
Changes to legislation: There are currently no known outstanding effects for the Financial Services and Markets Act 2023, Paragraph 132. (See end of Document for details)

SCHEDULES

SCHEDULE 11

CENTRAL COUNTERPARTIES

PART 6

INFORMATION, INVESTIGATION AND ENFORCEMENT

Offences etc

- 132 (1) If a person other than the investigator (“the defaulter”) fails to comply with a requirement imposed on the defaulter under paragraph 125, 126 or 128, the person imposing the requirement may certify that fact in writing to the court.
- (2) If the court is satisfied that the defaulter has failed without reasonable excuse to comply with the requirement, it may deal with the defaulter (and, in the case of a body corporate, any director or other officer) as if that person were in contempt.
- (3) “Officer”, in relation to a limited liability partnership, means a member of the limited liability partnership.
- (4) A person who knows or suspects that an investigation is being or is likely to be conducted under paragraph 121, 122 or 123 is guilty of an offence if—
- (a) that person falsifies, conceals, destroys or otherwise disposes of a document which that person knows or suspects is or would be relevant to such an investigation, or
 - (b) that person causes or permits the falsification, concealment, destruction or disposal of such a document,
- unless that person shows that that person had no intention of concealing facts disclosed by the document from the investigator.
- (5) A person who, in purported compliance with a requirement imposed on that person by any relevant requirement—
- (a) provides information which that person knows to be false or misleading in a material particular, or
 - (b) recklessly provides information which is false or misleading in a material particular,
- is guilty of an offence.
- (6) Any person who intentionally obstructs the exercise of any rights conferred by a warrant under paragraph 130 is guilty of an offence.
- (7) A person guilty of an offence under sub-paragraph (4), (5) or (6) is liable, on summary conviction—

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- (a) in England and Wales, to imprisonment for a term not exceeding 3 months or a fine, or both;
 - (b) In Scotland and Northern Ireland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 5 on the standard scale, or both.
- (8) In this paragraph—
- “court” means—
 - (a) the High Court,
 - (b) in Scotland, the Court of Session;
 - “relevant requirement” has the meaning given in paragraph 122.

Commencement Information

- I1** Sch. 11 para. 132 not in force at Royal Assent, see **s. 86(3)**
- I2** Sch. 11 para. 132 in force at 31.12.2023 by **S.I. 2023/1382, reg. 8(b)**

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