

Mr Terry Thompson
H M Revenue & Customs
Pension Scheme Services
PO Box 175
Bootle
L30 4TX

21 November 2012

Dear Mr Thompson,

1. Please find the attached Deed of Participation.
2. Deed and Scheme Rules & amendments attached.
3. We prepared the deed to admit Boutique Leisure to the pension scheme in accordance with our understanding at the time of the relationship between the company and Mr Tierney. It transpires that there was a miscommunication as to what role Mr Tierney actually has in Boutique Leisure Ltd. Please see the attached letter from the Directors of Boutique Leisure explaining this.
The deed of participation is therefore ineffective and as per our previous letter the loans should be treated as unconnected party loans.
4. Please refer to the explanation above
5. The payment on 2 September 2010 does relate to a lump sum payment to John Tierney. As advised in the previous letter of 17 May this was not paid as one would expect i.e. directly to J. Tierney, however this was treated as a crystallisation event with an appropriate reduction in his lifetime allowance percentage. The money was simply gifted to L Paterson Moody.
6. The payment of £14,997.97 to HMRC represents a personal tax payment for John Tierney. This payment was also recorded as a TFCLS albeit not paid to John directly.
7. The £54K payment made on 1 August is a lump sum payment to Susan Tierney, however again this was paid in an unconventional way as with the payment to L Paterson Moody.
8. No Pensions are in payment
9. Given that Mr Tierney only became a shareholder in the company at 1st May 2009, as confirmed by the Directors of Boutique Leisure Ltd, can you please advise how you wish to treat the loan for 5k made on 8 April 2009 as this was to an unconnected party and is not an unauthorised employer payment.
I apologise for the delay in getting this to you and the confusion that has arisen, however I hope the sequence of events and explanations are clear.

Yours Sincerley,

Mark Miserotti
For Pension Practitioner.Com

