

complaint

Mr W complains that Barclays Bank Plc (trading as "Barclaycard") has said he owes money on two credit cards. These debts have been sold to a third party debt collection agency, who is contacting Mr W for repayment. Mr W accepts that he does hold two credit card accounts with Barclaycard but the account numbers are different and therefore he does not consider that these debts are his. Mr W says that even if they were his accounts, Barclaycard has not contacted him about these accounts in over 15 years which would make the debts statute barred.

Mr W wants Barclaycard to stop pursuing him for the debts and compensate him for the costs he has incurred in dealing with this matter.

background

Our adjudicator did not recommend that the complaint should be upheld. She was satisfied that Barclaycard had been able to demonstrate that the two accounts Mr W says he owns are the same as those that were sold to the third party agency. She therefore concluded that the two credit card debts do belong to Mr W. She also noted Barclaycard had been in contact with Mr W much more recently than 15 years ago as Mr W had himself sent us copies of letters he had received as recently as 2009.

Mr W did not accept that conclusion. He said in summary, that his account numbers remained the same up until 2009 and this demonstrated that the bank would not have changed them in 2010, 2011 or 2012.

Further, he is of the opinion that the bank is not entitled to change his account numbers at any time after the accounts are opened. On this basis he considered that the bank must have made a mistake and that the debts do not belong to him.

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 necessary and/or appropriate, I reach my decision on the balance of probabilities - in other words, what I consider is most likely to have happened in the light of the evidence that is available and the wider surrounding circumstances.

account numbers

There appears to have been some confusion surrounding the account numbers and whether these have changed. Mr W has shown that his card numbers have not changed between 2000 and 2009. He says that therefore they could not have changed later. I disagree that a card or account number cannot be changed any point during the life of the account.

Both of Mr W's credit cards have a unique account numbers and card numbers. The card numbers have not changed since 2000 as Mr W says but each of these card numbers also has a corresponding account numbers. These account numbers are the same as those now being quoted by the third party.

Barclaycard has generally referred to Mr W's credit cards by their card numbers. However, when the debt was sold to the third party, it referred to the credit cards by their account

numbers. Unfortunately, Barclaycard has not always been very clear on this point - I accept that this has caused some confusion to Mr W but I consider Mr W ought reasonably to have been aware that he did owe money on his credit card accounts in any event.

outstanding debt

Barclaycard has shown that both credit cards were defaulted and passed to its recoveries department in the later part of 2007. It says that it notified Mr W of this and I see no reason in the circumstances why that notification would not have been delivered to Mr W. Therefore, I consider it likely that Mr W would have been aware that a balance was outstanding on both credit card accounts.

Mr W raised a complaint with Barclaycard in 2009 about the charges applied to both accounts. He has supplied copies of Barclaycard's response letters in support of this complaint. These show that Barclaycard agreed to make small refunds on both accounts but these did not clear the outstanding balances. The statements for the credit cards show that these refunds were applied to the account and card numbers which Mr W now disputes he owns. I am persuaded that in 2009 Mr W was aware or ought reasonably to have been aware that he owed money on both credit cards accounts.

Mr W has said that he believes this debt to be statute barred as the bank has not contacted him in 15 years. But Barclaycard has shown that Mr W did make payments up until 2010 – which shows that he was acknowledging the debts as his. In any event it is not for me to determine whether the debt should be statute barred. This would be for a court to consider. Finally, as mentioned above, I note that Mr W has provided copies of letters which show that Barclaycard did contact him in 2009. For all these reasons I am satisfied that Mr W owes the debts.

my final decision

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

Joyce Gordon
ombudsman