



# Financial Services and Markets Act 2000

## 2000 CHAPTER 8

### PART XI

#### INFORMATION GATHERING AND INVESTIGATIONS

##### *Conduct of investigations*

#### **174 Admissibility of statements made to investigators.**

- (1) A statement made to an investigator by a person in compliance with an information requirement is admissible in evidence in any proceedings, so long as it also complies with any requirements governing the admissibility of evidence in the circumstances in question.
- (2) But in criminal proceedings in which that person is charged with an offence to which this subsection applies or in proceedings in relation to action to be taken against that person under section 123 [<sup>F1</sup>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 or (as the case may be) [<sup>F2</sup>a regulator], 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.
- (3) Subsection (2) applies to any offence other than one—
  - (a) under section 177(4) or 398;
  - (b) under section 5 of the <sup>M1</sup>Perjury Act 1911 (false statements made otherwise than on oath);
  - (c) under section 44(2) of the <sup>M2</sup>Criminal Law (Consolidation)(Scotland) Act 1995 (false statements made otherwise than on oath); or
  - (d) under Article 10 of the <sup>M3</sup>Perjury (Northern Ireland) Order 1979.

[<sup>F3</sup>(3A) Subsection (2) applies to proceedings in relation to action to be taken under section 123(2) or (3) against a person who may have contravened Article 14

*Status: Point in time view as at 07/10/2023.*

*Changes to legislation: Financial Services and Markets Act 2000, Section 174 is up to date with all changes known to be in force on or before 21 July 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)*

(prohibition of insider dealing and of unlawful disclosure of inside information) or Article 15 (prohibition of market manipulation) of the market abuse regulation.]

- (4) “Investigator” means a person appointed under section 167 or 168(3) or (5) [<sup>F4</sup>, or a person appointed under section 169 who has the powers conferred by virtue of subsection (2A) of that section].
- (5) “Information requirement” means a requirement imposed by an investigator under section 171, 172, 173 or 175.

#### Textual Amendments

- F1** Words in s. 174(2) inserted (3.7.2016) by [The Financial Services and Markets Act 2000 \(Market Abuse\) Regulations 2016 \(S.I. 2016/680\)](#), regs. 1, **10(10)(a)**
- F2** Words in s. 174(2) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), **Sch. 12 para. 12** (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, Sch.
- F3** S. 174(3A) inserted (3.7.2016) by [The Financial Services and Markets Act 2000 \(Market Abuse\) Regulations 2016 \(S.I. 2016/680\)](#), regs. 1, **10(10)(b)**
- F4** Words in s. 174(4) inserted (3.7.2016) by [The Financial Services and Markets Act 2000 \(Market Abuse\) Regulations 2016 \(S.I. 2016/680\)](#), regs. 1, **10(10)(c)**

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

- C1** Pt. 11 modified (E.W.S.) (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Claims Management Activity\) Order 2018 \(S.I. 2018/1253\)](#), arts. 1(2)(3), **82(13)**
- C2** S. 174 applied (1.12.2001 for E.W.S. and 1.11.2004 for N.I.) by [S.I. 2001/1228](#), regs. 1(2)(c), 30(5) (with [reg. 1\(2\)\(3\)](#)); [S.I. 2001/3538](#), art. 2(1); [S.R. 2004/335](#), regs. 1(1)(b), **30(5)** (with [reg. 1\(2\)](#))  
 S. 174 applied (with modifications) (1.12.2001) by [S.I. 2001/3646](#), **arts. 1(1)**, 2(4), 4(5)
- C3** S. 174 applied (with modifications) (7.6.2010) by [The Credit Rating Agencies Regulations 2010 \(S.I. 2010/906\)](#), **reg. 16(4)**
- C4** S. 174 applied (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), regs. 1, **71(2)(d)**
- C5** S. 174 applied (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), arts. 1(5), **23(2)(j)** (with Pt. 4)
- C6** S. 174 applied (with modifications) (31.5.2021) by [The Civil Liability Act 2018 \(Financial Conduct Authority\) \(Whiplash\) Regulations 2021 \(S.I. 2021/594\)](#), regs. 1, **2(4)(h)**
- C7** Ss. 170-175 applied (8.6.2023 for specified purposes, 7.10.2023 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Financial Promotion\) \(Amendment\) Order 2023 \(S.I. 2023/612\)](#), art. 1(2), **Sch. para. 1(j)** (with art. 11)

#### Marginal Citations

- M1** 1911 c. 6.
- M2** 1995 c. 39.
- M3** [S.I. 1979/1714 \(N.I. 19\)](#).

**Status:**

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**Changes to legislation:**

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