

## **The complaint**

Mr W complains Zopa Bank Limited won't transfer money from another Zopa customer's account into his own Zopa account.

## **What happened**

Mr W provided a "Deed of Gift" to Zopa and asked it to move £5,000,000 held in another customer's account into his account, in accordance with the Deed of Gift. He says the other customer, his wife, had also given Zopa instructions to move the money to Mr W's account.

Zopa refused to send the money to Mr W, saying that the account holder would need to instruct it to make a payment before it could do so. Following a complaint, Zopa still refused to send the money to Mr W's account. So, Mr W referred his complaint to our service.

An Investigator considered the circumstances. He said he didn't think Zopa had treated Mr W unfairly in the circumstances.

Mr W didn't accept the Investigator's findings. He said the Deed of Gift proved his ownership of the funds, he now suspected Zopa had removed them from his wife's account, and he wanted our service to find the money.

As Mr W didn't agree, the complaint's been passed to me to decide.

## **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 think it's important to explain I've considered all of the information provided by both parties in reaching my decision. If I've not reflected or answered something that's been said it's not because I didn't see it, it's because I didn't deem it relevant to the crux of the complaint. This isn't intended as a discourtesy to either party, but merely to reflect my informal role in deciding what a fair and reasonable outcome is.

I'm sorry to hear of the difficult circumstances Mr W and his family are facing. I've not included the details of those here, as this decision is published on our website. But I acknowledge his strength of feeling about what's happened here and the significant impact he's told us this is having on him and the wider family.

Before setting out the outcome I've reached, I think it's helpful to explain how I'm required to do so given Mr W's references to the law. These rules are set out by the Financial Conduct Authority (FCA) in the Dispute Resolution (DISP) Handbook.

DISP 3.6.1 says:

*The Ombudsman will determine a complaint by reference to what is, in his opinion, fair and reasonable in all the circumstances of the case.*

And DISP 3.6.4 says:

*In considering what is fair and reasonable in all the circumstances of the case, the Ombudsman will take into account:*

*(1) relevant:*

- (a) law and regulations;*
- (b) regulators' rules, guidance and standards;*
- (c) codes of practice; and*

*(2) (where appropriate) what he considers to have been good industry practice at the relevant time.*

So, I'm required to take into account the law, but I'm not bound by it. Ultimately, I'm required to decide matters on a fair and reasonable basis.

Mr W has provided a copy of the Deed of Gift to our service. He's told us the money transferred to him under the deed was, at one time, held in an account in his wife's name but he now believes Zopa has moved it elsewhere. He says Mrs W has, separately to his contact with Zopa, instructed Zopa to make the payment to him.

Having considered all the circumstances, I don't find it was unreasonable of Zopa to refuse to make a payment from Mrs W's account – or indeed any other account – into Mr W's account in these circumstances. It seems Zopa don't agree it's had an appropriate instruction from Mrs W to make any payment to Mr W's account. I don't find it unfair or unreasonable for Zopa to insist on receiving such an instruction before making any payments, given its overall obligations in relation to fraud prevention.

If Mrs W is unhappy with how Zopa has handled any instructions she's given in relation to this payment or feels transactions have been made from her account which she didn't authorise, she would need to raise matters with Zopa herself. If she remains unhappy, she may then be entitled to refer the matter to our service.

Overall, I'm satisfied Zopa have treated Mr W fairly in the circumstances of this complaint.

### **My final decision**

For the reasons I've explained, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 9 January 2026.

Eleanor Rippengale  
**Ombudsman**