

SCHEDULE

Application and modification of primary legislation

Modification to section 138D (actions for damages)

12. Section 138D (actions for damages)(1) applies as if—

- (a) in subsection (2), for “an authorised person” there was substituted “a registered person”;
- (b) in subsection (4), “(1) or” was omitted;
- (c) subsection (5) was omitted;
- (d) “(and so the contravention by an authorised person of a rule is actionable at the suit of a person who falls within that definition and who suffers loss as a result of that contravention)” was omitted from regulation 6 (rules) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001.

(1) Section 138D was inserted by section 24(1) of the Financial Services Act 2012 and amended by paragraph 8 of Schedule 3 to the Financial Services (Banking Reform) Act 2013 and [S.I. 2013/1388](#).