

complaint

Mrs B complains that as she has not seen a copy of her credit card agreement she does not know whether she is responsible for the debt to HSBC Bank Plc.

background

Mrs B accepts that she and her ex-husband both had a credit card issued by HSBC. Mrs B and her present husband are repaying the debt on the card. She is unclear whether she is responsible for the debt and asked for a copy of the credit card agreement which the bank is unable to supply. Our adjudicator did not uphold her complaint. She said that as Mrs B was aware of the debt and had acknowledged her liability to pay she could not uphold her complaint. Mrs B disagreed saying that she was only an additional cardholder and therefore not responsible for this debt.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Where the evidence is incomplete, inconclusive, or contradictory (as some of it is here), I reach my decision on the balance of probabilities - in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances.

Mrs B is entitled to but has not been provided with a copy of her credit card agreement with HSBC. This is unfortunate for Mrs B as it would clarify for her whether she was responsible for this debt. She believes that she was only an additional cardholder. The bank considers that the account was in her name and she was the sole cardholder.

Although HSBC cannot provide a copy of the credit card agreement, the bank has provided an initial statement addressed to Mrs B. It is also clear that over a long period Mrs B has accepted responsibility for this debt to HSBC. She has tried to pay it off. She engaged debt advisers who did not deny the debt was due but tried to come to an arrangement about its repayment. Having considered all the evidence, I consider it more likely than not, on balance, that Mrs B was the credit card account holder. I also consider it likely that Mrs B had the benefit of the money provided by HSBC. I accept that it would be clearer for Mrs B if a copy of the original agreement could be produced. But having considered all the evidence I consider HSBC is entitled to ask her to repay the credit card borrowing.

my final decision

My final decision is that I do not uphold this complaint.

Gerard McManus
ombudsman