

complaint

Mr G complains that National Westminster Bank Plc released his safe deposit box to a third party without his authorisation and that it will not remove his former wife from their joint account.

background

Mr G wrote to NatWest in February 2011 asking it to remove his former wife from their joint account and he also said that it was holding his safe deposit box. NatWest replied to say that it required both parties to the account to sign a form to remove one of them from the account and that the safe deposit box had been released to a third party in December 2009 in accordance with the authorisations that it had been given. Mr G complained to NatWest but was not satisfied with its response so complained to this service.

The adjudicator did not recommend that this complaint should be upheld. She concluded that there was a third party mandate in place authorising the third party to access the safe deposit box. She also concluded that it was fair and reasonable for NatWest to require both parties to the account to sign the form to remove one of them from the account.

Mr G does not accept the adjudicator's recommendation and says that he has always been a signatory to the account and that he did not authorise a third party on the account or to access the box.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

NatWest has produced evidence to show that the account was held in the sole name of Mr G's wife in 1986 and that she signed a mandate authorising the third party to draw on the account in November of that year. The mandate authorises the third party to: *"...withdraw anything held by [Mr G's former wife] by way of security and/or safe custody collection and/or any other purpose whatsoever on [her] account"*.

In June 1993, Mr G was added to the account and both he and his former wife signed a "mandate for joint account".

NatWest has also produced evidence to show that the safe deposit box was collected by the third party in accordance with the mandate in December 2009. I am therefore satisfied that NatWest was acting correctly, and in accordance with the instructions that it had been given, when it released the box to the third party.

NatWest's procedure to remove a named party from an account is to require both parties to sign a form confirming that they want the specified party to be removed from the account. I consider that to be fair and reasonable.

my final decision

For these reasons, my decision is that I do not uphold Mr G's complaint.

Jarrold Hastings
ombudsman