

## **complaint**

Mr D complains about the action taken by Lloyds Bank PLC to recover an outstanding amount.

## **background**

Mr D previously held some loans and a bank account with Lloyds. The bank have been trying to recover the outstanding balance since 2001.

Mr D is unhappy that he has been threatened with court action and visited by debt collectors. He says that the debt is statute barred and he wants Lloyds to cease recovery action.

The adjudicator did not uphold the complaint. He said that this service didn't have power to declare a debt statute barred, as this was something only a court could do. He also found that Lloyds had acted reasonably in pursuing the debt.

Mr D did not agree. He says that the debt is statute barred because he hasn't made any payments or acknowledged the debt for over 6 years.

## **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 understand Mr D's argument that the debt is statute barred. But the issue of whether a debt is statute barred is a legal matter and not something which this service can determine.

I've looked at the information provided by the bank. This shows that it has been trying to recover an outstanding balance of more than £10,000 since 2001. The account statements and records show that Mr D has had the benefit of two loans. In the circumstances, I think it's reasonable for the bank to take steps to recover the outstanding amount.

I can see that Mr D has asked not to receive annual statements. But the bank has a responsibility to keep customers advised about outstanding balances, so I don't think that the bank is acting unreasonably in sending the statements.

It's already been explained to Mr D that this service can't consider a complaint about debt recovery action taken by the bank which goes back beyond 6 years. So I can only look at what's happened more recently.

I appreciate that it must've been distressing for Mr D to receive threats of court action. I can see that several third party debt collection agencies have been involved in attempts to collect the outstanding balance. I've looked at the information provided in relation to these agencies but I can't find that the level of contact has been unreasonable. It's clear that some letters referred to court action but this type of wording is common throughout the debt collection industry. Whilst I can understand that Mr D may have found the letters upsetting, they are only providing him with information about one of the many types of action which might be used to recover the debt.

As far as I can see, there haven't been any court proceedings. And the bank doesn't seem to have taken any steps to recover the debt since 2013. That's not to say that it won't pursue the debt in the future.

Taking everything into consideration I can't find that the bank has acted unfairly or unreasonably and I won't be asking it to do anything.

**my final decision**

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 18 August 2017.

Emma Davy  
**ombudsman**