

complaint

Ms B complains that HSBC Bank Plc failed to remove her deceased husband's name as an additional cardholder when requested to do so. She also complains that a debt collection agency has recently contacted her about the repayment of a credit card debt she held with HSBC.

background

Ms B held a credit card account with HSBC. She says she separated from her husband in February 2003 and asked HSBC to cancel the additional card as her husband was using the card and incurring further debt. Ms B's husband unfortunately died the following month.

Ms B says she had financial difficulties, she contacted HSBC and reached an agreement to pay £1 per month. HSBC say that it sold the debt in October 2007. Ms B confirms that she was contacted by a debt collection agency in 2008 to request the debt was paid. She was contacted again in 2012 by another debt collection agency with a further request to pay the debt. Ms B is unhappy that she has been contacted by a debt collection agency when her account is with HSBC.

HSBC requested that this service does not consider Ms B's complaint due to the time that has passed. It says it no longer holds any documentation on this account having sold the debt in October 2007.

The adjudicator felt that he was able to consider the complaint but his opinion was that it should not be upheld. Ms B disagreed as she says she was not aware that the debt had been sold and continued to make complaints to HSBC.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

the 2003 request to remove the additional cardholder

The request to remove the additional cardholder was made in 2003 a month before the unfortunate death of Ms B's husband.

The Financial Ombudsman Service operates under a set of rules laid down by Parliament under the Financial Services & Markets Act, published by the Financial Conduct Authority and known as the DISP rules. Those rules set out the scope of our powers. In particular, there are time limits set out in the rules. Where the financial business objects, we can only consider a complaint if it's brought to us within six years of the event complained of or, if later, within three years from the date when the consumer ought reasonably to have known there was cause for complaint.

The bank did object to us considering this complaint. And, as the adjudicator has recently explained to Ms B's adviser, the event complained of happened over six years ago. I consider Ms B could reasonably have been aware of the events at the time. So this part of the complaint has been brought out of time under the rules I must apply. Even if I hadn't reached this conclusion, I don't consider I could have fairly decided it anyway. Given how many years have passed there will now be little evidence left about events in 2003. So I don't consider I could reach a fair finding on it.

the debt collection activity

I understand that Ms B is unhappy that she has recently been contacted by a debt collection agency about a debt she believed she owed to HSBC. I find that HSBC sold the debt in 2007 and Ms B's debt is no longer owned by HSBC. As the debt collection agency is a separate business and separate legal entity from HSBC, I am unable to consider the actions of the debt collection agency in my consideration of a complaint about HSBC. The adjudicator has provided information to Ms B's adviser to assist her in directing her complaint against the correct business. I don't make any findings on that complaint here.

my final decision

My decision is that I do not have the legal power to consider the complaint about events in 2003 because they have been brought out of time.

I do not uphold Ms B's complaint about HSBC Bank plc, which I find sold the debt to a separate debt collection agency in 2007.

I have not made any findings on Ms B's complaint about the debt collection agency in this complaint about HSBC Bank plc because it is one she needs to make about that debt collection agency.

Geraldine O'Donnell
ombudsman