

Private and Confidential

Mr David Hancock
Tradpin Construction Limited
14 Hemnall Street
Epping
Essex
CM16 4LW

15 May 2013

Dear David,

PAYE FOR PENSION SCHEME

Many thanks for your fax enclosing the penalty notice from HMRC and my apologies for the delay and having missed your calls.

I am involved in separate projects at this time, and will be freer at the beginning of June when these come to a conclusion as a trustee meeting is overdue.

I have gone back through all the correspondence on this and also printed off various email correspondence. I also spoke with HMRC last night.

Background

We had a trustee meeting on Thursday 21 July at 11am. We covered a number of items and in particular agreed to provide PAYE services to the trustees. We agreed to set up a fresh PAYE system for the pension scheme, given the movement to electronic only filing and were advised at the meeting that the current method of pension PAYE was submitted under the Company via your accountant – hence requesting new PAYE codes for the pension scheme following our meeting.

A copy of my letter dated 22 August 2011 is enclosed for your reference on this.

We duly set up and commenced operation of the PAYE system under code reference – 475p234182. In September 2011, following receipt of your faxed penalty notice it transpired that the Trustees had in fact a PAYE system already in place under a separate coding for the pension scheme. Therefore, we went through process of closing off the PAYE system we established. In 2012, your accountant resumed responsibility for the PAYE return.

Penalty Notices:

The penalty notices issued to the trustees for the periods to 5 April 2010 relate to late submission of the PAYE return which was received by HMRC on 9 March 2011. Whomever submitted the PAYE return in March 2011 submitted the data late – hence the £800 fine. I presume this was sent in by your accountant as we were not involved with the PAYE at that time.

In respect of the tax return 2010/11, the return and the submission of the P35 fell outside our appointment date as they were due by **19 May 2011**; as we were not involved with the PAYE at that time. We became involved in the PAYE on **21 July 2011**. Therefore we cannot accept liability for the penalty notice of late submission of the return.

Gateway Login and Password

The paper version of the return which was subsequently sent in to this Office was forwarded directly to HMRC; although their Office lost the paperwork. Their Office will only now accept electronic filing of the 2011 return as such for us to do this we require the PAYE Gateway and password.

We have requested this in the past, the most recent request is enclosed. I enclose a copy of our email to Graham on 31 December 2011, despite a subsequent reminder email in February by Mark we are still awaiting a response.

I am very sorry that this has become a mess for both firms, but if you can provide us with the data needed we will file electronically the 2011 return. Without that information as previously stated we cannot file the 2011 return.

I will give you a call on Monday to talk this through.

Yours sincerely

Gavin McCloskey
For Pension Practitioner .Com

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