

The Pensions Regulator	Standard Procedure DETERMINATION NOTICE under Section 96(2)(d) of the Pensions Act 2004 (the “Act”) 5G Futures Pension (the “Scheme”)	The Pensions Regulator case ref: C21006988
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1. The Determinations Panel (“the Panel”), on behalf of the Pensions Regulator (“the Regulator”), met by telephone on 7 May 2014 to decide whether to exercise a reserved regulatory function in relation to the issues in the “Warning Notice” dated 24 April 2014. The Regulator considered under Section 10(2) of the Act that the exercise of a reserved regulatory function may be appropriate.

Matters to be determined

2. In the Warning Notice the Panel was asked to consider the following:-
 - i. Whether to extend the period for which Garry John Williams and Susan Lynn Huxley have been suspended from acting as trustees of trust schemes in general, pursuant to section 4(2) of the Pensions Act 1995 (“the 1995 Act”).
 - ii. If the Panel was minded to extend the period of suspension of Garry John Williams and Susan Lynn Huxley, whether a further order should be made under section 4(6) of the 1995 Act for matters arising out of a trustee’s suspension.

Directly Affected Parties

3. The parties considered to be directly affected by the regulatory action outlined in this notice are as follows:-

Garry John Williams
Susan Lynn Huxley
The “suspended trustees”

Pi Consulting (Trustee Services) Ltd
The “new trustee”

XXXXXXXXXX
XXXXXXXXXX
The joint liquidators of 5G Wealth Management.

The Panel noted that one of the Directly Affected Parties to the original suspension, 5G Futures Ltd, has since been dissolved and is therefore no longer a Directly Affected Party.

Pursuant to section 4(3) of the Pensions Act 1995, this order has the effect of prohibiting Garry John Williams and Susan Lynn Huxley during the period of the suspension, from exercising any functions as a Trustee of the above scheme and trust schemes in general.

During the duration of Garry John Williams' and Susan Lynn Huxley's suspension as a trustee he/she is authorised and entitled to execute any instrument the sole purpose of which is to effect his/her removal or resignation as a trustee of any trust scheme pursuant to Section 4(6) of the Pensions Act 1995."

Reasons for Decision

- 10. The Panel gave careful consideration to the issues raised and had regard to the objectives of the Regulator as set out in Section 5 of the Act and to the matters listed in Section 100.
- 11. The Panel determined to extend the suspension XXXXXXXXXXXXXXXXXXXX
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XXXXXX The Panel agreed with the Regulator that the risk to scheme members remains and that protecting the interests of scheme members and their benefits outweighs the potential impact on the suspended trustees.
- 12. In the absence of any representations from the suspended trustees, there was nothing to persuade the Panel not to extend the suspension. XXXXXXXXXXXX
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- 13. In light of the provisions of Section 4(2) of the 1995 Act, the Panel determined that the original suspension period be extended by 12 months i.e. until 7 May 2015.

Appendix 1 to this Determination Notice contains important information about the Directly Affected Parties' rights of appeal against this decision.

Chairman: Alasdair Smith
Dated: 13 May 2014

Referral to the Tax and Chancery Chamber of the Upper Tribunal (“the Tribunal”)

Any person who receives this Determination Notice as a directly affected person (pursuant to Section 96(2) (d) of the Act), or any person who appears to the Tribunal to be directly affected by this Determination, may refer this Determination to the Tribunal.

Under paragraph 2(2) to Schedule 3 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (S.I. 2008/2698) (the “Tribunal Rules”) a reference notice must be received by the Tribunal no later than 28 days after the date this Determination Notice is given. The Tribunal may extend this period under Tribunal Rule 5(3)(b). A reference to the Tribunal is made by way of a written notice signed by you and filed with a copy of this Determination Notice. The Tribunal’s address is:

The Tax and Chancery Chamber of the Upper Tribunal
45 Bedford Square
London
WC1B 3DN
Tel: 020 7612 9700

The detailed procedures for making a reference to the Tribunal are contained in section 103 of the Act and the Tribunal Rules.

You should note that the Tribunal Rules provide that at the same time as filing a reference notice with the Tribunal, you must send a copy of the reference notice to The Pensions Regulator. Any copy reference notice should be sent to:

Determinations Panel Support
The Pensions Regulator,
Napier House
Trafalgar Place
Brighton
BN1 4DW.

Tel: 01273 811852

A copy of the form for making a reference FTC3 ‘Reference Notice (Financial Services)’ can be found at:

<http://www.tribunals.gov.uk/financeandtax/Documents/forms/FTC31.doc>