



Banc Ceannais na hÉireann
Central Bank of Ireland

Eurosystem

Deputy Michael McGrath
Dáil Éireann
Leinster House
Kildare Street
Dublin 2

T +353 (0)1 224 6000

Bosca PO 559
Baile Átha Cliath 1
PO Box 559
Dublin 1

www.centralbank.ie

9 September 2019

Re: Tracker Mortgage Examination

Dear Deputy McGrath,

I refer to your email of 24 July, regarding the statutory time limit for making complaints to the Financial Services and Pensions Ombudsman (the **FSPO**) and specifically in relation to tracker mortgage-related complaints where customers have been deemed as not affected by lenders under the Tracker Mortgage Examination.

We understand that the lenders that originally challenged time limits for non-impacted customers to make a complaint have now confirmed that they will no longer challenge the FSPO's jurisdiction with regard to these time limits, a development which we welcome.

As you may be aware, the Central Bank cannot prevent lenders from relying on their statutory right to challenge any complaint that is made outside statutory time limits.

Cognisant of the impact of lenders' tracker mortgage-related failings on affected customers, the Central Bank's Examination Framework (the **Framework**), sets out its expectation that lenders would not seek to rely on statutory time limits in respect of complaints made to the FSPO (and/or appeals to the courts) by customers deemed affected by tracker mortgage-related failings, should they make a complaint to the FSPO (and/or the courts) within a specified period of time.

Given the nature and duration of the impact on affected customers by lenders' failings, the Central Bank considered that it was critical that affected customers should have the option to seek a remedy for any detriment, individual to them, caused by these failings, and that they should not be limited by statute of limitation arguments. Lenders are meeting the expectation set out in the Framework for affected customers. In addition, as outlined earlier, lenders will no longer cite statute of limitations against non-impacted customers.

More generally, the FSPO Act extended the time limit for making complaints relating to a "long-term financial service" (which typically includes a mortgage) and the Central Bank notes that it is a matter



Banc Ceannais na hÉireann
Central Bank of Ireland

Eurosystem

for the FSPO alone to determine whether he has jurisdiction to investigate a complaint, including whether or not to allow an extension of the time period.

As you will be aware, the Central Bank has published its final report in respect of the TME, as it is satisfied, following extensive supervisory challenge and assurance work that the affected groups of customers have been identified, and the Central Bank is not in dispute with any lenders on any issues. However, while the supervisory phase of the Examination is now concluded, the Central Bank will continue to monitor the outcomes of any complaints to lenders, appeals, FSPO complaints and court cases. If any new information of a systemic nature comes to light, the Central Bank will of course investigate and consider regulatory intervention where warranted.

I hope the above addresses the question you have raised.

Yours sincerely,

A handwritten signature in blue ink, reading "Derville Rowland".

Derville Rowland
Director General (Financial Conduct)
Central Bank of Ireland