

*Status: Point in time view as at 13/04/2015.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999, Cross Heading: Financial Services Act 1986 (c.60) is up to date with all changes known to be in force on or before 07 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)*

## SCHEDULES

### SCHEDULE 3

#### RESTRICTION ON USE OF ANSWERS ETC. OBTAINED UNDER COMPULSION

##### *Financial Services Act 1986 (c.60)*

10 The Financial Services Act 1986 is amended as follows.

#### **Commencement Information**

**II** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

11 In section 105 (powers of Secretary of State to investigate affairs of person carrying on investment business), after subsection (5) (use of statements made under the section) insert—

“(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(5B) Subsection (5A) above applies to any offence other than—

- (a) an offence under subsection (10) or section 200(1) below;
- (b) an offence under section 5 of the <sup>M1</sup>Perjury Act 1911 (false statements made otherwise than on oath);
- (c) an offence under section 44(2) of the <sup>M2</sup>Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
- (d) an offence under Article 10 of the <sup>M3</sup>Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

#### **Commencement Information**

**I2** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

#### **Marginal Citations**

**M1** 1911 c. 6.

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**M2** 1995 c. 39.

**M3** S.I. 1979/1714 (N.I. 19).

12 In section 177 (investigations into insider dealing), after subsection (6) (use of statements made under the section) insert—

“(6A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(6B) Subsection (6A) above applies to any offence other than—

- (a) an offence under section 200(1) below;
- (b) an offence under section 2 or 5 of the Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath);
- (c) an offence under section 44(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath); or
- (d) an offence under Article 7 or 10 of the Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”

#### Commencement Information

**I3** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by S.I. 2000/1034, arts. 2(a), 3; Sch. 3 in force at 1.1.2001 in relation to Scotland by S.S.I. 2000/445, art. 2

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