

# Dalriada. A better way

Important Announcement to members of the following pension schemes (“the Schemes”)

Gresham Investment Pension Scheme

Abbot Blake Pension Scheme

Callahan Consulting Pension Scheme

Western Cross Pension Scheme

Gresham (2012) Pension Scheme

Daycroft Pension Scheme

Daley & Kyle Pension Scheme

Itchy Feet Pension Scheme

Fort Bruce Pension Scheme

Abbey Mage Pension Scheme

Dellaney Gibbons Pension Scheme

Llewellyn and Jones Pension Scheme

Palace Houghton Pension Scheme

Probert and Joel Pension Scheme

Regency Pension Investments Pension Scheme

Williams Bell Pension Scheme

Friendly Pensions Retirement Fund (“the Schemes”)

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This is an Announcement for the attention of those members that transferred pension benefits from a previous pension arrangement (or arrangements) into one or more of the Schemes.

## **Announcement on behalf of The Pensions Regulator**

The Pensions Regulator (“TPR”) has made available the following page which is relevant to victims of pension related financial crime.

<https://www.thepensionsregulator.gov.uk/en/contact-us/scheme-members-who-to-contact/victims-of-crime/case-updates>

Some members may already have been in contact with TPR specifically regarding the ongoing criminal investigations and proceedings against the former trustees of the Schemes (named “Project Cardinal”). Please refer to the Project Cardinal case section within the link provided for information relevant to the ongoing actions.

For any Project Cardinal queries members should continue to contact TPR directly.

### **The Fraud Compensation Fund (“FCF”)**

As was communicated in our Announcement of November 2020, Dalriada participated in a legal case which sought clarification on certain legislative issues in relation to the FCF. Whilst the FCF is open to claims by occupational pension schemes that have suffered a loss as a result of an act (or acts) of dishonesty, the purpose of the legal case was to provide certainty around the wording of the legislation that brought in the FCF, and around the rules governing eligibility for compensation. The PPF needed to be certain, before paying out any compensation, that there was proper legal entitlement to that compensation.

In short, it was determined that a claim could be submitted to the FCF for compensation in relation to your Scheme(s).

We are considering the Schemes’ position and remain in discussions with the PPF with regards to a potential claim on behalf of your Schemes. Our intention is to make this claim on behalf of all members collectively, which will comply with the appropriate regulations, including the requisite triggers and timescales for submitting a claim. To the extent that we will make a claim on the part of all members, we have not asked members to take any particular actions at this stage.

Please note that the aforementioned judgment does not mean that your scheme or any other scheme of this nature will automatically be successful in its claim. We understand that members have suffered a loss, but each claim submitted to the FCF will be determined on its facts. Further, we have been advised that, given the nature of the evidential process involved, it could take up to eighteen months after the submission date for any claim to be processed.

No claim has been submitted to date and we cannot say at this stage when a claim will be submitted, not least as the FCF is also a fund of last resort and so it would need to be satisfied that all avenues for potential recovery of funds had been explored.

### **Former Trustees**

In prior Announcements we explained events which culminated in total sums being claimed by The Pensions Regulator (TPR) in excess of £13m (“the Judgment”). The High Court ruled that the previous trustees (Alan Barratt, Sue Dalton and Julian Hanson) alongside David Austin, the purported creator of the schemes, should repay the money they took from the Schemes.

As explained in prior Announcements, Dalriada had already pursued some of the companies connected to the former trustees with the result that they were placed into insolvency. Much of the money has also gone into overseas accounts and was never going to be straightforward to identify and recover.

In addition, and at the point of the Judgment, the Schemes had no assets remaining and Dalriada, as trustee of the Schemes, was and is constrained in its ability to enforce the Judgment.

David Austin, previously rendered bankrupt, is now deceased. Submitting a claim on Mr Austin's post-bankruptcy estate has been complicated due to an ongoing inquest being held into Mr Austin's death. However, Dalriada will continue to look into this as a possible route to recover funds into the Schemes.

Mr Hanson, we understand, has also been rendered bankrupt. Dalriada has filed a statutory demand on Mr Hanson in relation to an unsecured loan of £120,000 made to Broadbridges Consulting Limited. This company was also under the ownership and control of David Austin or members of his family, and the payment was made solely from the Friendly Pensions Retirement Fund ("FPRF"), of which Mr Hanson was trustee.

Both Mr Hanson and Mr Austin are jointly and severally liable for the return of monies to the FPRF. Dalriada and its legal representatives remain in contact with the joint trustees in bankruptcy for Mr Hanson though, to date, the FPRF has seen no recovery from Mr Hanson.

With regards to the trustees of the remaining schemes, due to limited scheme resources Dalriada has been unable to establish whether Mr Barrett or Ms Dalton have assets which would justify taking steps to enforce TPR's judgment against them.

For updates on action being taken against Barratt, Dalton and Hanson, please visit TPR's victims of crime case update (linked on the previous page). Dalriada has assisted, and continues to assist, TPR in its action against the former trustees.

### **Investments**

As noted above, Dalriada has pursued some of the companies connected to the former trustees with the result that they were placed into insolvency.

The Insolvency Practitioners appointed by Dalriada have been reviewing the actions of the directors of those companies prior to insolvency and have been seeking to, and continue to seek to, trace funds that were paid directly to Mr Austin and others, including members of Mr Austin's family, through those companies.

There are also a number of underlying assets held through these companies, including a biofuel boiler and shares in a limited company which is now in liquidation. Dalriada remains in regular contact with our Insolvency Practitioners. Investigations are ongoing but to date there are insufficient funds available for a distribution to be made to any creditors. The prospect of any future dividend for the schemes is extremely uncertain.

We have also previously reported on monies invested Freedom Bay, an illiquid property based investment in St Lucia and a property bond issued by Affinity Corporation Limited. We continue to work with our legal advisors to investigate the circumstances surrounding these investments, though we have recently been informed that the administration period for Affinity Corporation Limited has been extended to 23 May 2023. The quantum or timing of (any) likely return from these investments remains unclear.

## Tax Charges

Dalriada would again like to remind members that they may be subject to tax charges to the extent that the payments members may have received from the Schemes might be classed as “unauthorised payments” under tax rules. Dalriada provided HMRC with the information they requested in May 2019. We have not been provided with any update on whether they will take any action. While it remains unclear, we must still highlight it as a possibility.

## Warning about a pension scam

We have previously e-mailed members about a scam and, also, posted a warning on the members’ website. Find the website for your scheme by visiting [dalriadatrustees.co.uk](http://dalriadatrustees.co.uk). Enter the name of your scheme into the sites search bar.

If you receive correspondence which appears to be from Dalriada, asking you to ‘make a claim’ in a limited timeframe, this letter is bogus. Any phone numbers in the letter are not genuine Dalriada numbers. If you call the number given you will likely be asked to make a payment or asked to provide personal information. Please **DO NOT DO THIS**.

Dalriada will NOT ask you to make any payment or to disclose sensitive personal information. If you receive a call from (or make a call to) someone purporting to be from Dalriada and who asks you for money or to disclose personal information, **this is a scam** and you should hang up and report the call to us and Action Fraud.

You can contact Action Fraud on:

Telephone number: 0300 123 2040

Crime Number: NFRC210504481800 (please include this if you make contact).

It should also be reported to your local police, quoting the same crime number.

## General Data Protection Regulations (GDPR)

Previously, organisations were required to comply with the Data Protection Act 1998. This Act governed the collection, storage and use of personal data held electronically or in paper records. It provided guidelines on how companies should create, store, handle or view personal data. From 25 May 2018, this Act was replaced by the General Data Protection Regulations which came into direct effect across the EU. The UK will continue to comply with these regulations following Brexit.

Dalriada Trustees Limited, as trustees of the Scheme, has a policy for meeting our obligations under GDPR. A copy of the Privacy Notice that sets out this policy can be found on the member websites, links to which were provided in the previous Announcement. Alternatively members can find these websites by typing in Dalriada and the name of your pension scheme into your online search bar.

We would in particular, we would like to draw your attention to the following key points:

- Individuals have increased rights under the GDPR in relation to their personal data which include, in certain circumstances, the right of access to data and rectification and erasure. We hope you understand that we need to hold your data in order to be able to determine any benefits and to answer any questions about your entitlement.
- Under the GDPR, members have the right to obtain access to their personal data by way of a Subject Access Request (SAR). Members will not be directly charged for making this request and a response should be received within one month of the request.
- The general management and administration of the Scheme, including responding to Subject Access Requests, incur costs against the Scheme and therefore, should you wish to make a Subject Access Request, we would ask you to call Dalriada in the first instance on the number provided below.
- Where a Subject Access Request is received from a third party on behalf of a particular member, Dalriada's obligations are to provide the necessary information to the data subject directly i.e. to the member. Therefore we would like to reiterate that where a member is pursuing a claims through a third party that they contact Dalriada in the first instance.
- This GDPR notification does not affect your benefits entitlement in any way.

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

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

You can contact us as follows:

By Telephone: 028 9085 0934

By Post: Dalriada Trustees Limited  
Linen Loft  
27-37 Adelaide Street Belfast  
BT2 8FE

Via e-mail: [dalriadaadmin@dalriadatrustees.co.uk](mailto:dalriadaadmin@dalriadatrustees.co.uk)

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