

complaint

Mr H holds an electronic money account with Skrill Limited which he uses for online gaming. Mr H wants Skrill to reverse payments made to online gaming sites which he says operated illegally.

background

Mr H complained to Skrill after he discovered one gaming site used a number of house poker bot accounts to run its server. Mr H says Skrill also allowed players from countries where gambling is illegal to use its service to make payments.

Mr H wants Skrill to reverse a large number of payments and take steps to report the online gaming site's alleged fraudulent activity.

Skrill says it hasn't done anything wrong. It processed the payments in line with Mr H's instructions. It isn't willing to reverse any payments.

Our adjudicator didn't recommend that Mr H's complaint should be upheld. She said we can't consider the activities of the gaming website or how Skrill dealt with a third party. Our adjudicator also said that we wouldn't tell Skrill what to do with any information Mr H gave to it about the activities of the gaming site or third parties. She said she couldn't ask Skrill to reverse the payments.

Mr H disagrees with our adjudicator. He says this service can consider his complaint against Skrill. Mr H says as Skrill isn't doing what it says it agreed to in his agreement, Skrill should pay him damages.

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 should explain that this service can't deal with every complaint that we receive. Under the rules that we must follow, I can consider a complaint against Skrill if it relates to the issuing of electronic money to Mr H or another closely connected activity. This means that I can consider whether or not Skrill made the payments correctly. And I can also consider any question of poor service.

But I can't look at how other players used their Skrill accounts, because that's not something that arises from Skrill's relationship with Mr H. I can't look at the activities of the online gaming sites for the same reason, and because Skrill isn't responsible for those.

Mr H says Skrill's terms and conditions forbid customers from making payments to or receiving payments from "*persons or entities offering illegal gambling services*". There is a term in Mr H's agreement that says Skrill *may* reverse a payment if it suspects the customer has used his or her account for or in connection with illegal gambling transactions.

Mr H considers the online gaming site is operating illegally. But that doesn't mean Skrill *must* reverse his payments. That's not what the terms of the agreement say. Mr H authorised the payments to the gaming site, and he accepts that Skrill made the payments in line with his

instructions. There isn't any suggestion that Mr H made the payments by mistake. So I don't have any grounds on which to require Skrill to reverse them.

customer service

Mr H says he wrote to Skrill in July 2015 to complain about the payments. Mr H sent the letter from abroad by registered post. But Skrill doesn't have any record of receiving it.

I appreciate Mr H says the Royal Mail applied its own tracking number. But I've only seen evidence that the letter arrived at Heathrow. I'm not persuaded that Skrill should be required to compensate Mr H for the delay in replying as I can't be sure it ever received the letter.

recent complaints

Since bringing his complaint to this service, Mr H has raised further concerns that Skrill is automatically declining his latest complaints. I've read Mr H's email to Skrill. Mr H wants Skrill to report the online gaming site to the authorities. He also demands that Skrill fulfils its obligations under relevant anti-money laundering regulations. Mr H believes the online gaming site has misused Skrill accounts to embezzle player deposits.

I don't want to appear dismissive of what Mr H says. He makes some very serious allegations. But I don't consider this service can consider these issues. Skrill doesn't have any liability for the activities of the gaming sites, so I would be acting outside our powers if I were to consider them.

If Mr H still wants to complain that Skrill has ignored his latest complaints, he would first need to raise this with Skrill. If Mr H isn't happy with any reply or it doesn't respond, he can come back to this service – but he should bear in mind that we may not be able to look at everything he's unhappy about.

my final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 12 May 2016.

Gemma Bowen
ombudsman