Section 176 is up to date with all changes known to be in force on or before 10 August 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)

- (a) that an offence mentioned in section 168 for which the maximum sentence on conviction on indictment is two years or more has been (or is being) committed by any person;
 - (b) that there are on the premises specified in the warrant documents or information relevant to whether that offence has been (or is being) committed;
 - (c) that an information requirement could be imposed in relation to those documents or information; and
 - (d) that if such a requirement were to be imposed—
 - (i) it would not be complied with; or
 - (ii) the documents or information to which it related would be removed, tampered with or destroyed.
- (5) A warrant under this section shall authorise a constable—
- (a) to enter the premises specified in the warrant;
 - (b) to search the premises and take possession of any documents or information appearing to be documents or information of a kind in respect of which a warrant under this section was issued (“the relevant kind”) or to take, in relation to any such documents or information, any other steps which may appear to be necessary for preserving them or preventing interference with them;
 - (c) to take copies of, or extracts from, any documents or information appearing to be of the relevant kind;
 - (d) to require any person on the premises to provide an explanation of any document or information appearing to be of the relevant kind or to state where it may be found; and
 - (e) to use such force as may be reasonably necessary.
- [^{F2}(5A) A warrant under this section may be executed by any constable.
- (5B) The warrant may authorise persons to accompany any constable who is executing it.
- (5C) The powers in subsection (5) may be exercised by a person authorised by the warrant to accompany a constable; but that person may exercise those powers only in the company of, and under the supervision of, a constable.]
- (6) In England and Wales, sections 15(5) to (8) and section [^{F3}16(3) to (12)] of the ^{M1}Police and Criminal Evidence Act 1984 (execution of search warrants and safeguards) apply to warrants issued under this section.
- (7) In Northern Ireland, Articles 17(5) to (8) and [^{F4}18(3) to (12)] of the ^{M2}Police and Criminal Evidence (Northern Ireland) Order 1989 apply to warrants issued under this section.
- ^{F5}(8)
- (9) In the application of this section to Scotland—
- (a) for the references to a justice of the peace substitute references to a justice of the peace or a sheriff; and
 - (b) for the references to information on oath substitute references to evidence on oath.
- (10) “Investigator” means a person appointed under section 167 or 168(3) or (5).
- (11) “Information requirement” means a requirement imposed—

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- (a) by [^{F6}a regulator] under section [^{F7}87C, 87J,] 165 [^{F8}, 165A, 169A] or 175; or
- (b) by an investigator under section 171, 172, 173 or 175.

Textual Amendments

- F1** Words in s. 176(1) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 12 para. 14(2)** (with **Sch. 20**); S.I. 2013/423, art. 3, Sch.
- F2** S. 176(5A)-(5C) inserted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 12 para. 14(3)** (with **Sch. 20**); S.I. 2013/423, art. 3, Sch.
- F3** Words in s. 176(6) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 12 para. 14(4)** (with **Sch. 20**); S.I. 2013/423, art. 3, Sch.
- F4** Words in s. 176(7) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 12 para. 14(5)** (with **Sch. 20**); S.I. 2013/423, art. 3, Sch.
- F5** S. 176(8) omitted (1.4.2013) by virtue of Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 12 para. 14(6)** (with **Sch. 20**); S.I. 2013/423, art. 3, Sch.
- F6** Words in s. 176(11)(a) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 12 para. 14(7)** (with **Sch. 20**); S.I. 2013/423, art. 3, Sch.
- F7** Words in s. 176(11)(a) inserted (1.7.2005) by The Prospectus Regulations 2005 (S.I. 2005/1433), reg. 2(1), **Sch. 1 para. 12**
- F8** Words in s. 176(11)(a) inserted (8.6.2010) by Financial Services Act 2010 (c. 28), ss. 24(1), 26(2)(d) (e), **Sch. 2 para. 17**

Modifications etc. (not altering text)

- C1** S. 176 extended (17.8.2001 for certain purposes otherwise 1.12.2001) by 1992 c. 40, s. 62A (as inserted (17.8.2001 for certain purposes otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), Sch. 3 Pt. I para. 77 (with art. 13(3), **Sch. 5**)); S.I. 2001/3538, **art. 2(1)**
S. 176 modified (17.8.2001 for certain purposes otherwise 1.12.2001) by 1986 c. 53, s. 52B (as substituted (17.8.2001 for certain purposes otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), Sch. 3 Pt. I para. 151 (with art. 13(3), **Sch. 5**)); S.I. 2001/3538, **art. 2(1)**
S. 176 modified (1.12.2001) by S.I. 1995/1537, **reg. 23(4)** (as amended (1.12.2001) by S.I. 2001/3649, **arts. 1, 509(e)**)
- C2** S. 176 amended (18.7.2002 for certain purposes and 21.8.2002 otherwise) by The Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (S.I. 2002/1775), regs. 1, **12(3)**
S. 176 applied (with modifications) (11.4.2002 for certain purposes and 27.4.2002 otherwise) by The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544), art. 9G(9) (as inserted by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2002 (S.I. 2002/682), arts. 1(2), 4)
- C3** S. 176 applied (with modifications) (1.4.2013) by The Financial Services Act 2012 (Transitional Provisions) (Miscellaneous Provisions) Order 2013 (S.I. 2013/442), arts. 1(3), **21**
- C4** S. 176 applied (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), regs. 1, **71(1)(d)(2)(f)**
- C5** S. 176(1)-(9) applied (1.12.2001) by S.I. 2001/1228, **regs. 1(2)(c), 30(7)** (with reg. 1(2)(3)); S.I. 2001/3538, **art. 2(1)**
- C6** S. 176(1)-(8) applied (with modifications) (N.I.) (1.11.2004) by Open-Ended Investment Companies Regulations (Northern Ireland) 2004 (S.R. 2004/335), regs. 1(1)(b), **30(7)** (with reg. 1(2))
- C7** S. 176(2) extended (1.12.2001) by S.I. 2001/3646, **arts. 1(1), 13(2)**
- C8** S. 176(5): powers of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, 138(2), Sch. 1 Pt. I para. 69; S.I. 2003/708, **art. 2(a)(c)(j)**
- C9** S. 176(11) restricted (temp. from 11.8.2001 until 1.12.2001) by S.I. 2001/2659, **arts. 1(3), 2(3)**; S.I. 2001/3538, **art. 2(1)**

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- C10** S. 176(8) applied (with modifications) (1.4.2003) by 2001 c. 16, ss. 57(1)(o)(4), 138(2); S.I. 2003/708, **art. 2(a)**
- C11** S. 176(11) restricted (temp. from 8.4.2002 until 2.7.2002) by The Financial Services and Markets Act 2000 (Permission and Applications) (Credit Unions etc.) Order 2002 (S.I. 2002/704), **art. 8(3)**
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Marginal Citations

- M1** 1984 c. 60.
- M2** S.I. 1989/1341 (N.I. 12).

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