

## **complaint**

Mr S has complained that a car he took out finance for, through FCA Automotive Services UK Ltd, wasn't as described.

Mr S has been represented in bringing his complaint. But for clarity, I'll refer to all submissions made on his behalf as having been made by him directly.

## **background**

Mr S took out finance for a car. He needed it to have a specific towing capacity, as he was going to use it for towing horse boxes. But he's explained that the towing capacity is lower than he was told, so the car isn't fit for purpose.

Our adjudicator didn't recommend that the complaint should be upheld. This was because he thought the car had the towing capacity Mr S had been told it had by the salesperson.

Mr S disagreed. He noted that the only available trailer that can be legally towed by a car/non HGV in the UK is a centre axel trailer. And the car cannot tow a centre axel trailer that weighs 2,495kg.

The complaint's been passed to me for my 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.

I accept that Mr S said at the point of sale that he needed the car to be able to have a towing capacity of 2,495kg. He wouldn't have taken out the finance if it didn't have this capacity. He proceeded on the basis that he was told it did.

But shortly afterwards, he received his registration certificate, which set out the towing capacity as 2,340kg. This was lower than he'd been told.

As I understand it, two different weights are looked at. One is the gross vehicle weight/mass (GVW/M), and the other is the gross train weight/mass (GTW/M).

FCA Automotive has explained that the manufacturer's guide confirms the towing capacity as being 2,495kg. This is also set out on the inside of the doorframe. The plate confirms that the GVW is 2,495kg.

FCA Automotive has explained that the registration document shows a lower towing capacity, as it distinguishes between different types of trailers. These are a drawbar trailer and a centre axel trailer. As the adjudicator explained, the centre axel trailer has a requirement for a static vertical mass that is transferred to the weight of the towing vehicle and the maximum allowable weight for this is 125kg. This explains the lower figure on the registration document.

It's clear to me that different factors need to be taken into account when assessing the weight that can be towed. This includes the type of trailer. But Mr S wanted a towing weight of 2,495kg. I'm satisfied from the manufacturer's guide and the plate on the car that the GVW is 2,495kg, as requested.

For these reasons, I think the car is as described.

**my final decision**

For the reasons given above, it's my final decision not to uphold this complaint. I make no award against FCA Automotive Services UK Ltd.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 1 March 2017.

Elspeth Wood  
**ombudsman**