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Monitor Report

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HMRC Pension Scheme Services
Fitzroy House
Castle Meadow Road
Notts
NW2 1BG

By First Class Recorded Delivery

15 August 2016

Dear Sirs,

WHITEMOORE SSAS RETIREMENT SCHEME
REFERENCE: C0830975RJ/R

I refer to your letter in connection with the Rules of the Scheme.

The scheme rules do not, either directly or indirectly entitle any scheme member to an unauthorised payment as to do so would prejudice the tax registered status of the Scheme.

This declaration is covered by Rule 31 in which the Scheme Administrator states that "in making any decision or in giving or withholding their agreement or consent or in exercising or not exercising any power in relation to the Scheme, shall, "act consistently with the requirements to maintain the Scheme as a Registered Scheme; and act in accordance with any other applicable overriding legislation affecting the Scheme".

As you are aware, there are circumstances where an unauthorised payment could arise. The scheme rule provision that you refer to in 31.2 specifically states that "The Principal Employer, the Trustee, Independent Trustee and the Administrator shall exercise their powers in a manner which they are satisfied will not give rise to an Unauthorised Payment, or to any Unauthorised Payment being treated as having been made, except where this has been specifically requested by a Member in the knowledge that it would constitute an Unauthorised Payment and the Administrator is satisfied that this would not prejudice the Scheme's status as a Registered Scheme".

Pension liberation would, of course, prejudice the tax registered status of the Scheme. However, a member circumstance can arise, such as the member giving incorrect information to the Administrator in respect of a test against the lifetime allowance or in respect of death benefit. Further examples include:

A member on retirement is in receipt of pension and on death, the scheme administrator is not notified of that death, which would give rise to an unauthorised payments charge on the member. The unauthorised payments charge arose as the member could not have known of the date of their death, but the unauthorised payments charge arose as a consequence of the member's

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