

## **The complaint**

Mrs L complains that Revolut Ltd hasn't refunded money she lost due to a 'safe account' scam.

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat everything again here.

In brief summary, Mrs L says she received a phone call letting her know her bank account had been compromised. She says she was told by the agent to set up and move some of her funds to a Revolut account to keep them safe. Mrs L says she did this, but then realised the money she'd paid into the Revolut account had been stolen. Six payments left her Revolut account, two using her debit card and four by ApplyPay, which was set up on another device shortly after the account was opened.

Revolut looked into the transactions, but didn't agree they were unauthorised. And it said that the transactions weren't suspicious or of a high enough value for it to have intervened on them. It also said there were no recovery options for Mrs L. She disagreed and after raising a complaint with Revolut, brought her complaint to our service via a representative.

Our investigator didn't uphold Mrs L's complaint. She said that Mrs L hadn't provided a plausible explanation for sharing her card details or for allowing another device to then be added to her account. So she said she could only conclude that Mrs L had shared these details for the purposes of payments being made. She also quoted Mrs L's original conversation with Revolut, where she said she had authorised the payments as she was tricked to do so.

Mrs L's representative disagreed and asked for a decision. They said Mrs L's testimony was taken out of context and she didn't authorise the payments. They said she didn't share any of her personal details or her card details, and that she was tricked into sharing the code to set up ApplePay, but didn't do so to allow payments. So the case has been passed to me for a 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.

The relevant regulations here are the Payment Services Regulations 2017 (PSRs). 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, even if it was due to a scam.

'Authorisation' requires the payment to be authenticated, and for the consumer to give consent for the payment to be made. I'm satisfied the payments in this case were authenticated, but the issue to decide is whether Mrs L consented to these payments, by either making them herself or giving a third-party apparent authority to make them.

Reviewing the evidence of file, I don't think Mrs L did personally make the payments in question here. However this in itself doesn't mean that they weren't authorised by her.

Mrs L's testimony about what happened has unfortunately varied since she first reported this scam. And some of the information she's provided our service doesn't match the evidence Revolut has been able to provide. In order to uphold this case, I would need to be persuaded by her testimony that a third-party made these payments without her apparent authority, but based on the information we hold, I can't safely say this.

Mrs L has said she didn't share her card details with anyone. She opened the Revolut account as part of this scam and has described how quickly the funds left the account after it was opened. As above, two of the payments were made using her card details and four were made by ApplePay – which can only be set up with the full card details. Our service is aware that at times someone's card details can be compromised, there are unfortunately ways scammers can potentially access people's details. However Mrs L's card had never been used before and the physical card wouldn't even have been generated by the time the scam card payments were made.

Mrs L has confirmed she didn't download any sharing applications onto her phone (which would allow the scammer to see her card details), and that she didn't share her password or login for her Revolut account with anyone (to allow a third party to access into it). She's also said that she's certain she wasn't asked to authorise any payments in her Revolut app. However the payments were all made due to the scammer having Mrs L's full card details (either to pay online, or to set up ApplePay) and Revolut has evidenced that the two card payments needed additional authentication to go through in the Revolut app, which was completed. So the evidence doesn't support what Mrs L has told us happened.

Mrs L has accepted she shared the code to set up ApplePay, but says she never saw the wording on the text message with the code. This clearly told her not to share it with anyone. Initially we were told she only shared it to complete setting up her Revolut account. Then that she shared it to protect her account, which is quite different. In any event, it's difficult to rely on this testimony when it's not consistent *and* the other testimony we have from Mrs L isn't supported by what we can see happened.

I haven't been able to establish a point of compromise for the card details in this case. And I haven't been able to understand why the card payments were approved in Mrs L's Revolut app, when she says she didn't want to make any payments. She was also using an in-app feature to top up her Revolut account as part of the scam, so it does seem she was actively using the app when the payments were going out, but she didn't report them until over four hours after the first payment. And when Mrs L did report the scam to Revolut, she indicated at this time that she did authorise the payments, albeit due to the scam and pressure from the scammer.

Ultimately, the question I have to answer is whether Mrs L did or said something that permitted the third-party to have consent to make these payments – and based on the evidence we hold, I think it's most likely she did. Mrs L hasn't provided a satisfactory explanation for sharing the personal details that enabled the payments to be taken. Without this and taking into account what else happened, I can't safely conclude in this case, despite her actions, these payments were still unauthorised.

There are gaps and inconsistencies in Mrs L's testimony that suggest we haven't been given the full version of events. And the data we hold shows that the card payments were approved in Mrs L's app. Without any explanation as to why she'd do this *not* intending to allow these payments, I can only conclude that, at the time, Mrs L did understand payments were being made and agreed to them – which is also supported by what she told Revolut

when she reported the scam. And while she has explained why she shared the code, I can't confidently rely on this reasoning, considering two differing reasons have been given and there are other discrepancies in her testimony. And, as I've concluded she approved two other card payments to be made, it doesn't seem implausible she shared the code with the knowledge payments would be made.

I also note that Mrs L moved money from three accounts into this Revolut account, but has told us it was just one of these banks that called her, and she understood that particular account had been compromised. She had to use the two other banks as the 'compromised' bank blocked payments to Revolut, so Mrs L moved the money in via these other accounts. But, once she'd moved the money out to the other bank accounts, it was already 'safe' and yet she still moved it on to Revolut. Based on her testimony, it's not clear why this was necessary, again her testimony not quite matching the facts of the case. I do think Mrs L carried out the steps she did under the scam and that she did not intend for her money to be taken by scammers, but the intention for the payment is not a consideration under the PSRs.

Considering this case as a whole, I think Revolut has fairly concluded that Mrs L is considered to have authorised the payments, and so it isn't required to refund them.

I've then thought about whether Revolut ought to have blocked any of the transactions and carried out additional security checks on them, potentially breaking the spell of the scam. But I'm not satisfied it needed to do this on any of the payments, so it didn't do anything wrong by allowing these payments to go through. And as Mrs L's payments all went to legitimate merchants, I'm satisfied Revolut had no chargeback prospects with the payments and there aren't any other recovery options here.

I accept that Mrs L was scammed and that she's lost a large amount of money due to this. But I don't consider Revolut needs to refund her in this case.

### **My final decision**

For the reasons set out above, I don't uphold Mrs L's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs L to accept or reject my decision before 21 March 2024.

Amy Osborne  
**Ombudsman**