



# HM Revenue & Customs

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## Wealthy/Mid-sized Business Compliance Assets, Incentives and Reliefs

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Newcastle, NE98 1ZZ

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**Web** [www.gov.uk](http://www.gov.uk)

**Date** 17 January 2025  
**Our Ref** APSS530  
**SRN** S0000037847

Dear Sir or Madam

### Notice of appeal

**Pension scheme name:** Humphrey Property Management SSAS

I have received your appeal against my decision to reject your application to register Humphrey Property Management SSAS as a pension scheme. Your appeal was dated 10 January 2025, and the decision notice was dated 9 November 2024.

I have reviewed the information that you sent us in your appeal.

### My view of the matter

My view of the matter is that the scheme was auto rejected by the system on the 9 November 2024 as it was out of time limit for a response. You failed to respond to our Information Notice in time and your Appeal letter dated 19 December 2024 stated "We acknowledge and deeply regret the oversight that led to the missed deadline for submission. It was an unintentional administrative error, and we take full responsibility for the oversight".

As you didn't have any reasonable excuse, you would need to make a fresh application.

Additionally, you have signed the online declaration to say, "To the best of my knowledge and belief the sponsoring employer(s) in relation to the scheme have not been dormant during the last 12 months".

However, you provided a letter from the company accountant, J S White & Co Ltd, which stated that:

*"The last set of accounts prepared showed that the company was not trading. However, Mr Humphrey has informed me that the company will recommence trading in January 2025 and that it will be profitable from this date forward".*

The last accounts were for the period ending 31 October 2023; therefore, the company was dormant from 31 October 2022 until at least January 2025.

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If you need extra support, for example if you have a disability, a mental health condition, or do not speak English/Welsh, go to [www.gov.uk](http://www.gov.uk) and search for 'get help from HMRC'.  
Text Relay service international number – +44 151 494 1260

As you provided the accountant's letter, you held sufficient information to be aware that making a declaration that to the best of your knowledge the company hadn't been dormant in the last 12 months would be incorrect.

Under Section 153(4) to (6) and section 156A Finance Act 2004 HMRC must decide to register the pension scheme unless it appears to HMRC that any of the following applies:

- any information contained within the application or otherwise provided by the scheme administrator to HMRC in connection with the application is materially inaccurate
- any document produced to HMRC by the scheme administrator in connection with the application to register the scheme contains a material inaccuracy,
- any declaration accompanying the application to register the scheme is false,
- an occupational pension scheme that has not been registered before 6 April 2018 has a sponsoring employer that is a dormant company. A company is dormant if, in the year before HMRC decides whether or not to register the scheme, it has been dormant for a continuous period of one month.

We are, therefore, upholding the decision to reject this application on the grounds that:

1. You failed to respond to the information notice by the deadline and have given no reasonable excuse.
2. We've also rejected your application under section 153(5)(h) of Finance Act 2004. This is because, from the information we have, it appears that the establisher of the scheme is a dormant company.

A dormant company is defined in section 279(1E) of Finance Act 2004.

3. You made an incorrect declaration on your application, and you held information to be aware it was incorrect..

### **What to do if you disagree**

I'm now offering you a review of my decision.

You can (either):

- accept my offer of a review
- take your appeal to an independent tribunal

If you want to do either of these, you must do so within 30 days of the date of this letter.

If you take your appeal to a tribunal, you cannot accept my offer of a review.

If you choose to have a review, you can still appeal to an independent tribunal after the review is completed.

Most disputes can be resolved by a review, without the need to take your appeal to a tribunal. You may find that a review is quicker and costs you less than taking your appeal to a tribunal.

### **If you accept my offer of a review**

An impartial officer who works for HMRC's Solicitor's Office and Legal Services (SOLS) team and who specialises in review work will take a fresh look at my decision. They are known as 'review officers'.

The review officer will write to let you know the outcome of their review within 45 days, unless they agree a longer period with you. If they agree with my decision, they'll uphold it and explain why. If they do not agree, they'll either cancel or vary my decision and explain why.

If you disagree with the outcome of the review, you can still take your appeal to the tribunal. You must do this within 30 days of the date of the letter telling you the outcome of the review.

If you accept the offer of a review, you cannot take your appeal to a tribunal until the review officer tells you the outcome of their review.



For further information about reviews, go to [www.gov.uk](http://www.gov.uk) and search 'disagree with a tax decision', or call the number at the top of this letter.

## **How to accept my offer of a review**

Please email, or write to, HMRC's Solicitor's Office and Legal Services directly to accept my offer of a review. You'll find the email and postal addresses below.

This is your chance to say why you think my decision is wrong and send any new information you want considered.

Because the SOLS team is a separate part of HMRC, they'll need the following information to identify your case when you accept my offer. You should include:

- your name, or business name, as shown at the top of this letter
- all references used at the top of this letter
- the name of the HMRC officer or team named at the end of this letter

Or, you might find it easier to give the SOLS team a copy of this letter when you accept my offer.

If you want a review but there's a reason you cannot write to the SOLS team within 30 days from the date of this letter, you will need a reasonable excuse for the delay. You'll need to write to the SOLS team as soon as possible after your reasonable excuse has ended and explain why you are late accepting my offer. They may not be able to carry out a review if you do not have a reasonable excuse. If they cannot carry out a review, you can ask a tribunal to accept a late appeal.

The SOLS email address is: [reviews@hmrc.gov.uk](mailto:reviews@hmrc.gov.uk). If you decide to email them, please see the important information at the end of this letter about corresponding by email.

If you want to write, their address is: Solicitor's Office and Legal Services, HM Revenue and Customs, BX9 1ZT.

## **If you want to take your appeal to an independent tribunal**

If you do not want to accept my offer of a review, or you disagree with the outcome of it, you can take your appeal to an independent tribunal. They will then determine the matter.

Your request must reach HM Courts and Tribunals Service within 30 days of the date of this letter. Or within 30 days of the date of the letter that tells you the outcome of the review.

If you want to take your appeal to HM Courts and Tribunals Service, please make sure you include with your request a copy of the letter, assessment, or other decision that you want to appeal against. If you do not, HM Courts and Tribunals Service may reject your appeal.

For more about tribunals and how to appeal, go to [www.gov.uk](http://www.gov.uk) and search 'appeal to the tax tribunal' or call 0300 123 1024.

## **If you do not take any action within 30 days of the date of this letter**

We will treat your appeal as settled by agreement. This will be based on my view of the matter shown above.

## **More information about appeals and reviews**

For more information about your appeal and review rights, go to [www.gov.uk](http://www.gov.uk) and search 'HMRC1' or 'disagree with a tax decision'. You can ask for a copy by calling 0300 200 3610.

## **Important information about communicating by email**

Corresponding with us by email will help reduce any delays giving and receiving information, including receiving the outcome of the review. If you want to correspond by email, you must first tell us that you understand and accept the risks of using email. These are detailed in our factsheet CC/FS72 DSC1, 'Corresponding with HMRC by email'. To find this factsheet, go to [www.gov.uk](http://www.gov.uk) and search 'DSC1', or phone us and we will send it to you.

If you understand and accept the risks of using email, please tell us when you send your request for a review to the SOLS team.

We will only contact you by email about a tax matter where you have already given us permission to do so. If you have any doubt about the authenticity of an email which claims to come from HMRC, then do not click on any links, given any personal details or reply to the email. Please forward the email to us at [phishing@hmrc.gov.uk](mailto:phishing@hmrc.gov.uk)

If you need to contact us, we may ask you for our reference number. Please have this ready.

Yours faithfully

**John Bhandal**

Head of Pensions Compliance

Join the millions of taxpayers already using their Personal Tax Account to access a range of services. It takes just a few minutes to get started, go to [www.gov.uk/personal-tax-account](http://www.gov.uk/personal-tax-account) Or you can use the HMRC app.

To find out about the service and standard of behaviour you can expect from us, go to [www.gov.uk](http://www.gov.uk) and search 'HMRC Charter'.