

## **complaint**

Miss C complains that Bank of Scotland plc (trading as Halifax) sold her credit card debt to a third party without telling her. She also says her original credit card application is fraudulent.

## **background**

Miss C took out a Halifax credit card in June 2003. She says she got into financial difficulties. The account was passed to Halifax's debt recovery department and a token repayment amount was made by Miss C. Miss C says she made in excess of eighty payments to that company by cheque and was never told her debt had been sold.

Halifax says the debt was sold to a third party company in December 2008. It said its debt recovery department continued to collect the cheques before passing the money to the third party company. It did offer to pay Miss C £50 for the delay in responding to her complaint.

Miss C complained to us and our adjudicator didn't uphold the complaint. He thought it likely Miss C was sent details of the sale of the debt in 2008. He didn't think the original credit card application had been tampered with.

Miss C doesn't accept that view. She says the original debt is statute barred and the parties in this case have acted in deceitful manner.

## **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've looked at the original credit card application, and I accept there is information on it Miss C disputes. But I'm satisfied Miss C did take out the Halifax credit card which she used and later made payments towards the outstanding balance. I can also see that in a letter to us Miss C accepts opening a Halifax credit card in 2003- so I don't think it matters that some of the information may have been incorrectly recorded.

Halifax can't provide me with a copy of the letter it sent to Miss C about the sale of its debt. Miss C says she didn't receive it. In those circumstances I think on balance it more likely she didn't receive the letter. I also think that had she received the letter it would've been unlikely that she would've continued to send the cheques to Halifax's debt recovery department.

I don't think however Miss C has lost out in any way or any detriment has been caused to her. I don't think it matters who owns the debt or who processed the cheques as Miss C has continued to make the token payments towards her debt.

I do however think that it would've been far clearer for Halifax's debt recovery department to have told Miss C to send the payments directly to the third party company.

I realise Miss C will be disappointed by my view and I understand that she doesn't wish to accept Halifax's offer of £50 but that offer remains open for her. I also make it clear that I can't deal with any complaint about the debt being statute barred-that is something she must take up with the third party company that bought her credit card debt.

**my final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss C to accept or reject my decision before 15 December 2016.

David Singh  
**ombudsman**