

Chapter 3

Use of information gathering and investigation powers

3.8 Information requests and investigations to assist EEA regulators in relation to short selling

- 3.8.1** The *FCA* may use its section 131E power to require information and documents from natural or legal persons to support both its monitoring and its enforcement functions.
- 3.8.2** An officer with authorisation from the *FCA* may exercise the section 131E power to require information and documents from natural or legal persons. This includes an *FCA* employee or an agent of the *FCA*.
- 3.8.3** The *FCA*'s power to conduct investigations to assist *EEA regulators* in respect of the *short selling regulation* is contained in section 131FA of the *Act*. The section provides that at the request of an *EEA regulator* or *ESMA*, the *FCA* may either use its power under section 131E to require the production of information, or appoint a person to investigate any matter.
- 3.8.4** Section 131FA states that the *FCA* must, in deciding whether or not to exercise its investigative power, consider whether the exercise of that power is necessary to comply with an obligation under the *short selling regulation*.