

The complaint

Ms E has complained about Admiral Insurance (Gibraltar) Limited. She isn't happy that it turned down a claim under her motor insurance policy.

What happened

Ms E was involved in an accident that was reported to her insurer but when Admiral looked into the claim it turned it down. This was because Ms E was driving on a provisional licence at the time of the accident, but she wasn't accompanied. And as she should have been it wouldn't pay the claim and is now looking to recover its costs from Ms E.

As Ms E believed she was driving under her foreign European licence she complained to Admiral. But it said that Ms E was driving in this country under her UK provisional driving licence, not her European licence, and maintained its position. So, Ms E complained to this Service.

Our investigator looked into things for Ms E but didn't uphold her complaint. Although she sympathised with the position Ms E found herself in she didn't think Admiral had done anything wrong as Ms E had a UK provisional licence and so she should've been accompanied at the time of the accident.

As Ms E didn't agree the matter has been passed to me for review.

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.

Despite my natural sympathy for the position Ms E has found herself I don't think this complaint should be upheld. I know this will come as a disappointment to Ms E, but I'll explain why.

Ms E seems to feel that she was entitled to drive in the UK under her European licence, but I understand that her original licence was issued in another continent, so she was issued with a provisional licence in this country which was the licence she was driving on at the time of the accident. And so, she needed to be accompanied by a qualified driver in order to drive in the UK and so be insured.

I know Ms E feels that she was driving under her European licence at the time of the accident. But she wasn't provided with a full UK driving licence when she applied for a licence in this country, as she had passed her test in another continent, but a provisional licence was issued instead. This was because the DVLA wasn't able to provide her with a full licence as she didn't pass her test in Europe.

Ultimately, this means that the valid licence Ms E was using at the time of the accident was the provisional licence she was issued in the UK. So Ms E needed to be accompanied when driving generally and crucially in this instance at the time of the accident.

Given this, and despite my natural sympathy for the position Ms E has found herself, I don't think Admiral has acted unfairly. I say this as, from the information before me, that Ms E wasn't eligible to drive on her own at the time of the accident.

If Ms E is able to provide any evidence to the contrary to support her position then I would expect Admiral to consider this. And I would expect Admiral to be as considerate as possible in looking to recover any outstanding costs from Ms E, especially as it is accepted by all that Ms E didn't realise she wasn't able to drive unaccompanied as she had passed her test abroad previously.

My final decision

It follows, for the reasons given above, that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms E to accept or reject my decision before 2 January 2024.

Colin Keegan
Ombudsman