

**To:** Codes Consultation

**Subject:** Code of Conduct on Mortgage Arrears

Dear Sir/Madam,

I'm writing re your Consultation paper CP 46 and the definition and scope of the term primary residence in the section 'Primary Residence'

A question.

Someone takes out a residential mortgage on a property which is their primary residence (property A). They then marry someone else who is in the same situation, i.e. has a residential mortgage on their primary residence (property B).

- As a married couple are they considered / do they have to have the same principal private residence?
- If so is the mortgage holder of the other residence (say property B) entitled to consider this as a change in the contract and hence change the terms of the mortgage?
- If this is the case it seems that it is against the spirit of the CCMA which seeks to protect mortgage holders who have entered into a contract in good faith being moved to a less favourable contract due to a change in personal circumstances and a change in the banks fiscal position.
- If this is the case, should the CCMA not be extended to cover this eventuality?

Is mise le meas.

Gavan Ward