

The complaint

Mr B has complained that Vanquis Bank Limited hasn't refunded him for an oil radiator he bought from a third party, which he says is faulty.

What happened

Mr B bought an oil radiator, using his Vanquis credit card. He complained to Vanquis that it's faulty, but it hasn't refunded him - by way of either chargeback or section 75 of the Consumer Credit Act 1974. Unhappy with this, he brought a complaint to our service.

One of our investigators looked into what had happened, but didn't think the complaint should be upheld. She was satisfied that Mr B was out of time to raise a chargeback, and that the purchase didn't meet the criteria for a section 75 claim, so she didn't think Vanquis had acted unfairly.

Mr B disagreed, explaining that he'd tried to contact the seller, but had no response. He also queried whether Vanquis had unfairly charged him interest.

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.

Having done so, I'm not going to uphold it. I know this will be disappointing, but I'll explain why.

Mr B bought the radiator for £54.99 on 19 May 2022. He contacted Vanquis on 23 December 2022, to say it was faulty and he wanted a refund. Vanquis did not raise a chargeback, as more than 120 days had passed. Under the VISA chargeback scheme rules, a chargeback would have needed to be raised within 120 calendar days of the transaction, or of Mr B receiving the goods. As it was not, Vanquis did not behave incorrectly by not processing it. This is the case regardless of Mr B explaining he'd tried to contact the seller.

As regards a claim under section 75, the purchase does not meet the criteria. That is because the legislation requires the value of the goods to be priced at over £100. Here, the radiator cost less than this, so the legislation doesn't apply.

As regards interest, I've seen nothing to suggest that it wasn't charged fairly, in line with the terms and conditions of the account.

My final decision

For the reasons given above, it's my final decision not to uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 19 June 2023.

Elspeth Wood
Ombudsman