



### Introduction

Dalriada Trustees Limited ("Dalriada") wrote to you previously regarding your membership of one of the Schemes. This is an update to members on the current position and the actions taken since Dalriada's appointment.

Previous Announcements can be found on the member website:

www.dalriadatrustees.co.uk/scheme/fast-pensions

### **Former Trustees & Investments**

As outlined in our Announcement dated February 2020, Dalriada has been working to gain an understanding of the investments made by the former trustees and recover scheme assets.

Success to date has been limited and there is little prospect of any material distribution of funds being made to the Schemes.

### Umbrella Loans Limited

The Company was ordered by the Court to be wound up on 30 May 2018. In February 2019 Interpath (formerly KPMG) was appointed as the liquidator of Umbrella Loans Limited.

The Company's loan book comprises various secured and unsecured loans to individuals. Along with a team of legal advisers, Interpath has been working on a strategy to realise the loan book and recover funds due to the Schemes.

Interpath has advised that there are significant issues inherent in the Company's loan books, including (but not limited to) the circumstances under which monies were lent, the financial strength of the underlying

borrowers, the presence/quality of original loan documentation and the Company's ability to pursue the balance of the loans.

With regards to the secured loans, Interpath will continue to liase with individual borrowers with a view to agreeing the settlement of the loan balances.

A small number of individuals are making interest payments on the unsecured loans. Interpath will continue to liaise with these individuals and, where requested, will consider the settlement of certain debtor accounts.

Even if Interpath is successful in the recovery of the loans, Dalriada expects the return to the Schemes to be minimal.

### **HMRC**

Pension liberation occurs where individuals get early access to their pension fund (before the minimum retirement age of 55), either by way of a loan or some other form of cash inducement.

Schemes involved in pension liberation potentially expose members who receive such payments and the Schemes themselves to tax charges (Scheme Sanction Charges – 'SSCs'). The Fast Pension Schemes have been levied with SSCs which Dalriada's legal advisors have formally appealed.

Dalriada has had some initial discussions with HMRC following the appeal, but it will be some time before the tax position can be established and we can determine what impact this might have.

## Fraud Compensation Fund ("FCF")

The FCF is a fund, managed by the Pension Protection Fund ("PPF"), that provides compensation where schemes have suffered a loss as a result of fraud or criminal offenses involving dishonesty. Dalriada has been working closely with the FCF to agree the precise steps needed to allow applications to be submitted, as well as the correct timescale for submitting a claim.

In order to proceed with a claim, the Schemes need to satisfy a number of requirements. The FCF is a compensation fund of last resort which means that the FCF will need to be satisfied that no further recoveries can be made from elsewhere, or else, that the costs and/or time likely to be incurred pursuing any recovery could outweigh any potential return.

There are also certain technical steps that need to be taken before an application can be submitted. For example, a formal application can only be made to the FCF up to 12 months following the date of insolvency of the relevant scheme's employer. This relates to the need to obtain a 'Scheme Failure Notice' ("SFN") from the insolvency practitioners in relation to the relevant scheme's employer. The Schemes do not currently meet this requirement however Dalriada is working closely with Quantuma (the Liquidator of Fast Pensions Limited, the Sponsoring Employer) to receive this Scheme Failure Notice.

The FCF has agreed to consider the evidence of dishonesty relating to the Schemes prior to receiving the Scheme Failure Notice, with a view to providing an indicative view on the question of whether or not they believe the losses suffered by the Schemes has been as a result of dishonesty.

Dalriada has provided the FCF with preliminary evidence on behalf of the Schemes and is engaging with the FCF to answer any queries they have about the documentation provided to date. We will put forward as comprehensive and compelling a case as we can based on all the evidence we have.

We have added a Frequently Asked Questions document on the Schemes' website which provides further information on the FCF. You can find a copy by accessing the website (link above) or by visiting the FCF's website at www.fraudcompensationfund.co.uk.

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Finally, we would confirm that members do not need to do anything themselves with regard to claims on the FCF. As set out above, Dalriada is already working with the FCF and will submit claims when it is in a position to do so. Whilst members are able to submit an individual application, the FCF has confirmed that where there is already a claim in progress, or where they have been notified by the trustees that they intend to make a claim (as is the case for here), the FCF will direct any member back to the trustees. The same applies to individuals or organisations who may approach members offering 'assistance' to members to make FCF claims, or suggest to members that they can obtain more FCF compensation or obtain FCF compensation more quickly for members. Should you be approached by any individual or firm making such claims, particularly if they are looking to charge fees, you should exercise extreme caution for the reasons set out above.

## What happens next?

Until the FCF has independently reached its conclusions no one can comment with certainty as to whether or not compensation will be paid in a particular case, nor provide timescales.

Should the FCF find there to have been dishonesty in the running of the Schemes, we will then move on to calculating the amount of compensation payable. Given the number of Schemes within the Fast Pensions grouping, this might take some time to work through with the FCF. We will do whatever we can to ensure this is done as quickly and effectively as possible, with the aim of maximising the claims for these Schemes.

# What should I do if I have any further questions?

Should you have any queries in relation to this Announcement or your membership of the Scheme, please contact us.

You can contact us as follows:

By Telephone: 028 9041 2090

By Post: Dalriada Trustees Limited

Linen Loft

27-37 Adelaide Street

Belfast BT2 8FE

By Email: FastPensions@dalriadatrustees.co.uk

#### Other Useful contact details

If you have a complaint or dispute concerning your workplace or personal pension arrangements you should contact:

The Pensions Ombudsman Telephone: 0800 917 4487

Website: www.pensions-ombudsman.org.uk

If you have general requests for information or guidance concerning your pension arrangements contact the Money and Pension Service (MaPS).

Previously pensions guidance has been provided across the three consumer facing brands of MaPS: Pension Wise (PW), The Pensions Advisory Service (TPAS) and the Money Advice Service (MAS).

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MaPS has now launched **MoneyHelper** where all retirement and pensions guidance has been brought together under one brand and one website: <a href="mailto:moneyhelper.org.uk">moneyhelper.org.uk</a>.

Consumers can request an appointment by following the links, emailing <u>virtual.appointments@maps.org.uk</u> or by calling our the pensions helpline on 0800 011 3797.

These appointments are free and impartial.

The email address to the pensions guidance team for general pensions queries is pensions.enquiries@moneyhelper.org.uk

**Issued by Dalriada Trustees Limited** 

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