

The complaint

Mr J complains that Revolut Ltd won't refund several payments he says he made and lost to a scam.

What happened

The background to this complaint is well-known to both parties, so I won't repeat it in detail here. But in summary and based on the submissions of both parties, I understand it to be as follows.

Mr J complains that on 23 October 2023 he made two payments to what he thought was a legitimate flight company.

Payment 1	23 October 2023	£7,500.00
Payment 2	23 October 2023	£2,000.00
	Total	£9,500.00

Mr J says he was due to fly from Pakistan to London but missed the flight because his daughter was injured in the airport. He was contacted on a mobile messaging service from someone claiming to represent the airline the missed flight was with to rebook his tickets.

Mr J says he was charged £1,400 and made the payment from another bank account.

Mr J says he was then contacted by the agent he booked tickets with previously and was quoted £700. So, he requested a refund from what he thought was the company he bought the flights for £1400 with. The alleged scammer said it would take 90 days unless he paid an additional £9,500. So, Mr J made the payments.

When Mr J didn't receive the refund, he realised he'd been scammed. He then logged a complaint with Revolut. Mr J then went on to make a further payment to the alleged scammer of £1,500 six days after the £1,400, but from his third-party account.

Revolut looked into the complaint but didn't uphold it. It didn't think it had done anything wrong by allowing the payments to go through. So, Mr J brought his complaint to our service.

Our Investigator looked into the complaint but also didn't uphold it. Our investigator found that even if Revolut had called and spoke to Mr J when he made the payments, it was unlikely it would've stopped him making them. Our investigator came to this outcome based on the fact Mr J had gone on to send a further payment to the alleged scammer after he reported it to Revolut.

As Mr J didn't agree with the investigator's view, the complaint's been passed to me for a final decision.

I emailed Mr J on 26 November 2024 to say that although I agree with the outcome reached by the investigator, I intended to not uphold the complaint for different reasons.

Mr J responded and remained unhappy. So, I've now issued my final 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.

I'd like to say at the outset that I appreciate Mr J has gone to considerable effort when providing his submissions in support of his complaint – providing significant detail as to what he says happened and why he thinks Revolut is responsible for the loss he suffered. I therefore want to reassure him that I've given everything he's said careful consideration. And so, while I've summarised his points, and in far less detail than he provided, I want to stress that no discourtesy is intended by this. And if there is a submission or point that I've not addressed, it isn't because I've ignored it. Instead, it's simply because I've focussed on what I consider to be the central issues in this complaint – that being whether Mr J was the victim of a scam and if Revolut is responsible for the loss he claims to have suffered.

Where the evidence is incomplete, inconclusive, or contradictory, I must make my decision on the balance of probabilities – that is, what I consider is more likely than not to have happened in the light of the available evidence and the wider surrounding circumstances.

In line with the Payment Services Regulations (PSR) 2017, consumers are generally liable for payments they authorise. Revolut is expected to process authorised payment instructions without undue delay. As an EMI, they also have long-standing obligations to help protect customers from financial harm from fraud and scams. But those are predicated on there having been a fraud or scam. So, to start, I've considered whether Mr J was a victim of a scam.

Mr J has provided evidence that he made a total of six payments to the alleged scammer. Mr J has been able to explain that one of the payments from his third-party bank was for the payment of the flight he thought he was booking for £1,400. Mr J has then gone on to say that the two payments made from his Revolut account totalling £9,500 were for the recovery of the flight money, as part of the alleged mirror payment scam, he said he was a victim of. The final payment Mr J has made our service aware of was for £1500 and made after he was first aware he'd been scammed.

When our investigator has questioned the further two payments to the alleged scammer from the third-party bank account, Mr J hasn't been able to convince me what these payments were for.

Mr J's recollection of events are as follows.

It all started with the scammer (name removed) charging GBP 1,400 from my (bank name removed) Account acting as a travel agent and representative of (airline removed). When I told him I'd gotten my air-ticket from another legit travel agent, he said to refund the initial GBP 1,400 it can take up to 90 days so if I transfer the GBP7500 + GBP2000 account, (name removed) will be able to do a same day "mirror refund", which was all a trickery of financial terms that I was not aware of.

Mr J also began the complaint by saying that he had raised a claim for the flight payment of £1,400 and it was refunded the day after it was made. But Mr J has recently said he hasn't received any refund for any of the payments, then most recently that the refund to the third-party bank was taken back. Mr J hasn't provided a third-party statement to support his comments around the payment being taken back. Mr J's statement also does show a credit coming back in from the alleged scammer of £1,500, the payment made after the scam was

reported and not the £1,400 he said he paid for the fake flight.

Mr J also made the two payments he has asked Revolut to refund on the 23 October 2023 and reported them as fraudulent on 23 October 2023. Mr J made a payment to the same account he said the scammer used on 25 October 2023 - after he thought he'd been scammed. Although Mr J said he kept believing the stories of the scammer, I haven't seen any information to show me Mr J contacted Revolut at this time to stop the scam claim. I would've expected this to have happened if Mr J no longer believed he had been scammed, as he's claimed he did on 25 October 2023.

Mr J said in his testimony to our service that he didn't make any more payments to the scammer after the two payments from his Revolut account - as he got suspicious. But as I've mentioned in this decision, Mr J did make a further payment on the 25 October 2023 for £1500. So, this is again inconsistent.

The last inconsistency in Mr J's recollection of events is that he said he made the two payments from his Revolut account after he paid the alleged scammer £1,400 on the 19 October 2023. Mr J's third-party bank statement from the account he made this payment from shows a payment of £7,500 and £1,500 on the 18 October 2023, before the payment for the flight. Mr J hasn't given any plausible or persuasive argument for why he made these two payments before the alleged scam started.

So based on everything I've seen, on balance, I'm not persuaded or satisfied it's been sufficiently demonstrated that Mr J made these payments to a scam. This is because of Mr J's inconsistent testimony and what appears to be other unexplained payments made by Mr J to the account he claims was used by the scammer – in particular, the payments made to it before the initial £1,400 scam flight payment from his other bank account.

So, although I've explained Revolut has obligations when its customers are sending payments, these are predicated on there having been a fraud or scam. And given I've concluded that these payments weren't made as part of a scam, these obligations don't apply here. Nor can I therefore reasonably conclude that any further questioning or probing of Mr J about the payment would've made a difference given there wasn't a scam to uncover.

Mr J has said several times that Revolut have treated his payments made as fraudulent and has indicated that this means our service should do the same. The investigation I've completed is independent of any that Revolut undertook. So, I've needed to come to my own conclusion about what I think most likely happened.

Mr J has highlighted the new PSR rules that have recently come into force. Unfortunately, these are not retrospective and so I haven't considered them as part of this complaint.

I know this isn't the outcome Mr J is hoping for but, for the above reasons, I don't think Revolut has to do anything further.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 21 February 2025.

Tom Wagstaff

Ombudsman