

Dated: 23.12.2024

Deed of Termination

The Firewater Scheme

Parties

1. The Trustees of the **The Firewater Scheme** being **Patrick Joseph Hynes** of 4/1 175 Finneston Street, Glasgow, G3 8HD and **RC Trustees Limited** (Company No 13042237) whose registered office is situate at 1a Park Lane, Poynton, Stockport, Cheshire, United Kingdom, SK12 1RD (in this Deed called the “**Trustee**”).

Recitals

- (A) **The Firewater Scheme** (in this deed called the “**Scheme**”) is a registered pension scheme for the purposes of Part 4 of the Finance Act 2004 established and currently governed by a Trust Deed dated 7th November 2022 and all subsequent amendments (in this Deed called the “**Existing Provisions**”).
- (B) The Trustee is the present member trustee of the Scheme.
- (C) The Trustee resolved in accordance with Clause 32 of the Existing Provisions that, having discharged all benefits and contingent benefits from the Scheme, to wind up the scheme.
- (D) The Trustee has applied member’s funds in accordance with Clauses 32.3 of the Existing Provisions.

Operative provisions

Pursuant to Clause 32 of the Existing Provisions, the Trustee has determined and applied the fund in accordance with the powers vested in them, and the Scheme having no further assets or liabilities is terminated with effect from the date of this Deed.

Dated :

Trustees Resolution – Wickenburg Limited

Whereas:

- 1) **Wickenburg Limited** (Company No SC405955) (the “**Sponsoring Employer**”) established a small self-administered scheme governed by a Trust Deed dated 7th November 2022 and all subsequent amendments (the “**Existing Provisions**”).
- 2) The Sponsoring Employer entered liquidation proceedings on 11th September 2023, and, under Clause 12.4.1. of the Existing Provisions, all powers formerly vested in the Scheme’s sponsoring employer are now vested solely in the Trustees.
- 3) Patrick Joseph Hynes (the “**Continuing Trustee**”) and Patrick Nathan Hynes (the “**Outgoing Trustee**”) are the present trustees to the Scheme.
- 4) The Outgoing Trustee, whose last known address was at 4/1 175 Finnieston Street, Glasgow, G3 8HD, has, despite repeated attempts by the Continuing Trustee and the Scheme’s registered administrator to contact them, refused to contact or otherwise engage with either party and is deemed to have refused to undertake in their required duties as a trustee to the Scheme. A brief rundown of the various attempts to contact the Outgoing Trustee are attached to this Resolution as Schedule 1.
- 5) As the Scheme does not currently, and has never held, and benefits under trust, it is desirous to wind up the Scheme.
- 6) In order to facilitate the wind up of the Scheme, it is desirous to replace the Outgoing Trustee with RC Trustees Limited (Company No 13042237) (the “**Independent Trustee**”), whose registered office is situate at 1a Park Lane, Poynton, Stockport, Cheshire, United Kingdom, SK12 1RD.

It is hereby resolved that:

- 1) Pursuant to the statutory powers granted under Section 36(1) of the Trustee Act 1925, which allows the replacement of a Trustee who refuses to act as such, and Clause 4.1 of the Existing Provisions, which grants the trustees all powers, rights, privileges, and discretions required for the operation of the SSAS, the Continuing Trustee removes the Outgoing Trustee and replaces them with the Independent Trustee, with immediate effect.
- 2) The Independent Trustee consents to their appointment as a trustee to the Scheme, as evidenced by their co-signing of this Resolution, and agrees to exercise all

powers, duties and discretions conferred upon trustees under the Existing Provisions and applicable legislation.

- 3) Pursuant to Clause 32 of the Existing Provisions, the Trust will be wound up, having no assets or liabilities to be discharged.
- 4) The Scheme Administrator is instructed to:
 1. Report to HMRC the wind up of the Scheme
 2. Remove the Scheme from Pension Schemes On-Line
 3. Close all banking and investment schemes that have been established to accept contributions
 4. Disclose to the Pensions Regulator the wind up of the Scheme in accordance with their requirements
 5. Disclose to the DP Registrar that the Administrator is no longer a data controller for the purposes of the Act
- 5) The Independent Trustee, for the avoidance of doubt, confirms and consents to the decision to wind up the Scheme, and will assist the Continuing Trustee and Scheme Administrator in the wind up.

Signed:



Patrick Joseph Hynes
Continuing Trustee

Signed:



Acting for and on behalf of RC Trustees Limited
Independent Trustee

Schedule 1:

Timeline of Attempts to Contact Patrick Nathan Hynes

The following timeline outlines the efforts made to contact Patrick Nathan Hynes regarding their duties as trustee of the scheme:

9 Feb 2023: Initial communication sent to [Rogue Trustee's Name] via email to acknowledge the intention to use the scheme and open the scheme bank account. No response received.

10 Mar 2023, 25 Apr 2023, 17 May 2023: Follow-up email sent to address the outstanding invoice for annual services and request acknowledgment of the scheme's activation. No response received.

26 Jun 2023, 4 Jul 2023: Phone call placed to discuss the SSAS and its intended use. Message left, but no response received.

28 Sept 2023: Further email sent to remind [Rogue Trustee's Name] of the outstanding matters related to the SSAS. No response received.

15 Jan 2024: Attempt made to proceed with the TPR levy payment; however, due to the lack of action and required confirmation from Patrick Nathan Hynes, the payment could not be completed successfully.

20 Feb 2024: Due to no response or acknowledgment from trustees despite multiple attempts, a decision was made to send a demand letter regarding the overdue invoice and consider closing the SSAS.

3 Jun 2024: Due to no response or acknowledgment despite multiple attempts, a decision was made to wind up the scheme.

24 Oct 2024: Wind-up documents posted and emailed, with a response only from 1 trustee Patrick Joseph Hynes. No response received from the other trustee, Patrick Nathan Hynes.

9 Dec 2024: Wind-up documents signed only by 1 trustee, with no response from Patrick Nathan Hynes.

IN WITNESS OF WHICH this document is executed as a deed and is delivered on the date stated above.

SIGNED as a deed, and delivered when dated, by

Signature: 

Patrick Joseph Hynes

in the presence of:

Witness Signature:



Name : LISA MACDONALD

Address : 15d PARKHILL DRIVE
RUTHERGLEN
GLASGOW
G73 2PL

SIGNED as a deed and delivered when dated, by

Signature: 

on behalf of RC Trustees Limited

in the presence of:

Witness Signature:



Name : J.S CRAWFORD

Address : 13 HUNSTON RD
SALF, M33 4RP