

complaint

Mrs G says she sent Cabot Financial (Marlin) Limited two 'cheques' to repay a debt. But it didn't process them.

background

Mrs G says she sent Cabot two 'cheques' to repay two debts it was chasing her for. But it didn't process them. So it should write off the debts and remove the county court judgment (CCJ) it applied for in relation to one of the debts.

Our adjudicator said that the 'cheques' aren't legal tender. So he didn't think Cabot did anything wrong when it didn't process them. As Mrs G hadn't repaid the debts with legal tender, it follows that they haven't been repaid.

Mrs G says one of the debts should've been statute barred by the original creditor as it was more than six years old. But our adjudicator said it isn't for us to decide whether a debt is statute barred or not. That's for the courts to decide. And he could see that Mrs G has acknowledged the debts in the last six years. So he thought Cabot was entitled to pursue her for the money. He could see that an ombudsman has already considered the CCJ in another final decision. In that decision, the ombudsman said that a court has already decided that Mrs G owed the debt covered by the CCJ. So only a court could change that decision.

So our adjudicator didn't uphold Mrs G's complaint. Mrs G asked for a review.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I agree with the conclusion the adjudicator has reached in this case, for the same reasons. I can see that Mrs G has acknowledged the debts in the last six years. And she attempted to settle them with the cheques. So I'm satisfied that the debts are hers, that they still exist, and that Cabot can take steps to seek repayment.

Mrs G argues that the 'cheques' she sent Cabot, issued by WeRe Bank, are real. Mrs G has made the same argument to us before in other complaints to this service. I know she'll be disappointed by my decision, but my findings follow similar lines to the decisions issued in those complaints.

I don't think WeRe Bank is a proper bank. The Financial Conduct Authority doesn't recognise it as a bank. It isn't regulated by the Financial Conduct Authority. And it doesn't hold a banking license.

The legislation underpinning cheques doesn't mean any business has to accept a cheque. If I believed the 'cheques' Mrs G sent were genuine cheques, I might ask Cabot to accept them as payment for her debts. But I'm satisfied Cabot is correct in thinking that they aren't legal tender.

Mrs G says the CCJ was issued by a court that isn't a proper court. But that issue has also been considered in a final decision of this service. In that decision the ombudsman assured Mrs G that the court follows procedures set out in the Civil Procedure Rules, and issues real

court orders. So that meant that the CCJ against Mrs G can only be challenged in court. I appreciate Mrs G didn't agree with the ombudsman's decision in her previous complaint. But I don't think it would be appropriate for me to reconsider an issue that has already been considered by an ombudsman in a final decision.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs G to accept or reject my decision before 26 September 2016.

Laura Forster
ombudsman