

complaint

Ms S complains about how Bank of Scotland plc (BoS) dealt with her chargeback.

background

Ms S bought a car from a company I will call “C” in 2017. She paid a deposit of £250 on 27 November 2017 and the balance with another debit card. Ms S says the car was faulty and C refused to take any responsibility for it. She says she was told to return the car but C refused to take it and has an e-mail exchange as evidence of that refusal.

Ms S asked BoS to make a chargeback request which it did. But it said it had been refused as Miss S hadn't returned the car. Ms S says BoS hasn't provided the correct information to the card provider and withheld information from it which may have led to her chargeback being refused. She also says the car cost about £1,300 to repair and she would like compensation for that as well as for her distress and inconvenience.

BoS says it's not responsible for the chargeback rules or the decision to reject the chargeback. It says C defended the chargeback and the card provider scheme found in its favour. BoS says the reasons given were that the car was in Ms S's possession and C hadn't had a chance to inspect it before it was taken to another garage.

Ms S didn't accept that view and questioned if all of the information she provided was used to support her chargeback. She brought her complaint to us.

Our investigator looked at the complaint and thought that BoS hadn't made a mistake. She thought there wasn't evidence in the e-mail exchange that C had refused to take the car back. And thought BoS had taken the chargeback as far as it could.

Ms S doesn't accept that view.

my findings

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 come to similar overall conclusions that BoS hasn't acted unfairly and has tried to assist Ms S. I realise Ms S will be disappointed by my decision and I appreciate how strongly she feels about what's happened.

As Ms S knows the chargeback rules are set by the card providers and not as in this case BoS. It is an informal process with no guarantee of success. We would normally expect a bank or building society to raise a chargeback where appropriate and I can see that's what happened here.

It's important to note that chargebacks are decided based on the card scheme's rules, not the relative merits of a cardholder/merchant dispute. So it's not for BoS – or me – to decide whether the chargeback should have succeeded. BoS's role is to raise the appropriate chargeback, and consider whether any filed defence complies with the relevant chargeback rules. From what I've seen, that's what BoS did here.

I'm satisfied that BoS raised the chargeback but C provided conflicting information. C said the car wasn't defective when it was sold and it hadn't been given an opportunity to examine

the car before Ms S obtained a third party report on it. So I think the card provider has made a finding based on consideration of both sides' representations.

In those circumstances I can't fairly find that BoS was responsible for that finding or could have done any more to progress Ms S's chargeback.

I accept that BoS may have confused matters by attempting to interpret the reasons for the chargeback rejection. But I think that was done in an attempt to assist Ms S. Overall I'm satisfied BoS provided the card provider with the information and reasons for the chargeback but it was successfully defended. I've not seen any evidence BoS withheld evidence that supported Ms S's position.

I've looked at the e-mail exchange between C and Ms S and I don't think they provide direct evidence that Ms S tried to return the car but C refused. I think the e-mails highlight the dispute between the parties but do not provide that direct evidence of a refusal to allow the car to be returned as Ms S believes. In any event for the reasons I've explained I don't think a chargeback would have succeeded even if the e-mails contained that information as C raised a number of other points which the card provider accepted which BoS could have no control over.

I appreciate Ms S's frustration in buying a car that required expensive repairs within a relatively short period of time. But I don't think BoS could've done any more to assist her under the chargeback rules and no doubt she will consider an alternative course of action to try and resolve matters.

I can see that it appears that the deposit of £250 was made with her BoS debit card and the larger balance paid with a different account card outside our jurisdiction. I can't fairly comment on any other possible complaint that Ms S may have made.

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 Ms S to accept or reject my decision before 12 April 2019.

David Singh
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