Financial Ombudsman Service

complaint

Mrs A complains that HSBC Bank plc will not refund to her the money that she paid for a bed. Her complaint is made against HSBC under section 75 of the Consumer Credit Act 1974. She is being helped with her complaint by her husband.

background

Mrs A used her HSBC credit card in April 2015 to pay £829.97 for a bed. She complained to the supplier, and then to HSBC under section 75, that the bed wasn't of satisfactory quality. She said that she was rejecting the bed. She wasn't satisfied with HSBC's response so complained to this service.

The adjudicator didn't recommend that this complaint should be upheld. The supplier had offered to either have the bed replaced or repaired. He considered that to be an adequate remedy, as it would've placed Mrs A in the position she would've been in had the goods been delivered to her in a satisfactory condition. Mrs A had disposed of the bed but the adjudicator said that it was her responsibility to ensure that the goods were returned to the supplier. So he concluded that, whilst he could understand Mrs A's frustration, HSBC had not acted unfairly - the supplier had offered to replace or repair the bed so Mrs A was not entitled to a refund by HSBC.

Mrs A has asked for her complaint to be considered by an ombudsman. She says that she should receive a full refund of the amount that she paid for the bed.

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 agree with the adjudicator – and for the same reasons. The supplier has offered to replace or repair the bed which is an acceptable remedy for the breach of contract. So it wouldn't be fair or reasonable for me to require HSBC to refund to Mrs A the money that she paid for the bed.

my final decision

For these reasons, my decision is that I don't uphold Mrs A's complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs A to accept or reject my decision before 18 February 2016.

Jarrod Hastings
ombudsman