

## **complaint**

Mrs G complains that she spent £5 when she was within her agreed overdraft limit but Santander UK Plc delayed taking the payment out of her account until two days later.

## **background**

Because Santander delayed taking the payment this took Mrs G over her overdraft limit. So Santander charged her a £10 "paid transaction card payment". She wants the bank to refund this charge.

The bank said it hadn't made any mistake. The third party company didn't take the funds until two days later by which time her account was over the authorised overdraft limit. So it charged her a £10 fee. This was in line with its terms and conditions.

The adjudicator didn't recommend the complaint should be upheld. She noted that Santander's terms and conditions explain there can be a delay between Mrs G making a card payment and the money being taken from her account. And because it'd already told her other charges would be taken the day after she made the card payment, she ought to have realised she could be charged this additional £10 fee.

Mrs G wasn't satisfied with this response. She said it was unfair Santander charged this fee and she said we should question banks about the application of fees and charges.

## **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 the same conclusion as the adjudicator for very similar reasons.

Because of a Supreme Court ruling in 2009 bank charges can't be challenged on the basis they are too high. But they have to be applied in line with the individual bank's terms and conditions.

I can see that Santander explains both about the delay in taking card payments and about the "paid transaction" fee in its terms and conditions. It'd notified Mrs G about pending charges and when they were due to be deducted from her account. So I think it did all it reasonably could to alert her to the possibility of this situation arising. For those reasons and although I know Mrs G will be disappointed with my decision I can't fairly ask Santander to refund this fee.

**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 Mrs G to accept or reject my decision before 1 March 2017.

Linda Freestone  
**ombudsman**