
STATUTORY INSTRUMENTS

2014 No. 3085

The Immigration Act 2014 (Bank Accounts) Regulations 2014

PART 4

Investigatory powers

Investigations under Part 11 of the 2000 Act

14.—(1) Part 11 (information gathering and investigations) of the 2000 Act⁽¹⁾ applies with respect to the discharge by the FCA of its functions under these Regulations as if in that Part—

- (a) each reference to the 2000 Act included a reference to these Regulations;
- (b) each reference to an authorised person were a reference to a current account authorised person;
- (c) each reference to the PRA were omitted;
- (d) each reference to either regulator were a reference to the FCA only, and
- (e) each of sections 165A (PRA’s power to require information: financial stability), 165B (safeguards etc in relation to exercise of power under section 165A), 165C (orders under section 165A(2)(d)), 169 (investigations etc. in support of overseas regulator), 169A (support of overseas regulator with respect to financial stability) and 173 (powers of persons appointed as a result of section 168(2)) were omitted.

(2) With respect to the discharge by the FCA of its functions under these Regulations—

- (a) section 165 (regulators’ power to require information: authorised persons etc.) of the 2000 Act applies as if in subsection (7), paragraphs (b) to (d) were omitted;
- (b) section 166 (reports by skilled persons) of the 2000 Act applies as if subsections (10) and (11) were omitted;
- (c) section 166A (appointment of skilled person to collect and update information) of the 2000 Act applies—
 - (i) as if each reference to a requirement with respect to information included a reference to a relevant requirement with respect to information, and
 - (ii) as if subsection (10) were omitted;
- (d) section 167 (appointment of persons to carry out general investigations) of the 2000 Act applies as if—
 - (i) in paragraphs (a) and (c) of subsection (1) the words “a recognised investment exchange or” were omitted;
 - (ii) in paragraph (a) of subsection (1) the words “or of an appointed representative” were omitted;

⁽¹⁾ Part 11 is amended by paragraph 33 of Schedule 7 to the Counter Terrorism Act 2008 (c.28), section 18 of and Schedule 2 to the Financial Services Act 2010 (c.28), Schedule 12 to and paragraph 8 of Schedule 18 to the Financial Services Act 2012, S.I. 2001/1090, S.I. 2007/126, S.I. 2011/1043, S.I. 2012/2554 and S.I. 2013/1773. Other amendments are not relevant here.

- (iii) in subsection (4) the words “(or appointed representative)” were omitted;
 - (iv) in subsection (5A), paragraphs (a) and (c) and in paragraph (b) the words “or the PRA” were omitted, and
 - (v) subsection (6) were omitted;
- (e) section 168 (appointment of persons to carry out investigations in particular cases) of the 2000 Act applies as if—
- (i) in subsection (1) for paragraph (b) the following were substituted—
 - “(b) a current account authorised person may have contravened the prohibition imposed by section 40 of the Immigration Act 2014 or any requirement imposed by or under the Immigration Act 2014 (Bank Accounts) Regulations 2014.”;
 - (ii) in subsection (3) for “investigating authority” the term “FCA” were substituted, and
 - (iii) subsections (2), (4), (5) and (6) were omitted;
- (f) section 170 (investigations: general) of the 2000 Act applies as if—
- (i) in subsection (1) “or (5)” were omitted;
 - (ii) in subsection (3)(a) “or (4)” were omitted;
 - (iii) subsection (3)(b) and the preceding “; or” were omitted; and
 - (iv) for subsection (10) the following were substituted—
 - “(10) “Investigating authority”, in relation to an investigator, means the FCA.”;
- (g) section 171 (powers of persons appointed under section 167) of the 2000 Act applies as if subsections (3A) and (7) were omitted;
- (h) section 172 (additional power of persons appointed as a result of section 168(1) or (4)) of the 2000 Act applies as if in subsection (4) “or (4)” were omitted;
- (i) section 174 (admissibility of statements made to investigators) of the 2000 Act applies as if in subsection (5) “, 173” were omitted;
- (j) section 175 (information and documents: supplemental provisions) applies as if in subsection (8) “or (5)” were omitted;
- (k) section 176 (entry of premises under warrant) of the 2000 Act applies as if—
- (i) in subsection (1) “the Secretary of State,” were omitted and “first or second” were substituted for “first, second or third”;
 - (ii) in subsection (3)(a) “or an appointed representative” were omitted;
 - (iii) subsection (4) were omitted;
 - (iv) in subsection (11)—
 - (aa) in paragraph (a) “87C, 87J,” and “,165A, 169A” were omitted, and
 - (bb) in paragraph (b) “, 173” were omitted.