

The Pre- action Protocol

There is a pre- action protocol for lenders to follow, which means that lenders must prove they have considered all other options before trying to repossess a property. Your lender should send you a copy of this leaflet or other legal information before taking action to repossess your home. Your lender must give you information about how much money you owe on your mortgage, the balance you have left and any interest or charges that you have to apply because you owe them money.

Your lender should consider any reasonable request from you to change the date you pay your mortgage or how you pay, and respond quickly to any offer of payments you make.

If your home is up for sale and you are doing everything you can to sell it, your lender should delay taking action and should give you time to sell your home.

If you have tried to come to an agreement about the changes with your lender and they have refused, they must let you know in writing why they have not agreed any changes with you. Your lender must give you their reasons for not accepting your offer within 10 working days.

If you have not made an agreement with your lender and you have not kept to it, your lender must warn you, in writing , that they plan to start court action. They must send you a letter that gives you 15 workings days notice of the action they plan to take.

If you feel that your lender has treated you unfairly when dealing with your mortgage arrears, you may be able to complain to the Financial Ombudsman (FOS). You should get advice straightaway on how to make complaints to them.

The court will want to see that you losing your home is a last resort and that other options were looked into first. Your lender will need to show they have followed the Pre-action Protocol