

## **complaint**

Ms A complains that Cabot Credit Management Group Limited (trading as Cabot Financial (Europe) Limited) is wrongly pursuing her for a debt and hasn't acted fairly.

## **background**

Ms A complained when she was contacted by Cabot about a past debt. She said that she thought this was a scam and that she was still in contact with the original lender about it. She also suggested that in any event some of the borrowing was fraudulent.

Our investigator didn't recommend that the complaint be upheld. He said that Cabot had bought the debt and so was entitled to be provided with the information held about her in relation to the borrowing. He'd seen the original application form for the account in 2006 and that statements were sent to Ms A at her home address by the original lender. Ms A hadn't raised any claim that payments had been fraudulent. There was no evidence that there was PPI linked to this borrowing. And Ms A would need to raise the correspondence she was receiving from the original lender about this account with it directly. He understood that Ms A had been reluctant to speak to Cabot but that meant it had acted on what it knew.

Ms A didn't agree and wanted her complaint to be reviewed by an ombudsman. Cabot had taken legal action after the complaint had been referred to this service in breach of regulations. She still understood the original lender had taken the account back and she was looking to get evidence about this.

## **my findings**

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

Ms A originally complained about her borrowing originating with two different financial businesses and that was being dealt with by Cabot. It obtained a County Court Judgment relating to one and an ombudsman colleague issued a decision dismissing Ms A's complaint about that debt. So I won't be considering that here.

I appreciate Ms A has said she was waiting for some information and thought that the original financial business had taken back the debt. She provided a copy of a letter it had sent to her in October 2017 quoting her account number and mentioning changes to the terms of the accounts. I'm afraid I don't see that as anything more than a general letter to all relevant customers. It doesn't establish for me that there is still a live account at that business or that this is where the relevant debt is now held. And I think Ms A has had sufficient time to provide evidence if that were the case including if she had PPI linked to this borrowing.

That financial business has told this service that following default the debt was sold to a different third party in March 2014. And I've seen that this third party then sold the debt to Cabot on 21 October 2016 and wrote to Ms A to tell her this. There was a right for this to happen and for the new lender to receive all the information held about Ms A. But I fully appreciate why this caused Ms A concern. My understanding is that when she contacted Cabot it initially told her it couldn't locate the debt and wanted more information. That's what led Ms A to think this was a scam. I'm satisfied based on the evidence I've seen that Cabot are the legitimate owners of this debt.

I've seen the original application form and the statements for the account. I'm satisfied that this was a genuine agreement taken out in Ms A's name. And there's no evidence of any specific transactions being disputed with the original financial business such that it could investigate them at the time. So I find on balance that all of the borrowing shown on the statements is the responsibility of Ms A. That amount is consistent with the level Cabot now says she owes it.

Ms A has been reluctant to engage further with Cabot. I know she's had some personal difficulties but it couldn't take these into account unless it was aware of them. Matters have been on hold for some time while this complaint is being investigated by our service. But I'm afraid it will be necessary for Ms A to discuss her plans for repayment with Cabot. I would expect it to act positively and sympathetically and take account of her financial circumstances.

### **my final decision**

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms A to accept or reject my decision before 30 January 2020.

Michael Crewe  
**ombudsman**