

## **The complaint**

Mr F complains that Barclays Bank UK Plc trading as Barclaycard won't refund money lost to an investment scam.

## **What happened**

Mr F came into contact with a broker who claimed to work for a company I'll refer to as ("E"), a company authorised and regulated by the Cyprus Securities and Exchange Commission ("CySec"). The broker told him to invest in natural oil and platinum and that he was guaranteed to make a profit.

Between 20 November 2019 and 19 May 2020, Mr F used his Barclaycard to make four payments to E totalling £1,400. He also borrowed £5,000 from his wife which was paid to E directly from an account in her name that she held with another bank.

On 26 May 2020, Mr F's trading account showed a balance of £7,818.27, so he asked the broker if he could withdraw some money. But the broker told him to invest more money and so he invested a further £2,000. The following day, the broker advised Mr F to deposit a further £7,000, but he said he didn't have the money. He then suspected he'd been the victim of a scam when his trading account showed that all trades had closed.

Mr F complained about E to CySec, but it didn't uphold his complaint, stating it had found no evidence of breach of contract or misrepresentation.

He also contacted Barclaycard to tell it he'd been the victim of a scam and that E had used scare-mongering tactics, given bad advice, and had prevented him from withdrawing his money. He said he blamed E for his lost profits, and that it should refund the money he'd lost.

Barclaycard didn't accept it had done anything wrong, but it refunded the £1,400 Mr F had paid to E using his Barclaycard as a gesture of goodwill. It said it was unable to refund the £5,000 Mr F had borrowed from his wife, explaining she'd need to complain to her own bank. Mr F complained to this service explaining he'd lost his job and had borrowed money from his wife. He said Barclaycard had said it was unable to raise a claim under s75 of the Consumer Credit Act 1974 as it was out of time, but that it had caused the delays and had refused to refund the money he'd borrowed from his wife, even though it was all part of the same scam.

Our investigator didn't feel the complaint should be upheld. She was satisfied Barclaycard had refunded the money he'd paid to E using his Barclaycard, and that he'd also been given £500 compensation from E. She explained he wouldn't be able to raise a claim under s75 for the £5,000 he'd borrowed from his wife because the money was paid direct from his wife's bank account.

Mr F wasn't satisfied and has asked for his complaint to be reviewed by an Ombudsman. He maintains E was operating a scam and was responsible for his loss.

## **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.

Having done so, I've reached the same conclusion as our investigator. And for largely the same reasons. I know Mr F feels strongly about this complaint and this will come as a disappointment to him, so I'll explain why.

### *the £1,400 paid from Mr F's Barclaycard*

Barclaycard has refunded £1,400 Mr F paid to E using his Barclaycard. In circumstances where a bank ought to have raised a claim under s75, this service often awards interest on the payments, but as there's no evidence of breach of contract or misrepresentation, I'm satisfied Barclaycard doesn't need to do anything further.

### *the £5,000 paid from Mr F's wife's account*

Any complaint about the £5,000 that was paid to E from Mr F's wife's account would need to be made to the sending bank, which wasn't Barclaycard. Further, as Mr F isn't a named account holder, any complaint would need to be brought by his wife.

For the reasons I've explained, I don't think I can fairly tell Barclaycard to do anything further to resolve this complaint.

## **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 Mr F to accept or reject my decision before 5 September 2023.

Carolyn Bonnell  
**Ombudsman**