Motor Finance Commission Complaint

Consumer Credit Act 1974 · s.140A · FCA DISP · Johnson v FirstRand

YOUR NAME
[YOUR FULL NAME]

YOUR ADDRESS
[YOUR FULL ADDRESS, POSTCODE]

YOUR DATE OF BIRTH
[DD/MM/YYYY]

LENDER NAME
[LENDER NAME, e.g. Black Horse, MotoNovo, Santander Consumer]

LENDER ADDRESS
[LENDER COMPLAINTS ADDRESS, POSTCODE]

DATE
[DATE]

AGREEMENT / REFERENCE NUMBER
[AGREEMENT NUMBER]

VEHICLE
[MAKE, MODEL, REGISTRATION IF KNOWN]

DEALER OR BROKER
[DEALERSHIP OR BROKER NAME]

APPROXIMATE DATE OF FINANCE
[MONTH AND YEAR THE AGREEMENT WAS TAKEN OUT]

Dear Sir or Madam,

RE: Formal Complaint · Undisclosed Motor Finance Commission · Agreement [AGREEMENT NUMBER]

I am writing to make a formal complaint about the motor finance agreement referenced above, which was arranged by [DEALER OR BROKER NAME] and financed by you in or around [MONTH AND YEAR].

At the point of sale I was not told, in clear terms, that commission would be paid by you to the dealer or broker for arranging this finance. I was not told the amount of that commission, the basis on which it was calculated, or that the interest rate applied to my agreement could be influenced by the level of commission the dealer or broker chose to take. Had this been disclosed to me at the time, my decision to enter into the agreement, or to accept the interest rate offered, would have been affected.

This complaint is made on the following grounds:

- Undisclosed commission created an unfair relationship under section 140A of the Consumer Credit Act 1974.
- The Supreme Court judgment in Johnson v FirstRand Bank Limited (2025) confirms that a fully secret commission gives rise to an unfair relationship remedy where the consumer has not consented to it on an informed basis.
- Any partial disclosure that referred generically to the possibility of commission, without stating the amount or the effect on the interest rate, was not sufficient to obtain informed consent.

- The Financial Conduct Authority Handbook (SYSC, PRIN and DISP) required you to treat me fairly and to ensure that commission arrangements did not lead to consumer harm.

I therefore request the following:

- That you log this letter as a formal complaint on receipt and issue an acknowledgement in writing within the timescales set out in DISP 1.6.
- That you disclose the total commission paid to the dealer or broker on my agreement, the basis on which it was calculated, and the effect (if any) that the commission had on the interest rate applied to my agreement.
- That, if the agreement falls within the scope of the FCA motor finance industry-wide redress scheme, you confirm this in writing, place my complaint on hold under that scheme, and pay any redress calculated under it in due course.
- That, if the agreement falls outside the scope of the FCA scheme (for example because of the timing, product type, or scheme rules as finally settled), you continue to investigate this complaint on its own merits and issue a Final Response Letter within eight weeks under DISP 1.6.
- That, in either case, you preserve all documentation relating to my agreement pending the outcome, including the executed credit agreement, the pre-contract Standard European Consumer Credit Information, the commission disclosure documents (if any), and all internal notes on the commission arrangement with the introducing dealer or broker.

If you fail to issue a Final Response Letter within eight weeks of the date of this complaint, or if the Final Response is issued and I do not accept it, I will refer this complaint to the Financial Ombudsman Service under DISP 2 without further notice.

I do not acknowledge any liability. Nothing in this letter is an acknowledgement of any debt for the purposes of section 29 of the Limitation Act 1980. Nothing in this letter is a settlement offer.

Please respond in writing to the address at the top of this letter. I do not consent to communication by telephone in relation to this complaint.

Yours faithfully,

SIGNATURE
[SIGN HERE]

PRINT NAME
[YOUR FULL NAME]

> *You do not need to pay a claims management company to send this letter. The lender is required to consider your complaint whether or not you are represented.*