

The complaint

Mrs H complains that Mulsanne Insurance Company Limited should pay her claim on her motor insurance policy.

What happened

The subject matter of the claim and the complaint is a luxury sports utility vehicle, first registered in 2020.

Mrs H had acquired the vehicle on a finance agreement by March 2022 (the date of its most recent registration document V5.)

Mrs H went online in mid-July 2022 and took out insurance for the vehicle. Mrs H said the vehicle was worth over £90,000.00.

The policy was in the name of an insurance intermediary. Mulsanne was the insurance company that was responsible for dealing with any claim.

In mid-December 2022, Mrs H reported that someone had stolen the vehicle.

Much of the complaint is about acts, omissions and communications by claims-handlers on behalf of Mulsanne. Insofar as I hold Mulsanne responsible for them, I may refer to them as acts, omissions and communications by Mulsanne.

In early February 2023, Mulsanne declined the claim on the grounds that the vehicle hadn't been fitted with a tracking device.

In mid-February 2023, Mrs H (through a solicitor) complained to Mulsanne that it should meet the claim.

By a final response dated mid-April 2023, Mulsanne turned down the complaint.

Mrs H brought her complaint to us in mid-May 2023.

Our investigator didn't recommend that the complaint should be upheld. She didn't think that Mulsanne had treated Mrs H unfairly when relying on its policy terms and declining the claim. The investigator said the requirement for a tracking device had been made clear to Mrs H.

Mrs H disagreed with the investigator's opinion. She asked for an ombudsman to review the complaint.

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 accept that Mulsanne has been responsible for some conflicting information.

Nevertheless, the vehicle was of higher value and at higher risk of theft than most other vehicles. I accept Mulsanne's statement that it wouldn't have insured Mrs H's vehicle against theft without a requirement for a tracking device.

I accept that Mrs H couldn't have taken out the policy without first seeing and agreeing the following:

'You'll only be covered for theft and attempted theft claims if you have a tracking device'

So I'm satisfied that Mulsanne made it clear enough to Mrs H when she took out the policy that it wouldn't cover theft of her vehicle if it didn't have a tracking device.

In addition, after she'd taken out the policy, Mulsanne produced a policy schedule and a statement of fact document. It included the following:

"Statement of fact

It's important that the information below is correct and complete to the best of your knowledge and belief. If not, your premium may be changed, your claim may not be fully paid or we may have to void your policy.

If any of the information is incorrect, you must contact us immediately.

...

Do any special conditions apply to my policy?

Yes. Because of your circumstances, there are some additional conditions applied to your policy.

For more details on each endorsement, please see your policy handbook

...

Vehicle Security - Tracker

You'll only be covered for theft and attempted theft claims if you have a tracking device.

Subscriptions relevant to the tracker must be continuously active at the time of loss."

Mulsanne sent a welcome email to Mrs H asking her to check the schedule.

I've been satisfied that Mulsanne made it clear enough to Mrs H when she took out the policy that it wouldn't cover theft of her vehicle if it didn't have a tracking device. Mrs H's vehicle didn't have a tracking device.

So, whilst I don't under-estimate Mrs H's loss, I don't consider that Mulsanne treated her unfairly by declining her claim.

I don't find it fair and reasonable to direct Mulsanne to pay the claim or to do any more in response to this complaint.

My final decision

For the reasons I've explained, my final decision is that I don't uphold this complaint. I don't direct Mulsanne Insurance Company Limited to do any more in response to this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 27 December 2023.

Christopher Gilbert
Ombudsman