## 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.

EG 3/2