

The complaint

Mr C complains that Revolut Ltd wouldn't refund a cash withdrawal he says he didn't make.

What happened

Mr C says that his card was taken and used by a fraudster to withdraw £100 from his account. He is unhappy that Revolut wouldn't refund this and that it didn't think he had taken sufficient care of his security details.

Our investigator didn't recommend that the complaint be upheld. Mr C said he thinks his card was taken when he was in a restaurant. The card was used at a cash machine to take out £100. This required the PIN and there were no incorrect PIN attempts. Our investigator said he'd have expected a fraudster to take out as much money as possible and there were no other attempts to take out cash. There was also no point of compromise as Mr C said he hadn't written the PIN down or told anyone what it was.

Mr C didn't agree and wanted his complaint to be reviewed. He said that he had his card stolen and had followed the right steps and reported this to the police. He couldn't understand why he was being blamed for what happened. CCTV would show that this wasn't him and there were many ways in which someone could have obtained his PIN.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I won't be able to say *exactly* what happened and I'm thinking about what is *most likely*. I need to take into account the Payment Services Regulations 2017 in considering this complaint. These state that a payment can only be authorised if it was consented to. So, it's not enough for it to be authenticated, say with a card and PIN. And it wasn't authorised Mr C wouldn't generally be responsible for it.

So, I will be thinking about the following areas in looking at this complaint:

- What is the most likely explanation of what happened to the card and PIN used for these payments?
- Did Mr C authorise the payment on the account?

I'm satisfied from the information provided that the cash withdrawal was authenticated when the chip on the genuine card was read, and the correct PIN entered. The issue is whether Mr C consented to the payment.

There were then no recent prior payments using the card PIN. But Mr C said that he had checked his balance at a cash point before he went into the restaurant. It isn't impossible that his PIN was observed then and that his card somehow taken. He refers to someone acting suspiciously in the restaurant and that it seems that his card and phone were on the table. I also take into account what he says about reporting this.

I've noted that there was more money available in this account at the time. And I think that a fraudster who had gone to the trouble of obtaining a card and PIN would be most likely to take out as much money as quickly as possible as they risked detection. I can see from the records provided by Revolut that the card wasn't cancelled until the next day. And that there were no other actual or attempted cash withdrawals or declined payments. It's a matter for the authorities to obtain any third-party CCTV. But even if that were available it often doesn't resolve whether the person withdrawing money was acting with consent.

I've balanced all the factors here. And I'm afraid I don't have sufficient evidence to find that Revolut should refund this money as an unauthorised payment. I can appreciate that Mr C will be very disappointed with my assessment.

My final decision

My 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 6 October 2023.

Michael Crewe
Ombudsman