

complaint

Mr D has complained that Tradex Insurance Company Limited have turned down his claim under his fleet car insurance policy following the theft of his car.

background

Mr D's brother bought this car on 19 July 2017, for just under £13,000.00. The receipt and the V5C logbook were in this brother's name. Mr D insured the car in his own name under his fleet policy the following day. He says he sent the car's registration documents to the DVLA in August to have the logbook transferred into his sole name. The new logbook states Mr D acquired the car on 29 July 2017.

The car was stolen on 16 August from outside Mr D's brother's address. Mr D claimed under his policy for the theft. Tradex asked a specialist claims company to investigate the circumstances during which Mr D was interviewed and other enquiries were made. At the conclusion of the investigation, Tradex turned down Mr D's claim saying he didn't have an insurable interest in the car as it was bought and registered in his brother's name, and it was stolen from outside his brother's address. They also said there was no evidence that Mr D paid for the car.

Mr D complained saying the car was his at the time of the theft and that he had bought it jointly with his brother. He said the car was put into his brother's name on purchase because it was paid for with his brother's bankcard. Tradex didn't accept what Mr D said. They said the new logbook in Mr D's name saying he acquired the car on 29 July was issued after the date of the theft, so it wasn't proof that he was the owner of the car. Tradex asked Mr D to provide evidence that he gave money to his brother to buy the car, but they say he didn't provide that.

Mr D didn't accept Tradex's decision and complained to our service. One of our investigators looked into the complaint and agreed with Tradex. Mr D sent our investigator his bank statement showing what appeared to be £2,000.00 going out of his account (not addressed to any named recipient) a month before the purchase and £4,000.00 being transferred to his mother 11 days before the purchase. But our investigator didn't think this showed the money was used to buy the car.

As Mr D didn't agree with the investigator, the matter has been passed to me for 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 appreciate this will be disappointing for Mr D, but I'm not upholding his complaint. I'll explain why.

In his complaint, Mr D has made a number of detailed points and I've considered all those carefully. But in this decision I will focus on what I consider to be the key issues. My role is to decide if Tradex have handled his claim in a fair and reasonable way.

The policy does cover Mr D for theft but only if he owns the car and has what's called an "insurable interest." Before deciding that Mr D didn't have an insurable interest Tradex looked into all the circumstances, which included asking a specialist claims investigator to interview Mr D and to make a number of enquiries. They also gave Mr D the opportunity to

provide evidence that he gave money to his brother to pay for the car and said they would reconsider their decision if he did. But Mr D didn't provide such evidence.

I have seen the letter Tradex sent Mr D giving their reasons why they rejected his claim and his complaint. I think Tradex were both fair and reasonable in their decisions so I won't be asking them to do anything.

my final decision

For the reasons set out above I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 12 April 2018.

Mehmet Osman
ombudsman