

Chapter 3

Use of information gathering and investigation powers



3.7 Investigations to assist overseas authorities (section 169)

- 3.7.1 The *FCA*'s power to conduct investigations to assist overseas authorities is contained in section 169 of the *Act*. The section provides that at the request of an *overseas regulator*, the *FCA* may use its power under section 165 to require the production of documents or the provision of information under section 165 or to appoint a person to investigate any matter.
- 3.7.2 [deleted]
- 3.7.3 Section 169(4) and (5) set out factors that the *FCA* may take into account when deciding whether to use its investigative powers.
- 3.7.4 When it considers whether to use its investigative power, and whether section 169(4) applies, the *FCA* will first consider whether it is able to assist without using its formal powers, for example by obtaining the information voluntarily. Where that is not possible, the *FCA* may take into account all of the factors in section 169(4), but may give particular weight to the seriousness of the case and its importance to persons in the United Kingdom, and to the public interest.