

complaint

Miss K complains that BISL Limited insured her for the wrong car when she took out a motor insurance policy so she was stopped for driving whilst uninsured. Miss K is represented in this matter by her brother.

background

Miss K called BISL to change the car covered by her policy. But she gave the wrong car registration number and confirmed the wrong car make and model. Miss K later called BISL to check her payments and she gave the correct car registration. But this wasn't then picked up or corrected. Miss K was stopped by the police for driving whilst uninsured. BISL offered her £75 for not picking up the error in the second call. Mr K said he'd called BISL several months into the policy to correct the error.

Our investigator didn't recommend that the complaint should be upheld. He thought Miss K had made the initial error and she should have noticed the mistake on her policy documents. BISL had no record of a call from Mr K. The investigator thought its offer of £75 compensation was fair and reasonable.

Mr K replied that Miss K had paid for a service she hadn't received. He asked for the complaint to be reviewed, so it's come to me for a final decision.

my findings

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 for Miss K to take reasonable care that the policy she's bought suits her needs. This means that I think she's responsible for giving BISL the correct information about her car so that it's insured correctly.

I can see that the initial mistake was made by Miss K when she changed her car on cover. She gave BISL the incorrect car registration number and she confirmed the incorrect car make and model. BISL sent her the policy documents with the incorrect details, but Miss K didn't notice these at the time. Miss K called BISL a month later about her payments. Miss K gave the correct car registration but she again confirmed the incorrect car make.

I agree with the investigator that BISL missed the opportunity to ask further questions at this point. But I can't hold it responsible for Miss K giving and confirming the incorrect information. So I think its offer of £75 compensation is fair and reasonable.

Mr K said he'd called the insurer to correct the mistake. But BISL and the insurer have searched their records and haven't been able to find a record of this call. I can't see that new policy documents were issued with the correct car details. I think if Mr K had corrected the details, Miss K would have expected to receive these new documents.

So I can't say that BISL was responsible for Miss K driving whilst uninsured. Mr K said that BISL should give her a refund of her premium as she hadn't had anything for her money. But a policy was in place, though unfortunately for the wrong car. So I can't require BISL to make Miss K any refund.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss K to accept or reject my decision before 28 March 2018.

Phillip Berechree
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