

complaint

Ms B is unhappy Mulsanne Insurance Company Limited has unfairly refused to deal with her claim under her motor insurance policy.

background

Ms B took out a policy with Mulsanne in February 2016.

In May 2016, Ms B's car was involved in an accident. It had later been reported as stolen. Ms B made a claim on her motor insurance policy. Mulsanne looked into her claim. It had some concerns with it; in particular that Ms B wasn't the registered owner of the vehicle when the policy started. So Mulsanne refused to provide Ms B with any cover under her policy. It also took the step to void the policy, meaning there was no cover when the loss happened.

Ms B complained to our service. She said that Mulsanne was wrong to decline her claim, and that it had taken too long to do so. Our investigator didn't think Mulsanne had done anything wrong. He thought that Ms B hadn't shown she was the registered owner of the vehicle when she took out the policy. So Mulsanne was entitled to void her policy. He also thought that due to the complex nature of the case Mulsanne had taken a reasonable time to deal with it. Ms B disagreed and asked for a final decision.

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'm not upholding the complaint. I'll explain why.

Mulsanne has declined to deal with Ms B's claim primarily because it says she wasn't the registered owner of the vehicle at the point the policy was taken out. Because of this, there wasn't an insurable interest, and Mulsanne voided her policy. Mulsanne also raised concerns with the authenticity of the claim itself. In order to be satisfied that this is reasonable, I need to see evidence that Ms B wasn't the registered owner of vehicle when the policy was taken out.

All parties agree the policy was inception in February 2016. From looking at the policy schedule, I can see that Ms B has confirmed herself as the registered keeper of the car.

However, Mulsanne has provided us copies of the car's V5C certificate. These copies show that Ms B first became the registered keeper in April 2016. It shows that the previous owner of the vehicle was a hire company which *may* be owned by her daughter.

I've seen no contrary evidence from Ms B which shows she was the registered keeper before taking out the policy in February 2016. She has only presented evidence to say the car was a gift from her daughter, and has not been able to explain why her registration occurred after the policy was taken out.

So on balance I don't think Ms B was the car's registered keeper when she took out the policy.

Mulsanne also had concerns around the authenticity of the claim itself. In particular it had concerns about the circumstances and manner in which the claim was presented. During its investigations, its agents found the testimony of Ms B to be inconsistent and often contradictory. Because of this it felt it couldn't properly assess the ownership of the car, or establish the full extent of the loss.

Having looked at the file, I can see that Mulsanne had to conduct an extensive investigation in order to establish the facts of the claim. Having done so, it still couldn't be satisfied on the events that led up to the loss, as well as the history of the ownership of the vehicle itself.

I don't think it has acted unreasonably in doing this, as Mulsanne needs to understand the liability and risk that it is insuring. Without sufficient evidence that showed Ms B owned the vehicle at the time of taking out the policy, and that the loss happened as it was presented, I don't think it is unreasonable that Mulsanne decided to void her policy and turn down her claim.

Ms B is also unhappy with how long Mulsanne took to deal with her claim. In investigating her claim for theft, Mulsanne has raised a number of concerns over how the car was reported stolen.

From what I've seen, Mulsanne had to ask Ms B to answer a number of reasonable requests in order to establish what may or may not have happened to the car. It has had to get a number of statements from third parties, as well as liaising with the police. A lot of the time Ms B hasn't provided consistent testimony or reliable evidence. As such Mulsanne has had to verify information again. This has caused delays.

However, I don't think Mulsanne's questions or investigations are above what we'd usually expect. So I think it has acted reasonably in investigating the claim too. And because of that I don't think it has taken too long make the decision to decline Ms B's claim.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms B to accept or reject my decision before 8 June 2017.

Tom Whittington
ombudsman