

Senior management arrangements, Systems and Controls

Schedule 5 Rights of action for damages

Sch 5.1 G

The table below sets out the *rules* in SYSC contravention of which by an authorised person may be actionable under section 138D of the Act (Actions for damages) by a person who suffers loss as a result of the contravention.

Sch 5.2 G

If a 'Yes' appears in the column headed 'For private person', the *rule* may be actionable by a 'private person' under section 138D (or, in certain circumstances, his fiduciary or representative; see article 6(2) and (3)(c) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI 2001 No 2256)). A 'Yes' in the column headed 'Removed' indicates that the *FCA* has removed the right of action under section 138D(3) of the *Act*. If so, a reference to the *rule* in which it is removed is also given.

Sch 5.3 G

The column headed 'For other person' indicates whether the rule may be actionable by a person other than a private person (or his fiduciary or representative) under article 6(2) and (3) of those Regulations. If so, an indication of the type of person by whom the *rule* may be actionable is given.

Sch 5.4 G

Chapter/ Appendix	Section/ Annex	Paragraph	Right of action under section 138D		
			For private person?	Removed?	For other person?
SYSC 2 and SYSC 3			No	Yes SYSC 1 Annex 1.1.12R	No
SYSC 4 to SYSC 10			No	Yes SYSC 1 Annex 1.2.19R	No
SYSC 11 to SYSC 14, SYSC 18 to SYSC 21			No	Yes SYSC 1.4.2R	No
SYSC 15A			Yes	No, SYSC 1.4.2R	No
SYSC 22			Yes (apart from SYSC 22.8.1R and SYSC 22.9.1R -	No (apart from SYSC 22.8.1R and SYSC 22.9.1R -	No

Chapter/ Appendix	Section/ Annex	Paragraph	Right of action under section 138D		
			For private person?	Removed?	For other person?
			see SYSC 1.4.2R)	see SYSC 1.4.2R)	
SYSC 23 to SYSC 28A			No	Yes, SYSC 1.4.2R	No