

## **The complaint**

Mr Y complains Bank of Scotland plc trading as Halifax took money from his account.

## **What happened**

Mr Y's account was debited over £4,000. Mr Y didn't recognise this transaction and contacted Halifax. Halifax told Mr Y it had taken the money because of a court order.

Mr Y complained, as he'd been given no notice, and Halifax said it had no option but to comply with the court order. Halifax said Mr Y might want to take some legal advice if he needed to recover the money.

Halifax followed up to let Mr Y know it couldn't send him a copy of the court order, but it told him which court had served the order on Halifax.

Unhappy with this answer Mr Y brought his complaint to this service. An investigator looked into things and initially upheld Mr Y's complaint, as Halifax hadn't sent in the court order.

Halifax then sent the investigator a copy of the court order, so they didn't think Mr Y's complaint should be upheld. The investigator thought Halifax had acted fairly when it debited Mr Y's account, it had been sent a court order it had to comply with.

Mr Y didn't agree. Mr Y said there was no evidence of the court order and it wasn't a high court order. Mr Y said the order had since been quashed in court so he should never have been debited the money.

Mr Y also questioned the validity of the jurisdiction of the order, and was satisfied there was no order in place so Halifax should never have taken the money. Mr Y asked for an ombudsman to decide things.

## **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.

I've seen a copy of the court order Halifax was sent. The court order names Mr Y, has his address on it as well as his bank account details. I think it's fair for Halifax to think the court order applied to Mr Y.

The court order says if Halifax doesn't comply with it, then Halifax might be responsible for the payment. I think Halifax acted fairly in complying with the order.

The court order also says Mr Y will be sent a copy of it. Mr Y says he hasn't seen a copy of the court order, I'd suggest he contact the court mentioned in Halifax's letters to get a copy sent to him.

I don't think Halifax needs to send Mr Y a copy of the court order, it's not Halifax's order to send on to Mr Y.

Mr Y has said the court order isn't a high court order, and it isn't. But I don't think this changes things, it's a court order and I think Halifax fairly complied with it.

Mr Y lives in the same part of the United Kingdom as the court issuing the order. If Mr Y thinks there are reasons why the court order shouldn't apply to him, I think he should get some legal advice about this.

Mr Y says the court order's since been quashed. To quash the order, this suggests it was in force and valid. And Halifax didn't know the court order might be quashed at some point, it was told by a court to comply with the order and did.

I'm satisfied there was a court order, in force against Mr Y, and Halifax acted fairly in debiting Mr Y's account the amount owed on the order. If Mr Y is now owed this money by the claimant, then I think this is a matter for court, not Halifax or this service.

I think Halifax acted fairly in debiting Mr Y's account and I don't think it needs to do more to resolve this complaint.

### **My final decision**

My final decision is I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr Y to accept or reject my decision before 30 April 2024.

Chris Russ  
**Ombudsman**