

Chapter 4

Conduct of investigations



4.2 Notifying the person under investigation where notice is not required under the Act

- 4.2.1
- The *Act* does not always require the *FCA* to give written notice of the appointment of investigators, for example, where investigators are appointed as a result of section 168(1) or (4) of the *Act* and the *FCA* believes that the provision of notice would be likely to result in the investigation being frustrated, or where investigators are appointed as a result of section 168(2) of the *Act*.
- 4.2.2
- Although the *FCA* is not required to give written notice of the appointment of investigators appointed as a result of section 168(2), when it becomes clear who the *person* under investigation is, the *FCA* will, nevertheless, normally notify them that they are under investigation when it exercises its statutory powers to require information from them, providing such notification will not, in the *FCA*'s view, prejudice the *FCA*'s ability to conduct the investigation effectively.