

Chapter 3

Use of information gathering and investigation powers

3.9 Power to require information relating to potentially unfair etc terms and notices

3.9.1

Schedule 5 to the *CRA* gives:

- (1) the *FCA*; and
- (b) any other *person*, who may be an *FCA* employee, specifically authorised or appointed by the *FCA* for this purpose;

the power to require, by notice in writing, which must contain the particulars specified by paragraph 15 of Schedule 5, the production of information to enable the *FCA* to ascertain whether a *person* has complied with or is complying with an *injunction* granted or an undertaking given under Schedule 3 to the *CRA*, as described in paragraphs ■ 10.6.2 to ■ 10.6.12 below; and

- (2) such an appointed or authorised *person* the same power to enable the *FCA* to:
 - (a) seek an *injunction* or undertaking under Schedule 3; or
 - (b) consider whether to do so;

but only if that *person* reasonably suspects that an unfair term or notice within the scope of Schedule 3 is being used or proposed or recommended to be used.