

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: Financial Services and Markets Act 2000, Cross Heading: Exemption from liability in damages is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 1ZA

#### THE FINANCIAL CONDUCT AUTHORITY

##### Textual Amendments

- F1** Schs. 1ZA, 1ZB substituted for Sch. 1 (24.1.2013 for specified purposes, 19.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 3](#) (with [Sch. 20](#)); [S.I. 2013/113, art. 2\(1\)\(b\)\(c\)\(2\), Sch. Pts. 2, 3, 4](#); [S.I. 2013/423, art. 3, Sch.](#)

##### Modifications etc. (not altering text)

- C1** Sch. 1ZA applied (with modifications) (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2018 \(S.I. 2018/323\), art. 1, Sch. 1 paras. 2\(2\)\(a\), 5\(1\)\(2\)](#) (with [art. 3](#))

## PART 4

### MISCELLANEOUS

##### Modifications etc. (not altering text)

- C1** Sch. 1ZA Pt. 4 modified (26.6.2017) by [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017 \(S.I. 2017/692\), regs. 1\(2\), 46\(9\), 63\(8\)](#) (with [regs. 8, 15](#))

#### *Exemption from liability in damages*

- 25 (1) None of the following is to be liable in damages for anything done or omitted in the discharge, or purported discharge, of the FCA's functions—
- (a) the FCA;
  - (b) any person (“P”) who is, or is acting as, a member, officer or member of staff of the FCA;
  - (c) any person who could be held vicariously liable for things done or omitted by P, but only in so far as the liability relates to P's conduct.

[ In sub-paragraph (1) the reference to the FCA's functions includes its functions under <sup>F2</sup>(1A) Part 5 of the Financial Services (Banking Reform) Act 2013 (regulation of payment systems).]

- (2) Anything done or omitted by a person mentioned in sub-paragraph (1)(a) or (b) while acting, or purporting to act, as a result of an appointment under any of sections 166 to 169 is to be taken for the purposes of sub-paragraph (1) to have been done or omitted in the discharge, or as the case may be purported discharge, of the FCA's functions.

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: Financial Services and Markets Act 2000, Cross Heading: Exemption from liability in damages is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) Sub-paragraph (1) does not apply—
- (a) if the act or omission is shown to have been in bad faith, or
  - (b) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998.]

#### Textual Amendments

- F2** Sch. 1ZA para. 25(1A) inserted (1.3.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), ss. 109\(1\), 148\(5\); S.I. 2014/377, art. 2\(1\)\(a\), Sch. Pt. 1](#)

#### Modifications etc. (not altering text)

- C1** Sch. 1ZA para. 25 applied (20.2.2013) by [The Financial Services Act 2012 \(Transitional Provisions\) \(Rules and Miscellaneous Provisions\) Order 2013 \(S.I. 2013/161\), arts. 1\(1\), 7\(3\)\(c\)](#)
- C2** Sch. 1ZA para. 25 modified by S.I. 2008/346, reg. 45 (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\), Sch. 2 para. 134\(f\)](#)
- C3** Sch. 1ZA para. 25 applied by S.I. 2012/3122, reg. 16 (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\), Sch. 2 para. 248\(4\)](#)
- C4** Sch. 1ZA para. 25 extended by S.I. 2011/99, reg. 61 (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\), Sch. 2 para. 196\(4\)](#)
- C5** Sch. 1ZA para. 25 modified by S.I. 2009/209, reg. 94 (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\), Sch. 2 para. 155\(4\)](#) (with Sch. 2 para. 156)
- C6** Sch. 1ZA para. 25 modified (E.W.) (9.7.2013) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Referral Fees\) Regulations 2013 \(S.I. 2013/1635\), regs. 1, 8](#)
- C7** Sch. 1ZA para. 25 applied (with modifications) (12.12.2014) by [The Immigration Act 2014 \(Bank Accounts\) Regulations 2014 \(S.I. 2014/3085\), regs. 1, 8](#)
- C8** Sch. 1ZA para. 25 modified (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\), arts. 1\(5\), 25\(b\)](#) (with Pt. 4)
- C9** Sch. 1ZA para. 25 modified (1.1.2016) by [The Small and Medium Sized Business \(Credit Information\) Regulations 2015 \(S.I. 2015/1945\), regs. 1\(2\), 22](#)
- C10** Sch. 1ZA para. 25 modified (18.9.2016) by [The Payment Accounts Regulations 2015 \(S.I. 2015/2038\), regs. 1\(2\)\(b\), 41](#)
- C11** Sch. 1ZA para. 25 applied (with modifications) (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\), reg. 1\(2\)\(3\)\(4\)\(6\), Sch. 1 para. 25](#) (with reg. 7)
- C12** Sch. 1ZA para. 25 applied (with modifications) (3.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Data Reporting Services Regulations 2017 \(S.I. 2017/699\), regs. 1\(2\)\(a\)\(b\), 40](#)
- C13** Sch. 1ZA para. 25 modified (13.8.2017) by [The Payment Services Regulations 2017 \(S.I. 2017/752\), regs. 1\(2\)\(a\), 121](#) (with reg. 3)
- C14** Sch. 1ZA para. 25 modified (1.1.2018) by [The Packaged Retail and Insurance-based Investment Products Regulations 2017 \(S.I. 2017/1127\), reg. 1, Sch. 1 para. 10](#)
- C15** Sch. 1ZA para. 25 applied (with modifications) (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\), regs. 1\(2\), 26](#)
- C16** Sch. 1ZA para. 25 modified by S.I. 2018/1149, reg. 65 (as inserted) (1.3.2019) by [The Financial Services Contracts \(Transitional and Saving Provision\) \(EU Exit\) Regulations 2019 \(S.I. 2019/405\), regs. 1\(2\), 3](#)

**Status:**

Point in time view as at 01/03/2019.

**Changes to legislation:**

Financial Services and Markets Act 2000, Cross Heading: Exemption from liability in damages is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.