

The complaint

Ms M complains that Bank of Scotland plc did not properly protect her when she made a large number of card payments to a gambling website. The bank trades in this case under its Halifax brand.

What happened

Between October 2023 and January 2024 Ms M made 199 card payments from her Halifax account to a gambling website, which I'll call "J". The total spent in that time was £2,164.22. Ms M made further payments to J from two other accounts, and her total spend to J over a nine month period was in the region of £15,000. She has brought separate complaints about the other two banks.

In August 2024 Ms M contacted Halifax. She said that she thought that J was not operating honestly. Amongst other things, it was making inaccurate claims about the prospects of winning and did not always make payments when it should have done. She thought it was under investigation by the police and the regulator. Ms M also said that the nature and frequency of her payments to J should have alerted the bank that something was wrong, and that it should therefore have intervened.

Halifax considered what had happened. It told Ms M however that it had no rights to seek refunds from J, primarily because of the time which had passed since the payments had been made. And it did not believe that it was under any obligation to step in because of the nature of the payments. The bank later noted that Ms M had made more recent payments to J, but said that there were no grounds on which it could have sought refunds.

Ms M was not happy with Halifax's response and contacted this service. One of our investigators considered her complaint but did not recommend that it be upheld. Ms M did not accept the investigator's assessment. In her response, she clarified that her complaint was not about chargeback (the process under which banks can sometimes obtain refunds from merchants); rather, it was that Halifax had not intervened when she had made many payments to a gambling and gaming site. Ms M asked that an ombudsman review 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.

Ms M has explained that her complaint is not about the bank's handling of chargeback requests, so I shall only comment very briefly on that point, and only to the extent that it is relevant to other aspects of the case.

Ms M has said that she believes J was operating dishonestly, but she has not identified how, if true, that had any direct impact on her. She has not suggested, for example, any payments which she did not authorise or any winnings which she should have received but didn't. Her comments are much more general than that.

I do note that, since our investigator issued her assessment of the complaint, J has ceased trading and is now in administration. I am not aware however that police or regulatory investigations have discovered any wrongdoing.

I turn then to Ms M's complaint that Halifax should have intervened to stop her spending what she did.

A bank's primary obligation when it receives a payment instruction from a customer is to act on that instruction. That was recently confirmed by the Supreme Court in *Philipp v Barclays Bank UK Plc* [2023] UKSC 25. A bank has no general duty to look into the reasons for a payment or to question the wisdom of it.

That said, banks should have systems in place to detect suspicious or fraudulent transactions, and there are rules covering the circumstances in which they should reimburse payments, even where the customer has authorised them. And in some cases, we might consider that banks should step in because of the nature of a payment or payments, or because of a risk to the customer.

In this case, however, the payments were all for a low value (most were under £10, and the largest was for £53.20). There is no suggestion that Ms M was tricked or coerced into making them. Nor had she asked the bank to stop payments to J or to gambling websites in general. I don't therefore believe that there are any grounds on which I could fairly say that Halifax should have intervened in this case.

Different banks might have different processes and might have questioned the payments, but it does not follow that Halifax should have done so here.

My final decision

For these reasons, my final decision is that I do not uphold Ms M's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms M to accept or reject my decision before 17 July 2025.

Mike Ingram
Ombudsman