



Financial Services Act 1986 (Repealed)

1986 CHAPTER 60

PART X

MISCELLANEOUS AND SUPPLEMENTARY

199 Powers of entry.

[^{F1}(1) A justice of the peace may issue a warrant under this section if satisfied on information on oath given by or on behalf of the Secretary of State that there are reasonable grounds for believing that an offence has been committed—

- (a) under section 4, 47, 57, 130, 133 or 171(2) or (3) above, or
 - [under Part V of the Criminal Justice Act 1993 (insider dealing).]
- ^{F2}(b)

and that there are on any premises documents relevant to the question whether that offence has been committed.

(2) A justice of the peace may also issue a warrant under this section if satisfied on information on oath given by or on behalf of the Secretary of State, or by a person appointed or authorised to exercise powers under section 94, 106 or 177 above, that there are reasonable grounds for believing that there are on any premises documents whose production has been required under section 94, 105 or 177 above and which have not been produced in compliance with the requirement.]

(3) A warrant under this section shall authorise a constable, together with any other person named in it and any other constables—

- (a) to enter the premises specified in the information, using such force as is reasonably necessary for the purpose;
- (b) to search the premises and take possession of any documents appearing to be such documents as are mentioned in [^{F3}subsection (1)] or, as the case may be, in subsection (2) above or to take, in relation to any such documents, any other steps which may appear to be necessary for preserving them or preventing interference with them;
- (c) to take copies of any such documents; and

Status: Point in time view as at 01/03/1994. This version of this provision has been superseded.

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- (d) to require any person named in the warrant to provide an explanation of them or to state where they may be found.
- (4) A warrant under this section shall continue in force until the end of the period of one month beginning with the day on which it is issued.
- (5) Any documents of which possession is taken under this section may be retained—
- (a) for a period of three months; or
 - ^{F4}(b) if within that period proceedings to which the documents are relevant are commenced against any person for any criminal offence, until the conclusion of those proceedings.]
- (6) Any person who ^{F5}intentionally] obstructs the exercise of any rights conferred by a warrant issued under this section or fails without reasonable excuse to comply with any requirement imposed in accordance with subsection (3)(d) above shall be guilty of an offence and liable—
- (a) on conviction on indictment, to a fine;
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.
- (7) The functions to which section 114 above applies shall include the functions of the Secretary of State under this section; but if any of those functions are transferred under that section the transfer may be subject to a reservation that they are to be exercisable by the Secretary of State concurrently with the designated agency and, in the case of functions exercisable by virtue of ^{F6}subsection (1) above], so as to be exercisable by the agency subject to such conditions or restrictions as the ^{F7}Treasury] may from time to time impose.
- ^{F8}(8) In the application of this section to Scotland for the references to a justice of the peace substitute references to a justice of the peace or a sheriff, and for the references to information on oath substitute references to evidence on oath.]
- ^{F9}(8A) In the application of this section to Northern Ireland for the references to information on oath substitute references to complaint on oath.]
- (9) In this section “documents” includes information recorded in any form . . . ^{F10}

Textual Amendments

- F1** S. 199(1)(2) substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), **s. 76(2)**
- F2** S. 199(1)(b) substituted (1.3.1994) by 1993 c. 36, s. 78(3), **Sch. 5 para. 12(1)**; S.I. 1994/242, art. 2, **Sch.**
- F3** Words substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), **s. 76(3)**
- F4** S. 199(5)(b) substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), **s. 76(4)**
- F5** Word inserted by [Companies Act 1989 \(c. 40, SIF 27\)](#), **s. 76(5)**
- F6** Words substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), **s. 76(6)**
- F7** Words in s. 199(7) substituted (7.6.1992) by S.I. 1992/1315, art. 10(1), **Sch. 4 para. 3.**
- F8** S. 199(8) substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), **s. 76(7)**
- F9** S. 199(8A) inserted (1.3.1994) by 1993 c. 36, s. 78(3), **Sch. 5 para. 12(2)**; S.I. 1994/242, art. 2, **Sch.**
- F10** Words repealed by [Companies Act 1989 \(c. 40, SIF 27\)](#), ss. 76(8), 212, **Sch. 24**

Modifications etc. (not altering text)

- C1** S. 199: certain functions transferred by S.I. 1987/942, **arts. 5, 6**
- C2** S. 199 applied (19.6.1995) by S.I. 1995/1537, **reg. 23(4)**

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s. 199 applied (with modifications) (15.8.1995) by S.I. 1995/2049, **regs. 6, 6, 7-18**

Status:

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