

The complaint

Mr C complained because Bank of Scotland plc, trading as Halifax, refused to refund him for transactions he said he hadn't authorised.

What happened

On 22 April 2024, Mr C contacted Halifax. He said he hadn't authorised multiple payments to two merchants, going back to August 2014.

Halifax agreed to refund Mr C for all the payments within the previous 13 months. It refunded him with multiple payments to both merchants. But it wouldn't refund him for transactions older than 13 months. Mr C complained.

Halifax sent Mr C its final response on 3 July. It said it couldn't raise claims for payments older than the last 13 months. It told Mr C he could contact the merchants direct for the older payments.

Mr C didn't agree and contacted this service. He wanted refunds for older payments too.

Mr C had said he'd first noticed the payments in April 2024, and our investigator asked him whether he hadn't checked his statements before April 2024. Mr C replied that he wasn't good with technology. He also said that when he'd checked his bank statements he'd only looked to confirm what had been paid in, and hadn't taken any note of what had been paid out. He said no-one else had access to his card or card details, and he hadn't lost any bank cards as he was very careful with them.

Our investigator didn't uphold Mr C's complaint. He considered that Mr C ought to have been aware of the payments coming out of his account, and he thought Halifax had acted fairly.

Mr C didn't agree. He said he hadn't authorised any payments from the two merchants. He said again that he wasn't good with technology, and he didn't look for people to be robbing him. He said that a refund for 13 months was a pittance, and he thought it was so unfair that Halifax wouldn't refund him. He said it was wrong that regulations said there was a limit of 13 months. He said he hadn't been brought up with computers and he wanted his money back.

Mr C asked for an ombudsman's 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.

What the Regulations say

There are regulations which govern the outcome of disputed transaction disputes. The relevant ones here are the Payment Services Regulations 2017. Section 74 says:

“74.—(1) A payment service user [here, Mr C] is entitled to redress ... only if it notifies the payment service provider without undue delay, and in any event no later than 13 months after the debit date.”

What this means for Mr C’s complaint

I’ve looked at whether Halifax acted fairly and reasonably when it refused a refund for transactions older than 13 months. In particular, I’ve considered the reasons Mr C gave for saying he didn’t know about the disputed transactions until he reported them in April 2024.

I sympathise with Mr C saying he isn’t good with technology. But he could have requested paper statements from Halifax, and I haven’t seen any record that he did so. Section B3 *“How will you get information about your account?”* in Halifax’s Terms and Conditions says: *“You can also ask us for information about your payments at any time. You can do this or order a paper statement at any branch or by Online Banking or Telephone Banking.”* Mr C also told our investigator that his wife helped him with technology.

It’s important to check an account regularly, and when Mr C first reported the dispute to Halifax, it asked how often he checked his statements and he said *“regularly.”* I also have the online login records, showing that Mr C did log on. One example is 23 June 2023, nearly a year before he raised the disputed transactions. Disputed transactions would already have been showing at that point.

Mr C said that he only checked whether money had come in, and not when money had gone out. It seems unlikely he wouldn’t have noticed the multiple payments to the two merchants, and was just looking for credits. But even if that’s what happened, I can’t say that Halifax acted unfairly. It followed the Regulations in refusing to refund Mr C for transactions older than 13 months. And it had evidence that Mr C logged into his account earlier than April 2024 when he raised the dispute.

So I can’t say that Halifax acted unfairly when it refused to refund him for the older transactions.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I’m required to ask Mr C to accept or reject my decision before 20 January 2025.

Belinda Knight
Ombudsman