

## The complaint

Mr A is unhappy that Bank of Scotland plc (trading as Halifax) won't refund transactions made to three investment firms – I'll refer to as 'B', 'E' and 'AT'.

## What happened

Mr A made transactions to investment companies specialising in Contracts for Differences (CFDs) and Forex trading. He made two card payments to B in January 2019 totalling £700, but says he later had problems withdrawing his funds as it didn't accept UK customers. He says he had similar issues with funds sent to E and AT.

In 2022 Mr A contacted Halifax for assistance with recovering the payments he made to B. Halifax said it couldn't help, as disputes needed to be raised within 120 days of the transactions – meaning it was now outside of the timescales for a chargeback to be possible. Mr A raised a complaint, mentioning briefly that there were other companies involved, but Halifax's position remained the same in its response (dated 25 August 2022). He referred matters to us under a different case, which wasn't logged separately at the time.

In 2024 Mr A chased what was happening with his complaint about Halifax, following the conclusion of a different fraud case. We initially thought he was trying to refer matters too long after Halifax's final response, but then saw he'd contacted us about it in 2022. Mr A also mentioned he was unhappy about historic transactions to E and AT from his Halifax account.

Mr A had previously tried to bring complaints about A and B to us in 2022. But we told him at the time that neither complaint was within our jurisdiction. We suggested he refer his concerns about AT to the Financial Services and Pensions Ombudsman (FSPO) in Ireland, as detailed in his complaint response from that firm. Mr A told us he'd tried to do that but without success.

I wrote to Mr A with my provisional thoughts, outlining that Halifax was correct in saying the 2019 transactions to B were out of time for a chargeback. I couldn't find any evidence disputes for the payments to E or AT had been raised in time with the bank either. I also didn't think any of the payments were made to a scam, based on the information we'd seen. So, overall, Halifax had acted fairly by declining to refund any of the transactions (to B, E or AT).

Mr A didn't agree with what I'd said, and remained adamant he had contacted Halifax within the timescales but the process for raising disputes was confusing and difficult. He also mentioned that he was experiencing financial difficulty, and so it was important Halifax refunded the transactions.

While I empathised with Mr A's circumstances, I said without any evidence he'd raised disputes in time my view on things remained unchanged. The contact notes also suggested Mr A had managed to raise other disputes with Halifax, but he denied that was the case.

## **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.

Having done so, I'm not upholding Mr A's complaint. I appreciate that will come as a great disappointment to him, as I know he is finding things very challenging at the moment. But I don't consider Halifax are responsible for refunding the transactions he made to B, E or AT.

For the 2019 transactions to B, I haven't seen any evidence that a dispute about those was raised until 2022. Mr A said he was prevented from withdrawing his available balance with the firm, and so chargeback reason code 13.5 is relevant. But a dispute under that code needs to be raised within 540 days of the payments. So, Halifax fairly declined to raise disputes for those payments, as they were outside of the allowable timescales for doing so. B appears to be a legitimate firm too, so I don't think these transactions were scam related. Our service isn't able to look at a complaint about the matter against B either, so Mr A might want to take advice about his options for pursuing his dispute through legal channels.

Halifax doesn't have any record of disputes being raised previously about the transactions he sent to E and AT, and I've not seen anything from Mr A that persuades me he did. But those would also be out of time for chargebacks now (as they were made more than 540 days ago). During the complaint call in 2022 Mr A does briefly allude to being unhappy about other transactions, but didn't give the bank the opportunity to learn more. The only disputed payments Halifax had noted prior to that call were the ones to B in 2019, and I don't think that conversation represented a reasonable attempt to raise disputes about any other ones. So, it was fair Halifax didn't investigate further at that point.

The contact notes show that in January 2018 Mr A contacted Halifax to raise chargebacks for some other transactions he'd seen on his statements. Those were unsuccessful, according to the system notes, as he couldn't demonstrate he'd disputed things with the companies he'd paid first. So, while I appreciate he might not remember raising those earlier disputes, given others are noted, I'm persuaded if he had tried to raise these ones in time he would have been able to (and there would likely be a record of it).

AT responded to a complaint in 2022, and referred Mr A to another dispute resolution scheme, so I don't think those transactions are scam related – and his options for pursuing that issue were set out in the response. There was also a legitimate firm with the same name as E, though that's now in liquidation. So, currently, I don't think Halifax needs to do anything further in relation to those payments either (to E or AT). But if Mr A can provide evidence that any of the transactions he's unhappy about were sent as part of a scam then he should submit that to his bank for consideration.

Overall, though I empathise with the situation Mr A finds himself in, I haven't found Halifax acted unfairly or unreasonably in relation to the matters complained about. So, I don't think it is required to refund the transactions in question.

## **My final decision**

My final decision is I don't uphold Mr A's complaint about Bank of Scotland plc (trading as Halifax).

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 28 April 2025.

Ryan Miles  
**Ombudsman**