

## **The complaint**

Mr A has complained HSBC UK Bank plc won't refund him for gambling transactions he didn't authorise.

### **What happened**

On 16 November Mr A contacted HSBC as he'd seen numerous gambling transactions debit his account that he'd not made. He said he'd been staying at a friend's and someone had used his phone without his permission.

HSBC believed they had sufficient evidence to show Mr A had made and authorised these transactions himself.

Unhappy with this outcome, Mr A brought his complaint to the ombudsman service.

Our investigator noted that the transactions were executed using Apple Pay on Mr A's device. Although Mr A said he was elsewhere and that someone else could have been using his phone, our investigator noted the gambling companies had confirmed Mr A held accounts with them, and there was a history of gambling transactions on his account. She wasn't going to ask HSBC to do anything further.

Still dissatisfied, Mr A has asked an ombudsman to consider his complaint. He's confirmed his belief that there is no proof of authentication and consent as required by the Payments Services Regulations.

### **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've reached the same outcome as our investigator. I'll explain why.

Where there is a dispute about what happened, I have based my decision on the balance of probabilities. In other words, on what I consider is most likely to have happened in the light of the evidence.

When considering what is fair and reasonable, I'm required to take into account: relevant law and regulations; regulators' rules, guidance and standards; codes of practice; and, where appropriate, what I consider to have been good industry practice at the relevant time.

To help me come to a decision, I've reviewed the evidence HSBC provided, which has included a copy of Mr A's mobile banking log along with the timing of the disputed Apple Pay transactions between 11 and 14 November 2025.

The regulations which are relevant to Mr A's complaint are the Payment Services Regulations 2017 (PSRs). These primarily require banks and financial institutions to refund customers if they didn't make or authorise payments themselves.

I believe all of these transactions were authorised by Mr A. I say this because:

- Mr A is right to state that the PSRs say there are two elements to authorisation: authentication and consent. The transactions were executed using Mr A's own device and Apple Pay relating to his HSBC debit card. None of the disputed transactions required additional authentication. However, based on the evidence I don't doubt all of these transactions were properly authenticated.
- When I consider consent within this complaint, I have considered whether I believe there is enough evidence to show that it is most likely that Mr A consented to these transactions. The regulations allow me to decide that consent exists based on the effective execution of the transactions.
- Despite Mr A using AI to compile information on what the regulations within the PSRs say, I have looked at his normal account behaviour. HSBC has provided statements, detailed breakdown of the activity on his debit card and online banking logins for the month of November 2025. I believe it is reasonable to make assumptions based on what I know of Mr A and his normal account use.
- HSBC has also provided evidence from the gambling companies involved which confirm Mr A is their customer and held accounts with them. I can see gambling transactions are a regular feature of Mr A's statements from May 2025 onwards.
- On the day preceding the start of the disputed transactions, Mr A made more than 80 transactions to the same gambling company which were not disputed. Yet the transactions which start on 11 November to the same company were disputed. I can also see various credits from the same company into Mr A's account during the time of the disputed transactions. Mr A has not disputed the credits are his.
- During the period of the disputed transactions, there are other transactions made using Mr A's debit card. These are also not in dispute. This clearly suggests Mr A's card, device and Apple Pay remained in his control throughout.
- Mr A used his mobile to make numerous bill payments to a third party and another account in his own name during the period the disputed transactions were taking place. Mr A expects us to believe that he made these transactions without noticing that the balance on his account was significantly lower. He's suggested that the balance of the account isn't visible on his HSBC mobile banking service main login screen. As an HSBC customer, I can confirm Mr A is incorrect.

I appreciate Mr A's belief that there isn't enough proof to show his consent for these disputed transactions. I believe there is as I have demonstrated. I'm satisfied he authorised these transactions.

Based on the evidence, I won't be asking HSBC to do anything further.

### **My final decision**

For the reasons given, my final decision is not to uphold Mr A's complaint against HSBC UK Bank plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 18 March 2026.

Sandra Quinn  
**Ombudsman**