

## Compensation

### Schedule 5 Rights of action for damages

#### Sch 5.1 G

1. The table below sets out the rules in *COMP*, 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.
2. If a "yes" appears in the column headed "For private person?", the *rule* may be actionable by a "*private person*" under Section 138D unless a "yes" appears in the column headed "Removed". 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.
3. In accordance with the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI 2001/2256) a "private person" is:
  - i any individual, except when acting in the course of carrying on a *regulated activity*; and
  - ii any *person* who is not an individual, except when acting in the course of carrying on business of any kind;
 but does not include a government, local authority or an international organisation.
4. The column headed "For other person?" indicates whether the rule is actionable by a *person* other than a *private person*, in accordance with those Regulations. If so, an indication of the type of person by whom the rule is actionable is given.
5. The vast majority of rules in *COMP* are rules to which the *FSCS* is subject. No right of action arises under section 138D for breach of these rules, as the *FSCS* is not an *authorised person*.

#### Sch 5.2 G

Chapter/Appendix		Section/ Annex	Paragraph	For private person?	Removed	For other person?
COMP 1		5	8	No	Yes - COMP 1.5.12R	No
COMP 14.4.6R				Yes	No	No

