



Portman Pension Scheme

**Report and Accounts
For the year ended 31 May 2012**

A large, abstract, colorful background graphic at the bottom of the page. It features overlapping, semi-transparent shapes in various colors: yellow, green, blue, red, and purple. The shapes are layered, creating a sense of depth and movement.

Dalriada. A better way

Portman Pension Scheme

Report and Accounts

For the year ended 31 May 2012

Registration number: 12002976

Private and Confidential

**Portman Pension Scheme
Contents**

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Portman Pension Scheme
Principal Employer and Advisers to the Scheme

Trustees

Minerva Pension Services Limited "the original trustees"
Whitby Court
Abbey Road
Shepley
West Yorkshire, HD8 8ER

Dalriada Trustees Limited
Chamber of Commerce House
22 Great Victoria Street
Belfast
BT2 7BA

Principal Employer

Portman TC Limited
Bank House, 129 High Street
Needham Market
Ipswich
IP6 8DH

Administrator

Ark Business Consulting LLP
The Continuum Moderna Business Park
Moderna Way Mytholmroyd
Hebden Bridge
West Yorkshire, HX7 5QQ

Dalriada Trustees Limited
Chamber of Commerce House
22 Great Victoria Street
Belfast
BT2 7BA

Auditor

RSM McClure Watters
Number One
Lanyon Quay
Belfast
BT1 3LG

Portman Pension Scheme
Principal Employer and Advisers to the Scheme

Legal Adviser

Pinsent Masons LLP
30 Crown Place
London
EC2A 4ES

Investment

Rom Capital Asset Management Limited
Level 35
25 Canada Square
Canary Wharf
London, E14 5LQ

Entrepreneurs Capital Holdings Limited
116 Gloucester Place
London
W1U 6HZ

Direct Investment

South Horizon Trading Limited
68 Stratigou Timayia
Larnaca
Cyprus

Freedom Bay Resort
Malgretoute Hotel Development Company Limited
18 Micoud Street
Castries
St. Lucia, West Indies

Red Residences Beroun
The Curve Beroun
Senovazne Square 870/27
Prague 1 11000

Whitton Investments Business Account
Leytonstone House
3 Hanbury Drive
Leytonstone
London, E11 1GA

Bankers

Barclay Bank PLC
17 Market Place
Huddersfield
HD1 2AA

**Portman Pension Scheme
Trustees' Report**

Introduction

The Trustees of the Portman Pension Scheme ("the Scheme") are pleased to present their report together with the audited accounts for the year ended 31 May 2012. The Scheme is a defined contribution scheme.

The Scheme was established on 12 May 2010, and is currently governed by the trust deed and rules dated the same date. In accordance with the provisions of Schedule 36 of the Finance Act 2004, the Scheme is a registered pension scheme under Chapter 2 of part 4 of the Finance Act 2004. The Scheme was contracted-out of the State Second Pension (S2P, previously known as the State Earnings-Related Pension Scheme) under a certificate issued by the Secretary of State for Social Security. Funds derived from contracting out payments were known as protected rights benefits. From 6 April 2012, it will no longer be possible to contract out of the S2P through a Defined Contribution pension scheme. All existing contracted out payments will be treated as non-protected rights benefits. Individuals who were contracted out will automatically begin to accrue benefits under the S2P from 6 April 2012.

The Compliance Statement set out on page 21 forms part of this report.

Management of the Scheme

The Trustees are

Minerva Pension Services Limited.
Dalriada Trustees Limited.

The directors of Minerva Pension Services Limited over the period were Carl Julian Hanson (appointment ended 23rd November 2011) and Craig McMillan Tweedley (appointed 23rd November 2011).

The directors of Dalriada Trustees Limited are C M Johnstone, C J McGruer and B D Spence.

In accordance with the provisions of the Pensions Act 1995 as amended, the Pensions Regulator has the power to appoint an independent trustee. Dalriada Trustees Limited was so appointed, with exclusive powers on 31 May 2011 under section 7 of the Pensions Act 1995, and may only be removed by the Pensions Regulator.

Dalriada Trustees Limited have appointed external specialists to advise on legal and accounting matters.

Internal Dispute Resolution Procedure (IDRP)

It is a requirement of the Pensions Act 1995 that all occupational pension schemes must have a dispute resolution procedure in place for dealing with any disputes between the Trustees and the Scheme beneficiaries. A dispute resolution procedure has been agreed by the Trustees, details of which can be obtained by writing to Dalriada Trustees Limited, Chamber of Commerce House, 22 Great Victoria Street, Belfast, BT2 7BA or by download from the members' website page <http://www.dalriadatrustees.co.uk/ark/>.

Financial development of the Scheme

The accounts of the Scheme for the year ended 31 May 2012 are set out on pages 12 to 18; the Trustees' summary of contributions and the Auditor's statement about contributions are set out on pages 19 and 20. The accounts have been prepared and audited in accordance with the regulations made under section 41(1) and (6) of the Pensions Act 1995. They show that the value of the fund increased from £4,305,788 at 31 May 2011 to £5,161,694 at 31 May 2012. This material increase in the value of the fund is explained in more detail in the Investment report, South Horizon Trading section.

**Portman Pension Scheme
Trustees' Report**

Transfers at less than Cash Equivalent

No transfer values were paid during the year.

Membership

As at 31 May 2012, 95 members were entitled to benefits from the Scheme.

Changes to the membership of the Scheme during the year are set out in the following table.

	Active	Deferred	Pensioner
Membership at 01/06/2011	-	95	-
Membership at 31/05/2012	-	95	-

Governance and Risk Management

Following their appointment, Dalriada Trustees identified a number of concerns surrounding the Scheme investments and the administration of the Scheme.

Under the wrapper of 'Maximising Pension Value Arrangements' (MPVA's), the original trustees effected a number of unsecured loans to members of other pension schemes. Dalriada Trustees asked the Court to provide direction regarding the status of the MPVA loans. A judgment handed down on 16 December 2011 found that MPVA loans were unauthorised member payments, as defined by s.160(2) of Finance Act 2004 and in breach of the trustees' powers of investment.

Dalriada Trustees has not made any further MPVA loans from the date of their appointment.

This decision by the Court is subject to an application for permission to appeal.

Other investments were made in various property related investments with no evidence of an investment adviser being appointed and appropriate investment advice being sought or received.

Aside from the loans to members and the lack of investment advice, no agreements appeared to be in place with Ark Business Consulting, the company previously employed to provide administration services. Dalriada Trustees has put in place a more robust administration database.

Similarly, no proper accounting records appeared to have been kept and Dalriada Trustees has created appropriate accounting information which underpins the accounts appended to this Report and which have been independently audited.

Dalriada Trustees are of the opinion that the front end administration charges taken by Ark Business Consulting were not appropriate and have commenced separate legal proceedings in an attempt to recover at least a proportion of those monies. It is not clear at this stage the amount, if any, of the money likely to be recovered as a result of this action.

As the legal proceedings progress, Dalriada Trustees will continue to develop its business plan which will set out its objectives in areas such as administration, investment, funding and communication. Alongside the business plan, a risk register has been put in place, setting out the key risks to which the Scheme is subject and the controls in place to mitigate these.

Trustee knowledge and understanding

The Pensions Act 2004 requires trustees to have sufficient knowledge and understanding of pensions and trust law and be conversant with the Scheme documentation. The Pensions Regulator has published a Code of Practice on Trustee Knowledge and Understanding to assist trustees on this matter which became effective from 6 April 2006 and has been updated with effect from November 2009. As a professional trustee, Dalriada Trustees maintains an ongoing training programme for all of its staff.

**Portman Pension Scheme
Trustees' Report**

Further information

Further information about the Scheme is available, on request, to members, their spouses and other beneficiaries.

If members have any complaints or queries regarding the Scheme, or wish to obtain further information, they should contact Dalriada Trustees Limited, Chamber of Commerce House, 22 Great Victoria Street, Belfast, BT2 7BA.

The Data Protection Act 1984 covered information which was held electronically, i.e. computer based information. The Data Protection Act 1998 extends data protection laws to cover paper-based records held for individuals and new restrictions on the processing of sensitive personal data to which individuals must have given express consent. Sensitive information can include information on, for example, the health of a member.

Members' personal data will be used by Dalriada Trustees to administer the Scheme, and may be passed to other professional providers or advisers.

Dalriada Trustees and the Scheme's advisers each have a legal obligation and a legitimate interest to process data relating to members for the purposes of administering and operating the Scheme, which includes passing on data to third parties, as mentioned above.

Dalriada Trustees are regarded as 'Data Controllers' for the purposes of the Data Protection Act 1998, in relation to the process referred to above. The advisers appointed by Dalriada Trustees are 'Data Processors'.

Investment report

As commented earlier in this Report, the original trustees invested in various property related investments.

Further, there has been some resistance to the provision of information surrounding these investments by both the original trustees and Ark Business Consulting, notably the lack of any appropriate investment advice being sought or received.

There are concerns that the original trustees and Ark Business Consulting failed to comply with the appropriate investment Regulations and did not properly carry out their fiduciary duties as required under general trust law. These concerns are, at least in part, being addressed as part of the ongoing legal proceedings.

Dalriada Trustees has undergone its own research into the various property investments and these are summarised below:

Rom Capital Asset Management Limited (HYPER)

The HYPER investments amounted to an investment in a property unit trust. Dalriada Trustees were told units would be listed and, in theory, tradable on the Channel Island stock exchange.

Dalriada Trustees has ascertained that the original promoters (ROM Capital) had experienced some problems in getting the trust listed and that ROM Capital had, on advice, decided to turn the fund into a limited company and issue shares.

Dalriada Trustees has been asked to complete paperwork to take ownership of the shares and is taking professional legal advice prior to completing the paperwork.

At this stage Dalriada Trustees cannot determine the value of what, if any, return is anticipated from this investment.

**Portman Pension Scheme
Trustees' Report**

Entrepreneurs Capital Holdings

Dalriada Trustees has still to properly establish the nature and, more importantly, the present value of the monies invested with Entrepreneurs Capital Holdings and is considering what steps it should now take.

South Horizon Trading Limited (Cyprus)

At the time of Dalriada's appointment, funds had been paid to a Cypriot company with a view to securing an option to buy the shares in the company that owned a plot of land near Larnaca. The company concerned was seeking further funds in order to complete the share purchase. However, Dalriada Trustees had reservations about this, given the state of the property market in Cyprus.

Dalriada is pleased to report that after the year end it has reached an agreement with the Cypriot company that has resulted in the sum originally invested, together with interest, being returned to the Scheme.

This is reflected in the Fund Account and Net Assets Statement shown on pages 12 and 13 and in Note 7 on page 16.

Freedom Bay

Dalriada Trustees has established that the investment in Freedom Bay amounts to an entitlement to a number of fractional ownership certificates in a villa development (effectively a time share). Construction of the development has not yet started and is not due to be completed before December 2014. The investment has no immediate realisable value.

Custodial arrangements

Dalriada Trustees has been unable to obtain details of any custodial arrangements having been put in place.

Investment principles

Dalriada Trustees are exempt from the requirement to produce a Statement of Investment Principles as the Scheme has less than 100 members.

Employer related investments

There were no employer related investments at any time during the year within the meaning of section 40(2) of the Pensions Act 1995.

The Scheme's investments comply with the restrictions prescribed by regulations made under section 40 of the Pensions Act 1995.

**Portman Pension Scheme
Trustees' Report**

Statement of Trustees' Responsibilities

The Scheme's Trustees are responsible for obtaining audited accounts in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice) and for making available certain other information about the Scheme in the form of an Annual Report.

The accounts are the responsibility of the Trustees. Pension scheme regulations require the Trustees to make available to Scheme members, beneficiaries and certain other parties, audited accounts for each Scheme year which:

- show a true and fair view of the financial transactions of the Scheme during the Scheme year and of the amount and disposition at the end of that year of the assets and liabilities, other than liabilities to pay pensions and benefits after the end of the Scheme year, and
- contain the information specified in the Schedule to the Occupational Pension Schemes (Requirement to obtain Audited Accounts and a Statement from the Auditor) Regulations 1996, including a statement whether the accounts have been prepared in accordance with the Statement of Recommended Practice 'Financial Reports of Pension Schemes' (revised May 2007).

The Trustees have prepared the accounts, and have agreed suitable accounting policies, to be applied consistently, making any estimates and judgments on a prudent and reasonable basis.

The Trustees have a general responsibility for ensuring that adequate accounting records are kept and for taking such steps as are reasonably open to them to safeguard the assets of the Scheme and to prevent and detect fraud and other irregularities, including the maintenance of an appropriate system of internal control.

Signed for and on behalf of the Trustees

For Dalriada Trustees Limited.....



Date.....

08/02/2013

Portman Pension Scheme
Independent Auditor's report to the Trustees

We have audited the accounts of the Portman Pension Scheme for the year ended 31 May 2012 which comprise the fund account, the net assets statement and the related notes. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

This report is made solely to the Trustees, as a body in accordance with section 47 of the Pensions Act 1995. Our audit work has been undertaken so that we might state to the Trustees those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept responsibility to anyone other than the Scheme and the Scheme's Trustees as a body, for our audit work, for this report, or for the opinions we have formed.

Respective responsibilities of Trustees and Auditors

As explained more fully in the Statement of Trustees' Responsibilities, the Scheme's Trustees are responsible for the preparation of accounts which give a true and fair view. Our responsibility is to audit and express an opinion on the accounts in accordance with applicable law and International Standards on Auditing (UK and Ireland). Those standards require us to comply with the Auditing Practices Board's Ethical Standards for Auditors.

Scope of the audit of the accounts

An audit involves obtaining evidence about the amounts and disclosures in the accounts sufficient to give reasonable assurance that the accounts are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the Scheme's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Trustees; and the overall presentation of the accounts. In addition, we read all the financial and non-financial information in the annual report to identify material inconsistencies with the audited accounts. If we become aware of any apparent material misstatements or inconsistencies we consider the implications for our report.

Basis of Disclaimer of Opinion

Dalriada Trustees Limited was appointed on the 31 May 2011 under Section 7 of the Pensions Act 1995. Following their appointment they identified a number of concerns surrounding the Scheme Investments and the administration of the Scheme. These concerns were detailed in their Trustees' Report for the period ended 31 May 2011 and are updated in their report for the year ended 31 May 2012.

Investments

The Trustees report states the following:

- There has been some resistance to the provision of information surrounding investments by both the original trustees and Ark Business Consulting, notably the lack of any appropriate investment advice being sought or received.
- They are concerned the original trustees and Ark Business Consulting failed to comply with the appropriate Investment Regulations and did not properly carry out their fiduciary duties as required under general trust law. These concerns are being addressed as part of the ongoing legal proceedings.
- They have been unable to obtain details of any custodial arrangements having been put in place.

In relation to the South Horizon Trading Investment, the Trustees agreed the return of funds plus interest and this amount is reflected in the accounts.

However in relation to the other investments held the Trustees continue to be unable to determine the value, if any, of these at the reporting date and accordingly consider that the only reasonable and prudent approach is to value these investments at £Nil.

We have been unable to confirm or verify the nature or appropriate values of these Investments held by the Scheme.

**Portman Pension Scheme
Independent Auditor's report to the Trustees**

MPVA's

On 16 December 2011 the Court ruled that a number of unsecured loans to members of other pension schemes, made by the previous trustees under the wrapper of 'Maximising Pension Value Arrangements' (MPVAs), were unauthorised member payments, as defined by s.160(2) of the Finance Act 2004. This decision by the Court is subject to an application for permission to appeal.

The Trustees have included an amount of £2,639,915 as a debtor, being the amount to be recovered from the recipients' as unauthorised payments.

We were able to confirm the amounts paid out to individuals under the above arrangements. However we were unable to establish the recoverability of these amounts.

Disclaimer of Opinion

Because of the significance of the matters described in the Basis of Disclaimer of Opinion Paragraph relating to the valuation of investments and the recoverability of unauthorised payments, we have not been able to obtain sufficient appropriate audit evidence to provide a basis for an audit opinion. Accordingly we do not express an opinion on the financial statements.

RSM McClure Watters

RSM McClure Watters

Chartered Accountants and Registered Auditor

Number One
Lanyon Quay
Belfast
BT1 3LG

Date: 8/2/13

**Portman Pension Scheme
Accounts**

Fund Account

	Note	01/06/2011 to 31/05/2012 £	12/05/2010 to 31/05/2011 £
Contributions and Benefits			
Transfers in	3	<u>983</u>	<u>6,432,500</u>
		983	6,432,500
Other payments	4	-	(15,000)
Administrative expenses	5	<u>(403,801)</u>	<u>(326,712)</u>
		(403,801)	(341,712)
Net (withdrawals)/additions from dealings with members		<u>(402,818)</u>	<u>6,090,788</u>
Returns on investments			
Investment income	6	15,286	-
Change in market value of investments	7	<u>1,243,438</u>	<u>(1,785,000)</u>
Net returns on investments		<u>1,258,724</u>	<u>(1,785,000)</u>
Net increase in fund for the year		855,906	4,305,788
Net assets at 31 May 2011		4,305,788	-
Net assets at 31 May 2012		<u><u>5,161,694</u></u>	<u><u>4,305,788</u></u>

The notes on pages 14 to 18 form an integral part of these accounts.

**Portman Pension Scheme
Accounts**

Net Assets Statement

	Note	31/05/2012 £	31/05/2011 £
Investment assets	7	1,243,438	-
Current assets	8	3,926,697	4,305,788
Current liabilities	9	(8,441)	-
Net assets at 31 May 2012		<u>5,161,694</u>	<u>4,305,788</u>

The accounts summarise the transactions of the Scheme and deal with the net assets at the disposal of the Trustees. They do not take account of obligations to pay pensions and benefits which fall due after the end of the Scheme year.

The notes on pages 14 to 18 form an integral part of these accounts.

These accounts were approved by the Trustees and authorised for issue on.....08/02/2013

Signed for and on behalf of the Trustees

For Dalriada Trustees Limited.....

**Portman Pension Scheme
Notes to the Accounts**

1. Basis of preparation

The accounts have been prepared in accordance with the Occupational Pension Schemes (Requirement to obtain Audited Accounts and a Statement from the Auditor) Regulations 1996 and with the guidelines set out in the Statement of Recommended Practice (SORP), Financial Reports of Pension Schemes (revised May 2007), published by the Pensions Research Accountants Group.

2. Accounting policies

Investment Income

Interest on bank deposits is accounted for as it accrues.

Transfers

Individual transfers to and from the Scheme during the year are included in the accounts on the basis of when the member liability is accepted.

There were no transfers out during the year.

Benefits

Benefits payable are included in the accounts on an accruals basis when the member notifies the Trustees as to the type or amount of benefit to be taken, or where there is no choice, on the date of retirement or leaving. Currently the Trustees are not able to identify benefits payable.

Administrative expenses and investment management expenses

Administrative expenses are accounted for on an accruals basis.

Investment Assets

Dalriada Trustees is still unclear as to the precise nature of some of the Property investments and, where more information is available, it is evident that these investments are illiquid and have no immediate realisable value. In absence of evidence to contrary, the only reasonable and prudent approach Dalriada Trustees can take in valuing these property investments is to assume that they have no value. Where the amount to be recovered or returned can be estimated with reasonable certainty investments are valued on this basis.

3. Transfers In

	01/06/2011	12/05/2010
	to	to
	31/05/2012	31/05/2011
	£	£
Individual transfers in from other schemes	983	6,432,500
	983	6,432,500

Portman Pension Scheme
Notes to the Accounts

The transfers in have been received, in the main, by telegraphic transfer, but the amount includes subsequent payments received in respect of earlier transfers in as a result of further contracting out payments paid by HMRC (either directly or via the transferring scheme).

4. Other payments

	01/06/2011 to 31/05/2012 £	12/05/2010 to 31/05/2011 £
Transfer to Lancaster Pension Scheme	-	15,000
	<u>-</u>	<u>15,000</u>

5. Administrative expenses

	01/06/2011 to 31/05/2012 £	12/05/2010 to 31/05/2011 £
Administration fees	-	324,257
Audit fees	7,360	-
Legal fees	277,560	-
Pensions Regulator Levy	62	-
Trustee fees	118,690	-
Other professional fees	129	2,455
	<u>403,801</u>	<u>326,712</u>

6. Investment income

	01/06/2011 to 31/05/2012 £	12/05/2010 to 31/05/2011 £
Interest on cash deposits	1,900	-
Other income	13,386	-
	<u>15,286</u>	<u>-</u>

Portman Pension Scheme
Notes to the Accounts

7. Investments as at 31/05/2011

	Value at 11/05/2010	Purchases at cost	Sale proceeds	Change in market value	Value at 31/05/2011
	£	£	£	£	£
Air Parade Limited	-	250,000	(265,000)	15,000	-
South Horizon Trading Ltd	-	1,150,000	-	(1,150,000)	-
Rom Capital Asset	-	150,000	-	(150,000)	-
Entrepreneurs Capital	-	200,000	-	(200,000)	-
Freedom Bay Resort	-	270,268	-	(270,268)	-
Red Residences Boroun	-	16,339	-	(16,339)	-
Whitton Investment	-	13,393	-	(13,393)	-
	-	2,050,000	(265,000)	(1,785,000)	-

Investments as at 31/05/2012

	Value at 01/06/2011	Purchases at cost	Sale proceeds	Change in market value	Value at 31/05/2012
	£	£	£	£	£
South Horizon Trading Ltd	-	-	-	1,243,438	1,243,438
Rom Capital Asset	-	-	-	-	-
Entrepreneurs Capital	-	-	-	-	-
Freedom Bay Resort	-	-	-	-	-
Red Residences Boroun	-	-	-	-	-
Whitton Investment	-	-	-	-	-
	-	-	-	1,243,438	1,243,438
Allocated to members	-				-
Not allocated to members	-				1,243,438
Investments Total	-				1,243,438

Dalriada is pleased to report that after the year end it has reached an agreement with regard to the South Horizon investment that has resulted in the sum originally invested, together with interest, being returned to the Scheme.

For defined contribution schemes, investments purchased by the Scheme are allocated to provide benefits to the individual members. The previous Trustees/administrators did not make any allocation of funds when members transferred in and, as stated earlier, some of the investments have no immediate realisable value. Consequently, Dalriada Trustees Limited has been unable to carryout an allocation of funds to members and will, in time, require further direction from the Court as to the most appropriate method to use.

8. Current assets

	31/05/2012	31/05/2011
	£	£
Accrued income - Freedom Bay Resort	13,386	-
MPVA's	2,639,915	2,639,915
Cash balances	1,273,396	1,665,873
	<u>3,926,697</u>	<u>4,305,788</u>

**Portman Pension Scheme
Notes to the Accounts**

MPVA's

	Value at 01/06/2011	Purchases at cost	Sale proceeds	Change in market value	Value at 31/05/2012
	£	£	£	£	£
MPVA	2,639,915	-	-	-	2,639,915
	<u>2,639,915</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>2,639,915</u>

The previous trustees effected a number of unsecured loans to members of other pension schemes under the wrapper of 'Maximising Pension Value Arrangements' (MPVA's).

Subsequent to their appointment Dalriada Trustees did not make any further MPVA payments and sought directions from the Court regarding the status of the amounts already paid. On 16 December 2011 the Court ruled that MPVA loans were unauthorised member payments, as defined by s.160(2) of the Finance Act 2004, and as a result the Court held that the MPVA loans were not validly made.

The Trustees have included as a debt an amount of £2,639,915, being the money paid out under these arrangements and now to be recovered from the recipients.

However, whilst Dalriada Trustees is able to confirm the amounts paid out to individuals under these arrangements, it is unable to establish the recoverability of these amounts.

9. Current liabilities

	31/05/2012	31/05/2011
	£	£
Unpaid expenses	(8,441)	-
	<u>(8,441)</u>	<u>-</u>

10. Related Party Transactions

During the year the fees due to Dalriada Trustee were £118,690 (2011 : nil). As at 31 May 2012 £1,643 (2011 : nil) was still due to Dalriada Trustees.

11. Contingent Liabilities

Ark Business Consulting have lodged a counter claim for administration charges outstanding. In Dalriada Trustees' opinion, this counter claim is unlikely to be successful.

**Portman Pension Scheme
Notes to the Accounts**

12. Subsequent Events

Since its appointment, Dalriada Trustees has taken the decision to:

Cease to accept new members and/or any further payments into the Scheme, except by way of telegraphic transfers in (or as a result of further contracting out payments paid by HMRC, either directly or via the transferring scheme).

To commence separate legal proceedings against Ark Business Consulting with regard to the level of administration charges taken.

Dalriada is pleased to report that after the year end it has reached an agreement with regard to the South Horizon investment that has resulted in the sum originally invested, together with interest, being returned to the Scheme.

**Portman Pension Scheme
Summary of Contributions**

During the year ended 31 May 2012 no contributions were due or paid to the Scheme.

Signed for and on behalf of the Trustees

For Dalriada Trustees Limited..... 

Date..... 08/02/2013

Independent Auditors' Statement about Contributions, under Regulation 4 of the Occupational Pension Schemes (Requirement to Obtain Audited Accounts and a Statement from the Auditor) Regulations 1996, to the Trustees of the Portman Pension Scheme

We have examined the summary of contributions to the Portman Pension Scheme for the Scheme period ended 31 May 2012 to which this statement is attached.

Respective responsibilities of Trustees and Auditors

As described in the Statement of Trustees' Responsibilities, the Scheme's Trustees are responsible for ensuring that there is prepared, maintained and from time to time revised payment schedule which sets out the rates and due dates of certain contributions payable towards the Scheme by or on behalf of the employer and the active members of the Scheme. The Trustees have a general responsibility for procuring that contributions are made to the Scheme in accordance with the payment schedule.

It is our responsibility to provide a statement about contributions paid under the payment schedule and to report our opinion to you.

Basis of statement about contributions

We planned and performed our work so as to obtain the information and explanations which we considered necessary in order to give reasonable assurance that contributions reported in the attached summary of contributions have been paid in accordance with the relevant requirements. For this purpose the work that we carried out included examination, on a test basis, of evidence relevant to the amounts of contributions payable to the Scheme and the timing of those payments under the schedule of contributions. Our Statement about contributions is required to refer to those breaches of the payment schedule which come to our attention in the course of our work.

Statement about contributions

In our opinion contributions for the Scheme period ended 31 May 2012 as reported in the attached summary of contributions have in all material respects been paid at least in accordance with the payment schedule.

RSM McClure Watters

RSM McClure Watters

Chartered Accountants and Registered Auditor

Number One
Lanyon Quay
Belfast
BT1 3LG

Date: 8/2/13

**Portman Pension Scheme
Compliance Statement**

Changes in and other matters relating to the Scheme advisers

During the year there were no changes to the Scheme advisers.

Changes to the Scheme constitution, rules or basic information

Since their appointment Dalriada Trustees has taken the decision to cease to accept new members and/or any further payments into the Scheme, except by way of telegraphic transfers which it has been unable to prevent in (or as a result of further contracting out payments paid by HMRC, either directly or via the transferring scheme).

Further, Dalriada Trustees have decided not to make further MPVA payments, irrespective of any Agreement that may have been entered into by the member and the original trustees.

Portman TC Limited, as sponsoring company, has supplied a copy of a Deed purporting to make some amendments to the Scheme. Dalriada Trustees is taking advice on this Deed and, pending that advice, does not consider it to be effective to amend the Scheme.

Tax status of the Scheme

Accordingly under the provisions of sections 186 and 187 of the Finance Act 2004 its income and investment gains are free of taxation.

To the extent that the Court has found that MPVA's were unauthorised payments, this might have significant potential tax consequences, both for the Scheme and the members which might, ultimately, prejudice the registered status of the Scheme.

Pension increases

No pensions were paid during the year.

Calculation of transfer values

No discretionary benefits were included in the calculation of transfer values.

Pension Tracing Service

The Pension Tracing Service provides a tracing service for members (and their dependants) of previous employers' schemes, who have lost touch with earlier employers and trustees. To trace a benefit entitlement under a former employer's scheme, enquiries should be addressed to:

Pension Tracing Service
The Pension Service
Whitley Road
Newcastle Upon Tyne
NE98 1BA
Telephone: 0845 600 2537
Website: www.thepensionservice.gov.uk

**Portman Pension Scheme
Compliance Statement**

The Pensions Advisory Service

If members or their dependants have problems concerning pension rights or are not satisfied by the information or explanation given by the Trustees or the administrators, they can consult the Pensions Advisory Service (TPAS) at any time. Normally they should try to contact a local TPAS adviser through their nearest Citizens Advice Bureau. Alternatively, they can write to TPAS at:

11 Belgrave Road
London
SW1V 1RB
Telephone: 0845 601 2923
Website: www.pensionsadvisoryservice.org.uk
E-mail: enquiries@pensionsadvisoryservice.org.uk

Pensions Ombudsman

In cases where a complaint or dispute cannot be resolved under the IDR, an application can be made to the Pensions Ombudsman for him to investigate and determine any complaint or dispute of fact or law involving occupational pension scheme. The address is:

11 Belgrave Road
London
SW1V 1RB
Telephone: 0207 630 2200
Website: www.pensions-ombudsman.org.uk
E-mail: enquiries@pensions-ombudsman.org.uk

The Pensions Regulator

The statutory body that regulates occupational pension schemes is the Pensions Regulator (tPR). tPR can be contacted at:

The Pensions Regulator
Napier House
Trafalgar Place
Brighton BN1 4DW
Telephone: 0845 600 0707
Website: www.thepensionsregulator.gov.uk
E-mail: customersupport@tpr.gov.uk