

## Consumer Redress Schemes sourcebook

### Schedule 5 Rights of action for damages

#### Sch 5.1 G

The table below sets out the *rules* in CONRED 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 2001/2256)). 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

| Rule                                                  | Right of action under section 138D |          |                   |
|-------------------------------------------------------|------------------------------------|----------|-------------------|
|                                                       | For private person?                | Removed? | For other person? |
| All <i>rules</i> in CONRED with the status letter 'E' | No                                 | No       | No                |
| All other <i>rules</i> in CONRED                      | Yes                                | No       | No                |

