



EDINBURGH TAX NETWORK

Seminar | Thursday 27th March 2014

Registration, Tea & Coffee 12.30pm | Seminar starts 1pm
The Mackenzie Building, Old Assembly Close, Edinburgh, EH1 1QX

One Hour of CPD

Laurence G. Cunningham MA, LL.B., LL.M., *Advocate*

‘Pension Scheme Discretionary Death Benefit Distributions’

- IHT Qualifying Discretion | Verifying the Documentation
- Interpreting the Relevant Power | Discretionary Objects
- Expression of Wish Form | Exercising the Discretion
- Challenging the Distribution and Remedies | The Client's Interest

Derek Francis LL.B., C.T.A. (Fellow), TEP, *Advocate, Barrister*

IHT Disposition by Omission

- Impaired lives who omit to take their pensions: disposition s. 3(3) IHTA
- Formerly *Fryer v HMRC* [2010] UKFTT 87 (TC)
- Now FA 2011 Sch. 16(1) para. 46 – 48

Discretionary Objects' Rights

- What rights to see what documents? *Re Londonderry's Settlement* – still the law?
- Proprietary/ discretionary/ aspect of Court's supervisory function?
- *Breakspear v Ackland* [2008] EWHC 220 (Ch)
- *Murphy v Murphy* [1999] 1 W.L.R. 282
- *Board of Management for Dundee General Hospital v Bell's Trustees*
- *Tod v Tod's Trustees* (1842) 4D 1275, 1287

There is no charge for attending however prior booking is necessary. Please contact Tracy Whitelaw on seminars@terrafirmachambers.com to reserve.

EDINBURGH TAX NETWORK

The Edinburgh Tax Network was formed in 2009 as a means of promoting the tax profession, irrespective of the actual qualifications held, through joint CPD and networking events. The organising committee consists of representatives from:-

- The Chartered Institute of Taxation (Scotland Branch);
- The Faculty of Advocates Trust, Fiduciaries and Executries Group (TrustBar);
- Institute of Chartered Accountants Scotland (ICAS);
- Society of Trust & Estate Practitioners Scotland (STEP Scotland);
- ICAEW Scotland

For further information, or to volunteer to present at events, please contact Richard Brunton (CIOT) on edinburghtaxnet@btinternet.com or Derek Francis (TrustBar / STEP/ CIOT) on derek.francis@terrafirmachambers.com derek.francis@templetax.com



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