

Chapter 11

Restitution and redress



11.4 Determining the amount of restitution

11.4.1 The *FCA* may obtain information relating to the amount of profits made and/or losses or other adverse effects resulting from the conduct of *firms* or *unauthorised persons* as a result of the exercise of its powers to appoint investigators under sections 167 or 168 of the *Act*.

11.4.2 As well as obtaining information through the appointment of investigators, the *FCA* may consider using its power under section 166 of the *Act* to require a *firm* to provide a report prepared by a *skilled person* or appoint a *skilled person* itself to prepare a report. That report may be requested to help the *FCA* to:

- (1) determine the amount of profits which have been made by the *firm*;
or
- (2) establish whether the conduct of the *firm* has caused any losses or other adverse effects to qualifying persons and/or the extent of such losses; or
- (3) determine how any amounts to be paid by the *firm* are to be distributed between qualifying persons.