

## **complaint**

Mr C's father complains on behalf of his son, that Santander UK Plc wrongly allowed him to use his mini 123 account to illegally gamble online. Mr C's father says his son is underage, and that the bank should have been able to detect and prevent the illegal activity and subsequent losses. He would like the bank to refund the money his son lost.

## **background**

Mr C holds a mini 123 account with Santander, which has a Visa debit card attached to it. He used the card to make online gambling transactions, and lost more than £1,000 as a result. The gambling activity was not legal, as Mr C is under the minimum legal age for which it is allowed. His father considers that Santander owed him a duty of care to detect and prevent such activity on a junior account. He would like Santander to refund the money which was lost as result of what he says were the bank's failings.

Our adjudicator did not recommend that this complaint should be upheld. He considered that Santander was not under an obligation to monitor Mr C's account to prevent such activity and losses. He agreed with Santander that the duty to prevent a minor from gambling online rests with the gambling provider, and that it was the gambling provider which appeared to have failed in its duty to verify Mr C's age. He suggested that Mr C could raise the matter with the Gambling Commission.

Mr C's father does not agree, saying banks monitor accounts for other illegal activity, and should have done so in relation to his son's gambling.

## **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 can understand why Mr's C's father was dismayed to learn of his son's gambling activity and losses, and why he considers that this should not have been possible. But I'm afraid I don't agree that Santander was under an obligation to detect and prevent this activity. There is nothing in the terms and conditions of Mr C's account to suggest that Santander would actively monitor the account for this type of activity, and there isn't a broader duty imposed on the bank to do so. So I can't find that Santander should have monitored Mr C's account to ensure he wasn't engaged in illegal activity.

The responsibility to prevent the illegal gambling fell to the gambling provider, and it does appear that it did not fulfil its obligation to verify Mr C's age before allowing him to use its services. This would be a matter for Mr C to take up with the Gambling Commission, if he has not already done so.

Santander has now cancelled Mr C's debit card and issued him with a cash card, so I'm satisfied that having become aware of the conduct, it has taken steps to prevent it from happening again. I consider this to be fair and reasonable in the circumstances and I'm not going to ask the bank to do more.

## **my final decision**

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 13 February 2017.

Catherine Wolthuizen  
**ombudsman**