



gavin mccloskey <gavinm@retirement.capital>

Pension Fund Transfers

4 messages

gavin mccloskey <gavinm@retirement.capital>

Tue, Sep 20, 2022 at 5:41 PM

To: Paul Hyland <paulh@expertrecruitment.com.au>, Stuart Travis <stuart@alexanderchapel.co.uk>, Mark Doherty <Mark@alexanderchapel.co.uk>, Mark Church <mark.j.church@gmail.com>

Cc: Emily McAlister <emily@retirement.capital>

I am pleased to confirm that we have completed our review of the scheme and calculation of transfer values and advise as follows.

Tax Registration

The scheme remains tax registered with HMRC and I confirm that each member has the right to transfer their current fund value to a pension of their own choice.

HMRC Reporting

The following tax event reports will be submitted by us.

1. A pension sharing order in respect of Mark Doherty
2. Overseas transfer reporting for Paul Hyland
3. Benefit crystallisation event for Stuart Travis
4. Benefit crystallisation event for Mark Church

From the information we hold, there is no tax assessment on these payments.

Scheme Investment Losses

The main assets held by this scheme was a commercial property and according to Companies House and the accounts of the fund, the scheme was a creditor. No monies were recoverable and as such this has been recorded as an investment loss.

We have been provided with a number of schedules of costs and disbursements, including also the sum of £49,000 in respect of Netsight. We have no data relating to this specific transaction and have added, as per the schedule provided by Stuart Travis, that this transaction is an investment loss split equally between Mark Doherty and Stuart Travis.

We have applied charges in apportion to the schedule provided by Stuart Travis.

An adjustment will need to be made between Stuart Travis and Mark Doherty for £20,000, which will otherwise be taxable on Mark Doherty at a rate of 40%, but this does not affect the other two members.

Such changes to the benefit basis of the scheme are only possible if they are permitted by the rules. It is for this reason that we had to update the rules of the scheme before this exercise commenced. I have the following comments to make in connection with this. Please pay close attention to the following points, the rules of which are in italics.

Permission to make an external transfer payment.

Under 23.1.2 you may make a transfer payment which represents all or part of an Individual Fund to another registered pension scheme or to a qualifying recognised overseas pension scheme.

Share of funds

Under Rule 17, The Trustees may treat an existing part of a Member's Individual Fund as, or may allocate a contribution by or in respect of a Member to, a separate Individual Fund. If the Trustees do so, any such part or contribution will:

17.1 constitute a separate Individual Fund for the purposes of the Rules; but

17.2 not constitute a separate arrangement for the purposes of the Act unless the Member and Trustees agree otherwise.

There are no records of any funds being recorded for the benefit of another member signed by the Company at the time of payment. The only policies that were individually recorded were the trustee investment policies.

There is no evidence of any trustees resolutions in place and no annual pension statement for each member of the scheme.

Therefore, we have no way of stating if, by making an adjustment of funds, that this would fall as a forfeiture of pension rights within the following clause:

Forfeiture of Pension Rights

Clause 27.1 A Benefit can only be assigned, commuted, surrendered or forfeited in accordance with sections 91 to 95 of the Pensions Act 1995.

To address this, we shall put in trustee resolution of each of your share of funds for agreement, given that there are no other trustee resolutions in place.

We therefore propose that:

- 1. The trustees agree to their CETV, being the current transfer values from the scheme under a signed trustee resolution**
- 2. All members transfer from this scheme.**
- 3. The scheme is wound up given the poor records held.**
- 4. We notify HMRC of the wind up of the scheme and close the scheme with the Pensions Regulator, once we have completed the scheme reporting requirements.**

We have stated our final costs in connection with this matter on the schedule. We have added a one-off charge in respect of Paul Hyland in dealing with the external transfer and previous reporting needed.

If you are all in agreement with this approach and calculation of benefits, please confirm this to me.

I will then confirm the transfer value to Paul's IFA and will issue the relevant discharge form for him to transfer out.

In the interim, I attach an invoice for £5000 against the balance of charges as per the attached statement of assets under our scope of engagement.

Kind regards

Gavin

--

Retirement
.Capital



Web: <https://retirement.capital>

Phone: 0330 311 0088

Email: gavinm@retirement.capital

Data Processing Centre
Retirement.Capital
Venture Wales Building
Merthyr Tydfil Industrial Business Park
Merthyr Tydfil
Wales
CF48 4DR

Any statement or advice given in this email or any other correspondence by Retirement Capital, its employees or consultants on any subject not covered by a signed terms of engagement is given without liability for any advice or mis-statement. This E-mail and any attachments to it are strictly confidential and intended solely for the addressee. It and they may contain information which is covered by professional or other privilege. If you are not the intended

addressee, you must not disclose, forward, copy or take any action in reliance on this email or its attachments. If you have received this email in error, please notify the sender at data@retirement.capital as soon as possible and delete this email immediately and destroy any hard copies of it.

2 attachments**APPORTIONMENT OF ASSETS STATEMENT.pdf.pdf**

146K

**INV-002074.pdf**

23K

Stuart Travis <Stuart@alexanderchapel.co.uk>
To: [gavin mccloskey](mailto:gavinmccloskey@retirement.capital) <gavinm@retirement.capital>

Tue, Sep 20, 2022 at 10:00 PM

Hi Gavin

Reference the £20k that mark will need to allocate to my fund and the lost tax relief can you explain that to Mark either verbally or in an e-mail as I don't want a situation that he is expecting to transfer his whole £105 to a pension of his choice? Feel free to call me to discuss when you get a moment.

Many thanks

Stuart Travis

Director

Alexander Chapel Recruitment Ltd

ALEXANDERCHAPEL

PLACING PEOPLE FIRST

Head office: +44 (0) 1179 859985

E-mail: stuart@alexanderchapel.co.uk

Alexander Chapel Website: www.alexanderchapel.co.uk

[Quoted text hidden]

[Quoted text hidden]

[Redacted signature]

[Redacted signature]

[Quoted text hidden]

gavin mccloskey <gavinm@retirement.capital>
To: Stuart Travis <Stuart@alexanderchapel.co.uk>

Wed, Sep 21, 2022 at 10:39 AM

Hi Stuart,

Basically, you have lost a tax benefit of £20,000 and have therefore crystallised £80,000.

This tax free sum is owed to you by Mark and he can pay this from age 55 from his own pension account. The alternative would be that Mark pays the income tax on the payment of £20,000 as an unauthorised payment which is in the order of £8000.

Unfortunately, what is not possible is that Mark allocates to you back £20,000 as this sum would pay a tax free payment of £5,000 i.e. 25% of £20,000, leaving you worse off tax wise.

Hope this helps.

I will call u a little later on this.

tk

gavin

[Quoted text hidden]

--

Retirement
.Capital



[Quoted text hidden]

Stuart Travis <Stuart@alexanderchapel.co.uk>
To: gavin mccloskey <gavinm@retirement.capital>

Wed, Sep 21, 2022 at 11:38 AM

OK I will speak to you later as I do have a few questions 😊 do you mean Crystallised £40k (not £80K) and Mark is now 55 does that help me at all, is my tax free based on what is left in the pot or what was in the pot before previous crystallised payments were taken?

When do we sign an indemnity, do I have to set up a pension to transfer the money into and what type do you recommend?

[Quoted text hidden]