

The complaint

Miss S complained because Revolut Ltd refused to refund her for transactions she said she didn't make.

What happened

At 7.13 am on 25 October 2021, Miss S contacted Revolut by chat, to dispute a £79.50 transaction to a pharmacy which had debited her account the previous evening. Miss S had used the pharmacy before, so Revolut's adviser told Miss S to contact the retailer to check with them.

Three payments then debited Miss S's Revolut account:

8.34am £299.99

8.42 am £729.00

8.45 am £999.00

All were carried out by contactless card payments.

At 9.13 am, Miss S contacted Revolut again by chat. She said she'd lost about £2,500 from her account. She said thieves had called her and requested all sorts of information, and she'd thought it was Revolut ringing. She said she hadn't made any of the three recent payments, or the previous day's pharmacy payment.

Revolut asked who were the people phoning her, and what information she'd given. Miss S said she'd provided her current balance, full name, phone number and PIN. She said she hadn't given her login details. Revolut stopped the card and sent Miss S a form to complete.

Later that day, Revolut decided and told Miss S that it wouldn't refund her for the three disputed transactions on 25 October, because it had found no traces of fraudulent activity on her account. Miss S complained.

In Revolut's final response, it repeated this. It later refunded her for the disputed pharmacy transaction on 24 October, but not for the three on 25 October which totalled £2,027.99. Miss S wasn't satisfied and complained to this service.

Our investigator didn't uphold Miss S's complaint. She explained that the technical evidence showed that the payments had been contactless, and carried out with the genuine card. Miss S had confirmed the card was in her possession. The investigator said she found this technical evidence more persuasive than Miss S's testimony. She also noted that Miss S had contacted Revolut at 7.13am on 25 October – but hadn't blocked her card until 10:14 am, after the time of the disputed transactions. And although the investigator had asked Miss S for evidence of any calls, messages or emails from a fraudster, to substantiate what she'd said, she hadn't provided any. So the investigator thought that Miss S had authorised the transactions herself, or had given someone else permission to do so.

Miss S didn't accept this. She said she hoped we'd find that she was a victim of fraud. She said she still had her card, and hadn't disclosed her PIN. She sent a list of her incoming calls

from a “*private number*” which included 25 October. She asked for an ombudsman’s decision.

What I’ve decided – and why

I’ve considered all the available evidence and arguments to decide what’s fair and reasonable in the circumstances of this complaint.

Regulations

There are regulations which govern disputed transactions. The relevant regulations for disputed transactions taking place in October 2021 are the Payment Services Regulations 2017. These say that the payment service provider (here, Revolut) must show the transaction was authenticated. That’s the technical part, and here, Revolut has provided technical information from which I can see that all three disputed transactions which Revolut refused to refund, were carried out using the genuine contactless card. So the disputed payments were authenticated.

The regulations also say that it’s necessary to look at whether the card holder authorised the payments. In general terms, the bank is liable if the customer didn’t authorise the payments, and the customer is liable if they did authorise them. So I’ve gone on to consider whether it’s more likely than not that Miss S authorised the three disputed payments which Revolut refused to refund.

Who authorised the three disputed payments?

Miss S said that she still had her card. But the technical evidence shows that the disputed transactions were carried out using the genuine physical contactless card. This is the fundamental problem about Miss S’s argument that she didn’t authorise the transactions.

I recognise that Miss S told Revolut that she’d had calls which she thought were from Revolut, so she gave the caller her current balance, full name, phone number and PIN. She later said that she hadn’t provided the PIN. But the PIN wouldn’t necessarily have been needed anyway for these contactless payments.

Miss S has recently provided a list of incoming calls on 25 October 2021 from a “*private number*.” But the list provides no information about what was said on those calls, or indeed whether they were from fraudsters – they could have been from any other “*private number*.” In any event, even if a third party had the details which Miss S has set out, it doesn’t change the fact that the three disputed transactions were carried out using the genuine physical card. And Miss S still had that.

I’ve also noted that Miss S first contacted Revolut with a concern about fraudulent transaction at 7.13 am on 25 October. But she didn’t block her card, which was in her power to do, until 10.14 am. I think it’s likely that if she genuinely hadn’t authorised the transactions, she’d have blocked the card straightaway as soon as she thought anything was wrong.

For these reasons, I think it’s most likely that Miss S carried out the disputed transactions herself. So I don’t require Revolut to refund her.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I’m required to ask Miss S to accept

or reject my decision before 27 September 2022.

Belinda Knight
Ombudsman