

## **The complaint**

Mr H says Revolut Ltd (“Revolut”) should refund him for transactions on his account he says he didn’t authorise.

## **What happened**

The facts of this case are well known to both parties, so I won’t repeat them in detail here.

In summary, Mr H says he was abroad when his drink was spiked, and he was ushered into a taxi and forced to make transactions against his will. He says there was a third-party in the taxi who took his phone and turned it towards him to use his face to unlock the device via Face ID and make the transactions in dispute. Mr H says Revolut should refund him this money as they were made under duress.

Revolut says the transactions in dispute were a mix of transfers and card payments made using Mr H’s trusted device through the Revolut app and ApplePay. And his Face ID and PIN were used, it says it is satisfied Mr H authorised the transactions. It also says the transactions were verified via push notifications and SMS messages. Revolut also intervened and blocked one of the payments, but after receiving confirmation it was a genuine payment, it allowed further transactions to be processed.

Our investigator considered the complaint and decided not to uphold it. Mr H wasn’t happy with this outcome, so the complaint has been passed to me for a 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.

Firstly, I would like to say I am very sorry to have learnt about what happened to Mr H. The situation as described sounds very distressing and I’m sorry Mr H went through this.

Generally speaking, Revolut is required to refund any unauthorised payments made from Mr H’s account. Those rules are set out in the Payment Service Regulations (PSR) 2017. The regulations also set out what “unauthorised” means and how I should be assessing what is and what is not considered authorised. Mr H says he didn’t make these transactions willingly, he did so under duress. So, I have considered everything he has said, in line with the regulations which apply.

Revolut has shown that the transactions in dispute were a combination of ApplePay payments and faster payments made via Mr H’s trusted device. And Mr H isn’t denying that these transactions were made using his phone via his Revolut app and ApplePay. He says these were made under duress, so they were not authorised. But the evidence provided is enough to show that the transactions were authenticated correctly as per the PSRs. And I’ll explain why.

Having considered the evidence I am satisfied that the transactions in dispute were correctly authenticated. They were carried out using ApplePay and the Revolut app online. The ApplePay was registered to Mr H's device, and there is no evidence any other device was used for either type of payments. Both types of payments were verified via push notifications via the app and SMS messages. This means they were correctly authenticated, so the question to consider is whether the required consent was given.

The question of consent is an objective test, and it doesn't depend on the consumer being fully aware of the details of the payment at the time they completed. This means where a consumer says they were drunk or drugged so couldn't appreciate what was happening when they entered their PIN, or where they are being pressured or coerced into giving consent to a payment – under the regulations which apply, they are still deemed to have given consent

The evidence shows the Revolut app was accessed via Mr H's face ID and using his PIN. I've listened to what Mr H says about the third-party facing the phone towards him, to complete the Face ID verification. And I can appreciate under the circumstances, being held by fear and being drugged, it's likely Mr H gave the third party his PIN or typed it in for him even if he can't remember this now. But, as I've said above the regulations say that in situations like this the transactions are deemed to be authorised, even though he shared details with someone under duress.

I've also considered whether Revolut should've flagged any of these payments as suspicious and could've done more in the circumstances to protect Mr H's account. However, Revolut did flag the first card payment as suspicious and his card was blocked. But it was confirmed in the app that the payment was genuine, so the transactions that followed were processed. There is evidence that Revolut required additional verification via push notifications and SMS confirmation, and these were all correctly verified. So, I am satisfied that Revolut took reasonable steps to mitigate the chances of fraud. There was no way for Revolut to have known what was going on at the time, so it wouldn't be fair for me to say Revolut should have done anything more.

My role is to look at all the evidence, and then reach a decision that takes this into account and is fair to both parties. That means I consider Revolut's position as much as I do Mr Hs. And what Mr H's asking for here is for Revolut to use its own funds to pay him back money that he says was stolen from his account.

I appreciate this decision will be very upsetting for Mr H. It's a lot of money, and the situation he was in sounds horrific. So, I do have sympathy for his situation. However, under the regulations which apply the transactions are deemed to have been authorised and I don't think Revolut should've reasonably been expected to do anything more in the circumstances.

### **My final decision**

I am not upholding this complaint

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

Sienna Mahboobani  
**Ombudsman**