

## **complaint**

Miss M complains that JD Williams & Company Limited has sold her debts to third parties and about the county court judgment that's been entered against her.

## **background**

Miss M opened an online shopping account with JD Williams in January 2008. She didn't make the repayments required so it defaulted the account with an outstanding balance of £307.86 in January 2011 and it sold the debt to a third party. The third party entered into a repayment arrangement with Miss M but she didn't make the agreed repayments. A county court judgment was entered against Miss M in 2015. JD Williams says that Miss M had another account which was defaulted in March 2011 with an outstanding balance of £107.18 and which was sold to a different third party in January 2013. Miss M complained to JD Williams last year about the accounts and the county court judgment. She wasn't satisfied with its response so complained to this service.

The adjudicator didn't recommend that this complaint should be upheld. He said that the account terms and conditions would've allowed JD Williams to sell the debts but that it couldn't reasonably predict what action the third parties would take to recover any sums outstanding. And he said that it wasn't JD Williams that had applied for the county court judgment – so it wasn't responsible for it.

Miss M has asked for her complaint to be considered by an ombudsman. She says that she only had one account and she's provided evidence from a third party to show that she's repaid the debt so she says that there shouldn't be a county court judgment against her. She also says that JD Williams failed to protect her data by selling it to numerous debt agencies.

## **my findings**

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

There doesn't seem to be any dispute that Miss M opened an account with JD Williams in January 2008 and that there were arrears on the account. But JD Williams says that she had two accounts – both of which were defaulted - whereas Miss M says that she only had one account.

JD Williams has provided evidence to show that:

- the first account was defaulted in January 2011 with an outstanding balance of £307.86 and was sold to a third party (and it says that it's that account about which a county court judgment was entered against Miss M in 2015); and
- a second account was defaulted in March 2011 with an outstanding balance of £107.18 and was sold to a different third party in January 2013 (and this is the account which Miss M says that she's repaid).

But it says that it only has limited information available about the accounts because of the time that has passed since the accounts were defaulted and sold to the third parties – and I don't consider that to be unreasonable.

I'm not persuaded that there's enough evidence to show that JD Williams has acted incorrectly in selling Miss M's accounts to the third parties. One of the third parties has then obtained a county court judgment against Miss M. And Miss M hasn't provided enough evidence to show that she's repaid the outstanding debt due to that third party. But it's the third party that's obtained the county court judgment – and not JD Williams. So I don't consider that it would be fair or reasonable in these circumstances for me to require JD Williams to take any action in response to Miss M's complaint.

If Miss M wants to complain about the actions of the third parties, she should make a complaint to one or more of the third parties and then – if she's not satisfied with its response – she may be able to complain to this service.

### **my final decision**

For the reasons set out above, my decision is that I don't uphold Miss M's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 23 February 2019.

Jarrold Hastings  
**ombudsman**