

## **complaint**

Mr F complains The Royal Bank of Scotland Plc should write off a debt as it is now unenforceable because it is statute barred.

## **background**

Mr F took out a loan in 2003 with a business for which RBS is responsible. He says he was then involved in an accident as a result of which he was no longer able to work. In the circumstances he had problems keeping up his repayments. RBS says Mr F made payments until 2004. RBS says that it has since sold the debt to M, a third party. That third party says it commenced proceedings against Mr F in 2013.

Mr F complained to RBS in 2013 saying that the debt was unenforceable because it is statute barred. RBS investigated Mr F's complaint but did not uphold it saying it had sold the debt to M and prior to that had sent notices of arrears to Mr F. Mr F complained to us.

Our adjudicator did not recommend that this complaint be upheld as he considered RBS had sold the debt to M. In any event, he did not consider we could say this debt was unenforceable as only the Courts can do that. Mr F disagreed with our adjudicator's recommendations adding that he was unhappy with the steps RBS had taken to collect the debt. He asked for an ombudsman to review his complaint.

## **my findings**

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

RBS used to own the debt Mr F says is unenforceable but has sold it to M – a third party. I cannot say that RBS did anything wrong selling the debt or before it sold the debt. I say this because I am satisfied that RBS sent Mr F details of his arrears every six months when it owned the debt. Its decision to sell the debt was also a legitimate commercial decision. I, therefore, agree with our adjudicator that this complaint should not be upheld.

Mr F has made a complaint against M following our adjudicator's recommendations. In the circumstances, I do not feel it would be appropriate to say anything else about the debt.

## **my final decision**

My final decision is that I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr F to accept or reject my decision before 30 January 2015.

Nicolas Atkinson  
**ombudsman**