Mr Terry Thompson

H M Revenue & Customs

Pension Scheme Services

PO Box 175

Bootle

L30 4TX

17 June 2013

Dear Mr Thompson,

**Tierney Family Trust   
PSTR 00157669RZ (CFS499593)**

Further to the recent correspondence from White Hart Associates which I forwarded to you by email, please find the remainder of the answers to your questions in your enquiry.

As per the documents provided (declaration of nomineeship and stock transfer forms) Boutique Leisure Ltd was not a sponsoring/participating employer at the time the loans were made, the trustees maintain that the loans were made to an unconnected party.

Deed of Participation- although this was signed by the trustees and directors the deed is ineffective by virtue of the fact that the company could not provide relevant benefits at the time the loans were made. The company therefore cannot be considered a participating employer at this time. We would agree that the company would become a participating employer after Mr Tierney became a shareholder and if/when he was in receipt of PAYE income from the company. As stated previously this error was simply a miscommunication of Mr Tierney’s status within the company.

Turning to the charge documents, these were signed because it was felt that the loans needed to be secured by an asset for peace of mind for the trustees. Please refer to my letter of 29 June on the charging provision.

With regards to the three tax free lump sum payments, the members are also the trustees of the pension scheme, there is no third party trustee in the plan. There was therefore no need for any documentation agreeing to these transactions, however as explained previously it has been noted that these payments have been recorded as lump sum payments.

Yours sincerely

Mark Miserotti

**For Pension Practitioner .Com**