

## **complaint**

Mr G complains that Santander UK plc will not refund to him the money that he paid for an airline ticket for a third party. His complaint is made against Santander under section 75 of the Consumer Credit Act 1974.

## **background**

Mr G bought an airline ticket for himself in July 2014. A few days later he bought a ticket for a third party. He paid for both tickets using his Santander credit card. The airline stopped trading so Mr G asked Santander to refund the money that he had paid for the tickets under section 75. It agreed to refund the amount that he had paid for the ticket for himself but said that the required debtor-creditor-supplier relationship was not present for the ticket that he bought for the third party. Mr G was not satisfied with Santander's response so complained to this service.

The adjudicator did not recommend that this complaint should be upheld. She concluded that it was the third party which had the contractual relationship with the airline and that the required debtor-creditor-supplier relationship was not present in the transaction for the ticket for the third party.

Mr G says, in summary, that the third party was going to pay him in cash for the ticket but did not do so because the flight was cancelled and that he should be entitled to a refund of that amount from Santander under section 75.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

In certain circumstances section 75 gives a consumer an equal right to claim against the supplier of goods or services or the provider of credit if there has been a breach of contract or misrepresentation by the supplier. One of those circumstances is that there must be a direct relationship between the debtor, the creditor and the supplier.

In the transaction for the ticket for the third party, the debtor was Mr G because he used a Santander credit card, the creditor is Santander because it has given credit to Mr G and the supplier is the airline. However, the airline has agreed to provide a ticket to the third party and there is therefore no relationship between Santander and the third party relating to that ticket. I therefore do not consider that the debtor-creditor-supplier relationship required for a claim under section 75 to be successful was present in the transaction for the third party's ticket.

Santander has refunded to Mr G the money that he paid for the ticket for himself. I am not persuaded that it would be fair or reasonable for me to require Santander to refund to Mr G the money that he paid for the third party's ticket or to pay him any other compensation.

## **my final decision**

For these reasons, my decision is that I do not uphold Mr G's complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr G to accept or reject my decision before 12 December 2014.

Jarrold Hastings  
**ombudsman**