Good afternoon.

Further to Gavin McCloskey’s letter to Nikki Spoor (CCing in IFA Brian Potter) of 28/9/17, I have been asked by Brian to contact you for any further questions I have when supporting Brian on the case to ensure he can give appropriate advice to Mrs Tierney.

I’ll openly offer that the nuances of SSASs are not my strong point so apologies in advance if any of these questions are not relevant. To put the questions into context, Brian Potter’s likely advice is to transfer Mrs Tierney’s assets within the SSAS (inherited and her own) out of the SSAS and into a SIPP in her own name. With this in mind could you kindly answer the following points:

1) I assume the SSAS would be wound up once Mr Tierney’s benefits were formally assigned to Mrs Tierney and the transfer out to a SIPP made. Can you confirm any costs / charges applicable to winding-up the SSAS / transferring benefits under Mrs Tierney’s name to a new SIPP (obviously I’m only interested in charges as the SSAS end rather than on the new SIPP). If these are time-based costs please provide estimates and detail if the money can come from the SSAS or if it has to be paid by Mrs Tierney directly.

2) If winding up the SSAS as per the above can you let me know what has to happen practically to do this / what Mrs Tierney needs to do (HMRC notification wise etc)? Please provide all necessary forms / documentation for the wind-up.

3) Can you confirm that Mrs Tierney only has access to 25% tax free cash on her remaining uncrystallised rights (ignoring the inherited rights from her late husband)? I assume that as the funds have been partially crystallised already this is the case but please confirm the member has no enhanced / protected tax free cash.

4) Do you know if there are any fixed term interest periods (loss of interest) under the bank accounts in the SSAS?

5) What are the ongoing SSAS charges / fees?

6) It’s my understanding that a further LTA test (BCE 5c) is due for Mr Tierney. As client has already used 100% of his LTA I assume this will need to be deducted from the SSAS upon instruction before any transfers. Please confirm if this is the case and if so the tax impact of any LTA excess.

7) Mr Tierney’s Old Mutual Wealth Pension was uncrystallised at the date of his death. I assume on calculation of BCE 5c that the SSAS would pay their element of the LTA excess and OMW would do the same. Please confirm the timescales / practicalities involved in paying any LTA excess.

8) Please provide as estimate of the value of the SSAS (and split between Mrs Tierney’s inherited and personal funds) when any LTA tax charges have been paid and deducted etc with a breakdown of LTA excess, tax charge and balance for Mr Tierney’s funds (which Mrs Tierney will inherit).

9) Mentioned in the letter of 28/9 was creation of a ‘nominee account’ within the SSAS to allow Mrs Tierney to retain the tax privileges within the pension. Can you confirm if the process to designate Mr Tierney’s funds to Mrs Tierney has begun / how long this is likely to take / if there are any further requirements from Mrs Tierney or anyone else to permit this. I do not believe we will be able to make / recommend a transfer out of the SSAS (and subsequent wind-up) until this has been done.

10) You mention an HMRC penalty assessment against the SSAS for £28,483 plus interest and that HMRC have verbally accepted the SSASs defence and you do not expect them to pursue this payment. In your experience in these areas:

a) How likely is it that HMRC will confirm in writing that this penalty will not be taken further and

b) What, if any, are the implications of this in Mrs Tierney transferring out benefits / winding up the SSAS.

11) Can you give us a rough idea of how long the LTA issues / designation to Mrs Tierney etc may take so we can get a view on the likely timescales to be able to present the advice to transfer out and have the SIPP wound up?

12) Any other relevant information in respect to the proposed advice would be gratefully received.

Many thanks and we look forward to hearing from you.