

Market conduct

Schedule 5
Rights of action for damages

Sch 5.1 G

1.

The table below sets out the *rules* in *MAR* 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, a 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.

Sch 5.2 G

Chapter / Appendix	Section / Annex	Paragraph	For Private Person?	Removed	For other person?	
MAR 1 (no rules)						
All <i>rules</i> in MAR 3 except MAR 3.5.7 E			Yes	Yes MAR 3.1.5 R	No	
MAR 4 (all <i>rules</i>)			Yes	No	No	

