Transfer Out Section

Aviva

PO Box 520

Norwich

NR1 3WG

**By First Class Recorded Delivery**

11 February 2015

Dear Sir/Madam,

**Name : Mr Neil William Graham**

**National Insurance Number : WM390463A**

**Date of Birth : 23 June 1962**

**Plan Number : TL94037719**

I refer to your letter dated 24 October 2014 in connection with the rejection of pension transfer for the above named.

We wish to appeal in respect of your objection, given the guidelines issued by the Pensions Ombudsman (PO) in their recent case of PO-3015 Mr Gregory Stobie v Standard Life in which the decision to transfer was partially upheld.

You have advised in your letter that the “request to transfer is refused” but you have given no grounds to justify a denial to the person asserting their right.

We and the member require your reasoning for the decline of this pension transfer as per the direction given by the PO in the case of Mr Gregory Stobie v Standard Life and others.

The PO was clear in his direction on this in that an active member of a pension scheme cannot be declined a statutory right to a pension transfer to a registered pension scheme of his choice. I would expect that you specify exactly what risk assessment you have undertaken to deny this pension transfer and why it has failed.

The member is an active member of this scheme and this is evident by the following hallmark features:

1. It is a trading company that is sponsoring the scheme.
2. The member is a director of the Company
3. The member is an earner in relation to that employer and as such is an active member. As an active member a statutory right to a pension transfer prevails
4. The member has taken advice on a retail basis from an IFA on the investments selected; the member is protected under FSCS in respect of the advice given.
5. The scheme fulfills the genuine characteristics of an occupational pension scheme in that it is open to active employees of the sponsoring employer and this member is accruing rights with the scheme as an active member.

We wish to avoid a protracted legal process on this, as this would not be either helpful to the parties involved in this and would not be considered wise given the clear direction of the PO on pension transfer matters.

The transfer payment should be made by **BACS** to the following account details:-

**Name of Bank: Metro Bank**

**Account Name: Joe Bloggs Property Limited SSAS**

**Account Number: 16166111**

**Sort Code: 23-05-80**

We confirm that we are a co-signatory to above account and the Trustees are unable to move any funds without our authority. This therefore protects the fund completely against any risks of pension liberation.

If you require any further documentation to be completed in order that the transfer can be concluded, please advise me accordingly.

Thank you in advance of your assistance

Kind regards

Gina Reidy

**Pension Practitioner .Com**