

## **complaint**

Mr B's complaint is that National Westminster Bank Plc's ("Natwest") holding him liable for a credit card debt that he didn't know existed.

## **background**

Mr B's wife died in April 2017, and he found after her death that she'd been using a credit card he'd take out in his name in 1989, but which he'd never used and wasn't aware still had an open account.

Natwest wanted to hold him liable for the balance due, but Mr B didn't think this was fair because he hadn't know about the spending, and say he didn't benefit from it.

The complaint came to our service, where our adjudicator concluded that Natwest wasn't being unreasonable in holding Mr B responsible for the debt, but that in his circumstances he'd expect it to treat him positively and sympathetically in agreeing an affordable repayment plan.

Mr B still wanted the debt to be written-off, and didn't think it was fair he be held responsible for it when he'd no idea it existed. So he asked for an ombudsman's 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.

Having done so, I'm afraid I don't have better news for Mr B, but I can't say Natwest's behaving unreasonably in holding him liable for the credit card debt.

May I extend my condolences to Mr B for the loss of his wife, and say that I quite understand how after that to then find out about this, and other, unknown debts must have been shocking and upsetting.

But my role is to decide whether Natwest has acted unreasonably in holding Mr B liable for this debt. And, despite the sad circumstances, I don't think it has.

Mr B accepts that he took out the credit card in 1989, for a specific purpose at the time, but that he never used it and didn't know the account still existed. He also accepts that the person who used the card, albeit as he says without his knowledge and authority, was his wife. We also know that since 1997, when Mr B moved back to the UK from abroad, Natwest's been sending his credit card statements to his correct home address. While it seems to be the case that Mrs B had been intercepting this mail over the years, I can't say Natwest should have known that. Mr B also concedes that his late wife dealt with his financial affairs, but again Natwest couldn't have known that.

From Natwest's perspective, it had a credit card account that was being used normally, and was being paid each month from a joint account held by Mr and Mrs B. So over the years I don't think it had any reason to suspect that the card was being used by anyone other than the account holder, Mr B.

So I'm afraid I can't say that Natwest should clear the debt, but I do think it should take into account Mr B's specific circumstances in coming to some fair and affordable arrangement for him to repay the balance now due.

**my final decision**

My final decision is that I'm not going to ask National Westminster Bank Plc to take any further action to resolve this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 22 January 2018.

Ashley L B More  
**ombudsman**