

REQUESTING DETAILS OF THE RECEIVING ACCOUNT

Under Regulations 90(3) and 90(4) of PSR2017 and Paragraphs 8.292 to 8.296 of the FCA's Payment Services and Electronic Money - Our Approach, Dec 2018 (ver 3) you are allowed to ask your bank for details of the account to which you sent your money as a result of the fraud.

The reason for being able to do this is so that you can issue Court papers (or a Money Claim On-Line) on the person or company named as the Account Holder with a view to getting your money back from them.

If you get these details and then find that the person or company who is shown as the Account Holder does not exist then you might consider challenging the bank as to why they allowed the account to be opened.

I suggest the following words for a letter to send to YOUR BANK.

The only bits that you need to change are those shown in RED where you put in your account number and sort code, and the details of the transactions that you authorised.

Yes, I know that you will be asking for details about the account that you inadvertently sent your money to, so you might think that you should write to the other bank, but the Regulations say that you have to ask your bank and your bank then gets the details from the receiving bank.

Do not be surprised if they say they can't give you the information for any one of several reasons (e.g. "data protection") but if this does happen please send their letter to me and I will review it.

The framework letter is on the next page

Dear [YOUR BANK]

I am the victim of an Authorised Push Payment Fraud (APPF) during which I made the following payment(s) from my account [xxxxxxx], sort code [xxxxxx]:

[Date] [Amount]

[Date] [Amount]

Etc

I am considering the possibility of pursuing a civil claim against the Account Holder(s) of the account(s) that received my funds and in order to do this, I need the following information about the receiving bank account(s) for each payment:

The sort code and account number

The name of the account

The name and address of the Account Holder.

Any other “available relevant information” that will assist me in my claim.

This letter is an official written request that you disclose to me “all available relevant information in order for me to claim repayment of the funds” directly from the Account Holder. This request is made in accordance with Regulations 90(3) and 90(4) of PSR2017 and Paragraphs 8.292 to 8.296 of the FCA’s Payment Services and Electronic Money - Our Approach, Dec 2018 (ver 3).

I understand that you have an obligation under Paragraph 8.295 to notify the Payee that I am being provided with their details and that this may take a few days

Would you please confirm within 10 working days that you have received and will act upon this request, and advise me of your expected timescale for the provision of the information that I am requesting.

I look forward to hearing from you.

Regards

Your name

Your address