

complaint

Mrs T complains that Vanquis Bank Limited ("the bank") won't refund her for fraudulent transactions she says were made on her credit card account.

background

Mrs T's credit card was stolen following a break-in to her car, and was then used to make a number of unauthorised transactions. She conceded that she kept a note of her PIN number with her card. Mrs T complained to the bank, seeking a refund, but it declined to provide this saying that this was because she'd been negligent with her PIN number, contrary to her account terms and conditions.

The complaint was brought to this service, where our adjudicator referred to the Consumer Credit Act 1974, and held that the bank was obliged to refund Mrs T and that therefore the complaint would be upheld.

The bank disagreed and sought referral to an ombudsman.

my findings

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

Having done so, I have to agree with the view of our adjudicator that Mrs T is entitled to a refund, and this is based on the fact that the consumer credit legislation provides that a customer will not be held liable for a debt incurred by someone else using the credit card. These transactions were not authorised by Mrs T, which is a matter not in dispute as her card had been stolen. As such, I intend to uphold the complaint.

my final decision

My final decision is that I uphold the complaint. In doing so I direct Vanquis Bank Limited to refund the disputed transactions, together with any associated interest and fees, and to also pay £100 compensation to Mrs T.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs T to accept or reject my decision before 19 January 2015.

Ashley L B More
ombudsman