

complaint

Mr C complains that Santander UK Plc applied excessive charges to his account.

our initial conclusions

The adjudicator did not recommend that the complaint should be upheld. In her view, Santander had correctly applied the fees in line with the terms and conditions of the account when it exceeded the agreed overdraft limit. She said Santander had no control over when payments were requested from Mr C's account and that it was entitled to debit charges from Mr C's account.

Mr C is still unhappy. He wants the charges refunded and compensation.

my final decision

To decide what is fair and reasonable in this complaint, I have considered everything that Mr C and Santander have provided. Having done so, I find that I have come to the same conclusions as the adjudicator did, for much the same reasons.

The Supreme Court ruling in 2009 on current account charges said that bank charges cannot be challenged because they are unfair or too high. This means that generally, banks and building societies do not have to refund any charges that are applied in line with the terms and conditions of an account.

I am satisfied that Santander is entitled to debit charges due in accordance with its terms and conditions.

I conclude that Santander has done nothing wrong and I cannot properly require the bank to refund charges or pay compensation on these grounds.

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr C either to accept or reject my decision before 10 January 2014.

Andrew McQueen

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.