

The Buryfield Grange Guide to:

## RETIREMENT (VESTING) OPTIONS



**BURYFIELD GRANGE LTD**  
*integrated financial planning*

**Admiral's Offices  
Main Gate Road  
The Historic Dockyard  
Chatham  
Kent ME4 4TZ**

**Tel 01634 281145  
Fax 01634 281504  
Email [enquiries@buryfieldgrange.co.uk](mailto:enquiries@buryfieldgrange.co.uk)**

**[www.integratedfinancialplanning.co.uk](http://www.integratedfinancialplanning.co.uk)**

1. Notes
2. Quick Guide
3. Lifetime Annuity (Secured Pension)
4. Scheme Pension (Secured Pension)
5. Phased Retirement
6. Unsecured Pension
7. '3rd Way' Pensions
8. Alternatively Secured Pension
9. Triviality
10. Crystallisation Events

## NOTES

This booklet covers the majority of pension vesting options, although not all. Each method of vesting will contain various additional options depending on personal circumstances and product design / development. It is also possible to split benefits and combine different methods to meet specific objectives e.g. combining Phased with Unsecured Pension.

Please note that where the phrase “retirement” is used this does not imply that you must cease work to draw benefits as it is now possible to take pension i.e. “vest” whilst continuing in employment/self employment. It is also possible to draw one set of benefits whilst continue to fund another.

Care should be taken over the phrase “Guaranteed” in the context of this booklet. The actual security of benefits will depend on the type of arrangement in question and more often than not, the ongoing financial stability of:

- ❖ Former employers (scheme pension)
- ❖ Pension Protection Fund “PPF” (in the case of an insolvent employer)
- ❖ Pension Providers and Insurance companies (Annuity, Phased and Unsecured arrangements)
- ❖ Counterparties to any product guarantees e.g. banks, including foreign banks (Third Way pensions)

Guarantees will also be subject to changes in UK legislation and / or Government policy.

The information contained within this booklet is designed as a reference guide only and does not imply any specific advice or recommendation. It is vital that individual advice be sought before placing benefits into payment. Some options, such as certain annuity purchases are once only decisions and once made cannot be changed or altered in any way.

The following pages contain a substantial amount of technical information. Please do get in touch with us if you have any questions or require clarification on any points at all.

<b>LIFETIME ANNUITY</b>	<b>SCHEME PENSION</b>	<b>PHASED RETIREMENT</b>	<b>UNSECURED INCOME / PENSION</b>	<b>ALTERNATIVELY SECURED PENSION</b>	<b>THIRD WAY</b>
Regular and secure income for life	Regular and secure income for life	Part of your fund and part of your tax free cash are used in segments to provide income.	Tax free cash lump sum paid at outset and fund remains invested. Income can also be selected if required.	Available at age 75 for people who do not wish to purchase an annuity.	Tax free cash lump sum paid at outset and fund remains invested. Income can also be selected if required.
Tax free cash provided at outset and fund used to purchase an annuity paid for life.	Tax free cash paid at outset and fund used to provide income for life.	The balance of the fund not used for income / tax free cash remains invested with a view to providing higher future benefits.	The balance of the fund not used for income remains invested with a view to providing higher future benefits.	All funds which are not used to purchase an annuity at age 75 will move into ASP.	The balance of the fund not used for income remains invested with a view to providing higher future benefits
Your annuity income is paid at least annually and can increase or remain level in payment.	Your annuity income is paid at least annually and can increase or remain level in payment.	Your starting annuity is smaller, but is supplemented by a portion of your tax-free cash sum.	You can choose the income you want, and when you want it, between nil and 120% of an equivalent single life annuity, based on GAD rates.	You can choose the income you want and when you want it between 55% and 90% of an equivalent single life annuity.	You can choose the income you want, and when you want it, in line with UI – some plans offer an income ‘lock in’ guarantee.
Additional options can be selected at outset such as annual or one off increases, spouse’s benefits or guarantees which reduce your own income.	Additional options can be selected at outset such as annual increases, spouse’s benefits or guarantees which reduce your own income.	Each year you decide how much fund to use for annuity purchase and how much tax free cash is used to supplement your income.	If investments do well, you may benefit from higher future income payments, and vice versa.	If investments do well, you may benefit from higher future income payments, and vice versa.	If investments do well, you may benefit from higher future income payments. Some plans offer an investment growth ‘lock in’ guarantee.
Once you have bought your annuity, you cannot usually change your mind or the benefits. On death there may be the option of Return of Fund (ROF)	Once you have bought your annuity, you usually cannot change your mind or change the benefits.	Because you don’t commit all your funds to buy an annuity immediately, you keep your options open.	On death, the remaining fund is available to pay benefits to your family or dependants.	On death, the remaining fund is available to pay benefits to your spouse or dependants. It could also be paid to a nominated charity.	On death, the remaining fund is available to pay benefits to your family or dependants, depending on plan type selected.

## LIFETIME ANNUITY

### Overview

An annuity is simply a series of payments made at selected intervals in return for a pension fund. The level of payment is dependent upon age, sex, annuity rate, size of fund and options selected. Annuity rates tend to mirror interest rates since they are related to the returns earned on Fixed Interest Gilt Edge Securities. There are many different types of Annuities and these are covered later on in this section.

### Tax Free Cash

Most types of pension plan have the option of taking a tax-free cash lump sum before exchanging the residual fund for a series of payments. Once an annuity has been purchased there is no further entitlement to tax-free cash, therefore the decision of whether to access the cash or not needs to be made at outset.

### Income

Annuity payments are taxed at source under the PAYE system. Provided a P45 is presented the annuity will be paid net of your marginal rate of tax and there will be no further tax liability. Payments can be made monthly, quarterly, half yearly or yearly and can be in advance or arrears. Payments can remain level or can increase at a set rate or in line with an index e.g. Retail Prices Index.

### Death Benefits

The option of what type of death benefits to include must be made at outset. The options available are as follows:-

- ❖ A spouse's, partner or dependants pension up to 100% of the pension you had received
- ❖ A guaranteed period of up to 10 years which will ensure that on death within the first 10 years, the remaining payments you would have received continue to be paid to your estate.
- ❖ Commonly known as Value Protection, this option can be included to ensure that on death (before age 75), the original fund value, less the gross income payments already made, can be paid out less a flat rate tax charge of 35%. This is offered at the behest of the provider.

### Advantages

- ❖ You will receive a guaranteed income for life, and you can elect for your spouse/beneficiaries to receive a guaranteed income or a lump sum less tax upon your death.
- ❖ Tax-free cash is available at outset.
- ❖ There are no additional charges applied to the contract once in force. All charges are taken at outset and are reflected in the annuity rate offered.
- ❖ The contract is simple to understand and there is no need to review the contract

### Disadvantages

- ❖ The selected income level is fixed and cannot be varied in response to changing personal financial circumstances (excluding potential future increases).
- ❖ There is no opportunity of participating in future investment returns.
- ❖ Any options to provide benefits on death must be selected at outset and will result in a lower initial pension payment. These selected benefits cannot be altered in the future.

## **Suitability**

Lifetime annuities are most likely to suit individuals who want an absolute guarantee on their pension payments and/or for their spouse/partner. They therefore suit individuals with low attitudes to risk and a requirement for security. They also suit individuals who have relatively small pension funds and who will be heavily reliant on their pension income.

## WITH PROFIT ANNUITY

### Overview

A with profit annuity is similar to a lifetime annuity in that it is simply a series of payments made at selected intervals in return for a pension fund. The level of payment is also dependent upon age, sex, annuity rate, size of fund and options selected. The main difference is that **the initial pension level and future income levels are also dependent on the performance of the underlying with profits fund.**

An assumed future bonus rate (ABR) is selected at outset by the investor. The higher the ABR the greater the initial income, however if the actual bonus rate of the with profit fund does not equal the ABR then the amount of pension payable will decrease. Most with profit annuities offer a minimum guaranteed level of pension.

### Tax Free Cash

Tax free cash must be withdrawn at outset then the residual fund is exchanged for a series of payments. Once an annuity has been purchased there is no further entitlement to tax-free cash.

### Income

Annuity payments are taxed in the same way as described under 'Lifetime Annuity'. Income **will increase or decrease in payment depending on fund performance relative to the ABR.**

### Death Benefits

The option of what type of death benefits to include must be made at outset. The options available are the same as under the Lifetime Annuity.

### Advantages

- ❖ You will receive an income for life, and you can elect for your spouse/partner to receive an income or lump sum less tax upon your death.
- ❖ Tax-free cash is available at outset.
- ❖ Charges are taken at outset and are reflected in the annuity rate offered. The with profit fund deducts charges before bonuses are declared.
- ❖ The contract is simple to understand.

### Disadvantages

- ❖ The selected income level is not guaranteed and is subject to future investment returns.
- ❖ Any options to provide benefits on death must be selected at outset and will result in a lower initial pension payment. These selected benefits cannot be altered in the future.

### Suitability

With Profit annuities are most likely to suit individuals who want some guarantee on their pension payments but also want the potential to benefit from future investment return. They therefore suit individuals with low to medium attitudes to risk and security. They also suit individuals who have relatively small pension funds and who will be heavily reliant on their pension income.

## UNIT LINKED ANNUITY

### Overview

A unit linked annuity is similar to a with profit annuity in that it has all the same options and features but is invested in unit linked funds rather than a with profits fund. **The initial pension and future income levels are also dependent on the performance of the underlying unit linked funds.**

Often the investor is allowed to assume a future rate of growth. The higher this assumed rate the greater the initial income, however if the actual growth does not match this rate then the amount of pension payable will decrease.

### Tax Free Cash

Tax free cash must be withdrawn at outset then the residual fund is exchanged for a series of payments. Once an annuity has been purchased there is no further entitlement to tax-free cash.

### Income

Annuity payments are taxed in the same way as described under 'Lifetime Annuity'. Income **will increase or decrease in payment depending on fund performance relative to the assumed growth rate.**

### Death Benefits

The option of what type of death benefits to include must be made at outset. The options available are the same as under the Lifetime Annuity.

### Advantages

- ❖ You will receive an income for life, and you can elect for your spouse/partner to receive an income or lump sum less tax upon your death.
- ❖ Tax-free cash is available at outset.
- ❖ The contract is simple to understand.

### Disadvantages

- ❖ The selected income level is not guaranteed and is subject to future investment returns.
- ❖ Charges will be higher than under a 'Lifetime Annuity'.
- ❖ Any options to provide benefits on death must be selected at outset and will result in a lower initial pension payment. These selected benefits cannot be altered in the future.

### Suitability

Unit Linked annuities are most likely to suit individuals who want some guarantee on their pension payments but also want the potential to benefit from future investment return. They therefore suit individuals with low to medium attitudes to risk and security. They also suit individuals who have relatively small pension funds and who will be heavily reliant on their pension income.

## ENHANCED LIFE or SPECIAL SITUATION ANNUITIES

### Overview

Individuals in poor health (or those with a known medical condition, e.g. diabetes, cancer, kidney disorders etc) may apply for higher annuity rates due to their shorter life expectancy – this is often subject to a medical examination. Some individuals may be offered enhanced rates due to their lifestyle or physical condition, i.e. smokers or clinically obese.

More recent developments have seen the introduction of Special Situation Annuities, which can be based on occupation and postcode. For example a bricklayer in Yorkshire will be given a higher rate than a stockbroker in Surrey.

In all other respects, these annuities are the same as a Lifetime Annuity.

### Suitability

These annuities are most likely to suit individuals who want absolute guarantee on their pension payments and are eligible for the higher rates. They therefore suit individuals with low attitudes to risk and security, although they may also be suitable for individuals with a high attitude to risk but are in ill health.

## SCHEME PENSION

### Overview

This will be the only option for individuals who have pension benefits in their employer's Defined Benefit (also known as Final Salary) Pension Scheme. Those with other types of pension arrangement can also choose this option if they do not wish to purchase a Lifetime Annuity.

These pensions are paid either directly from the original pension scheme or on its behalf by an insurance company.

### Tax Free Cash

The scheme pension would allow the option of taking a tax-free cash lump sum before commencement of the regular pension income. Once income has started, there is no further entitlement to tax-free cash, therefore the decision of whether to access the cash or not needs to be made at outset.

### Income

Pension payments are taxed as earned income under the PAYE system as described under 'Lifetime Annuity'.

### Death Benefits

The death benefits are the same as described under Lifetime Annuity however, the payment of death benefits from a Defined Benefits (or Final Salary) Scheme are classed as a benefit crystallisation event. Essentially, this means that the maximum that can be paid out is the individuals remaining Lifetime Allowance (a Standard Lifetime Allowance figure is declared by the government each year) with any remaining fund in excess of this allowance being subject to a 55% tax charge

### Advantages

- ❖ You will receive an income for life, and you can elect for your spouse/partner to receive an income or lump sum (which could be subject to tax) upon your death.
- ❖ Tax-free cash is available at outset.
- ❖ The contract is simple to understand and there is minimal paperwork needed to start the payment of benefits.

### Disadvantages

- ❖ The selected income level is guaranteed and is not subject to future investment returns.
- ❖ Any options to provide benefits on death must be selected at outset and will result in a lower initial pension payment. These selected benefits cannot be altered in the future.

### Suitability

These annuities are most likely to suit individuals who want absolute guarantee on their pension payments. They therefore suit individuals with low attitudes to risk and a requirement for security.

## PHASED RETIREMENT (VESTING)

### Overview

Phased retirement allows you to control your retirement fund and convert it gradually over a number of years into income. This control is achieved by setting up many contracts or policies (often more than 1,000 and known as "clusters") and using a number of them each year to provide you with your desired level of income. This income will be made up of part tax-free cash and part annuity. The annuity provides ongoing fixed income for life.

The balance of your pension fund (i.e. the contracts not cashed in or 'vested' to provide you with a given level of income) continue to be invested, thus providing you with the possibility of higher future income. This will depend mainly on how much income you take out of the pension fund (especially in the early years) and future investment returns.

### Tax Free Cash

Immediate maximum tax-free cash is not available since it is used each year to provide part of your income (unless a Phased arrangement is combined with an Unsecured arrangement).

### Income

Because the income is made up of annuity payments and a portion of tax-free cash, your overall liability to Income Tax is reduced. Payments are taxed in the same way as a Lifetime Annuity and can be made monthly, quarterly, half yearly or yearly, in advance or arrears. Additionally, the payments can remain level or can increase in payment.

### Death Benefits

The option of what type of death benefits to include is made at outset for the annuity purchases. The residual fund (i.e. units not vested) can be paid, on death, as a lump sum to your nominated beneficiary.

### Advantages

- ❖ You retain investment control of the segments of your pension fund not yet used to purchase an annuity.
- ❖ As you get older there is the prospect of annuity rates rising and providing you with higher income. It is cheaper for insurance companies to purchase an annuity to provide a given level of income for someone age 70 than for someone age 60 (assuming the returns provided by medium to long-term gilt yields remain the same).
- ❖ You will be able to change the shape of your retirement income to reflect your personal circumstances in the future, although once you have purchased an annuity, this income payment will continue unchanged for the rest of your life. Each year an annuity is purchased you can choose whether to include death benefits and other options.
- ❖ An annuity must be purchased at age 75 at the latest with the whole of the pension fund or the unvested funds could be used to purchase an Alternatively Secured Pension (ASP).
- ❖ The remaining pension fund (i.e. the policies not cashed in or 'vested') can be returned to your beneficiaries free of Inheritance Tax on your death before age 75.

## **Disadvantages**

- ❖ There is no guarantee that your income will be as high as that offered under the lifetime annuity route referred to earlier.
- ❖ You must still purchase an annuity to provide income whenever you draw part of your tax-free cash. Of course, annuity rates at that time may not be favourable.
- ❖ Deferring the purchase of the annuity does not guarantee a higher level of future income, as annuity rates can go down as well as up and the value of the continued investment of your pension fund may go down as well as up.
- ❖ The value of your remaining pension fund, when aggregated with any annuity you have purchased, may not achieve an equivalent level of income to that which could have been purchased with the whole fund at outset via a Lifetime Annuity. This is because withdrawals of tax-free cash and annuities purchased will erode the value of your pension fund if investment returns are not sufficient to make up the balance (including charges for the ongoing administration of the plan).
- ❖ You may feel that the prospect of future higher income does not compensate you for not being able to enjoy a guaranteed and secure level of income today and for the rest of your life.
- ❖ You may not receive all of your tax-free cash as a lump sum at outset, because you are using this cash to supplement your income.

## **Suitability**

Phased Retirement is most likely to suit individuals who want to gradually retire, i.e. self-employed, or those individuals who are likely to be higher rate taxpayers. They also suit individuals with a medium or higher attitude to risk and security because there is an element of risk involved due to the balance of the pension fund remaining invested.

## UNSECURED INCOME / UNSECURED PENSION (UI)

### Overview

Under the option of Unsecured Income (previously known as Pension Fund Withdrawal or Drawdown) you can choose to immediately take a tax-free cash lump sum and then, instead of buying an annuity, leave the remainder of the fund invested in a tax-efficient environment.

An annual income can then be taken from the invested pension fund, if required. This income may vary between limits, set at outset by the Government Actuary's Department (GAD). The maximum limit, which is reviewed every 5 years, is derived from tables published by GAD and is based on your fund size, age, sex and the current gilt yield. This maximum limit is broadly equal to 120% of a single life annuity that you could have purchased at that point. There is no minimum limit.

An annuity must eventually be purchased by age 75 or the remaining funds would move into an Alternatively Secured Pension which is classed as a Crystallisation Event (see later in this guide)

Please note that this type of contract can be set up as a Phased Unsecured Income plan and would operate in a similar way to Phased Retirement mentioned previously, The difference under this option is that instead of buying an annuity to provide income, encashments of a certain portion of the fund would be made to purchase a series of Unsecured Income plans.

### Tax Free Cash

Most types of pension plan have the option of taking a tax-free cash lump sum before exchanging the residual fund for a series of payments. Ordinarily up to 25% of the fund may be taken as tax-free cash, however if the pension funds are or were part of an Occupational Pension Scheme or the individual had applied for transitional protection, then the available tax free cash may be greater than 25%. Tax Free Cash must be taken at outset and once drawn, there will be no further entitlement.

### Income

A pension income does not have to be taken but if this is required, it cannot exceed 120% of the maximum GAD rate. This income is taxed as earned income under the PAYE system.

### Death Benefits

If you die whilst in an unsecured income contract your nominated beneficiary has a number of options available to them:-

- a) he or she can take the fund as a cash lump sum (with a tax charge of 35%), or
- b) buy a lifetime annuity with the fund, or
- c) buy a scheme pension with the fund, or
- d) choose to continue taking unsecured income until they are 75, or
- e) If the dependant is aged over 75 then they could opt to move into an Alternatively Secured Pension

## Advantages

- ❖ You are able to take all of your tax-free cash lump sum entitlement at outset.
- ❖ You do not receive a set income but are able to vary it to suit your personal circumstances, up to a maximum limit, to supplement other sources of income.
- ❖ You are able to mitigate your liability to personal income tax in certain years.
- ❖ You have the potential to benefit from good investment performance in a tax-efficient environment and to exercise control over your own investment portfolio.

## Disadvantages

- ❖ High income withdrawals may not be sustainable
- ❖ Taking withdrawals may erode the capital value of the fund, especially if investment returns are poor and a high level of income is being taken. This could result in a lower income when the annuity is eventually purchased and could also affect the long term financial security of your spouse/partner.
- ❖ The investment returns may be less than those shown in the illustrations.
- ❖ Annuity rates may be at a worse level when annuity purchase takes place. Although annuity rates generally increase with age, they have fallen dramatically during the past 15 years. This trend may continue.
- ❖ An investment portfolio needs to be constructed which will involve some investment risk. This means the fund value could fall which could affect your future income levels.
- ❖ Withdrawing too much income in early years may have an adverse effect on preserving your pension purchasing power or preserving the capital value of your fund.
- ❖ Increased flexibility brings increased costs and the need to review arrangements on an on-going basis.
- ❖ There is no guarantee that your future income will be as high as that offered by an annuity purchased today.
- ❖ You may feel the prospect of the future higher income does not compensate for the known income available from an annuity now and for the rest of your life.
- ❖ You may be prevented from withdrawing your chosen level of income due to the action of the GAD limits.
- ❖ The Financial Services Authority (FSA) has particular concerns in relation to mortality risk. If you purchase an annuity, you may benefit from a cross subsidy from those annuitants that die relatively early. This cross subsidy is not present with Drawdown and so to provide a comparable income, a higher investment return will be required. The impact of mortality can be expressed as an annual percentage rate by which the net investment performance of the remaining personal pension fund would have to exceed the interest rate implicit in an annuity in order to break even. This effect has become known as the 'mortality drag'.
- ❖ The charges are explicit whereas under an annuity they are inherent in the annuity rate offered.

## **Inheritance Tax Issues**

If it is unclear that there were not sound retirement planning reasons for undertaking unsecured income and death occurs, the use of the contract may be deemed as an attempt to circumvent the payment of inheritance tax (IHT). Furthermore, if you are in ill health and decrease the level of withdrawals with the intention of keeping the funds in your plan, thus outside of your estate, this may also be seen as a deliberate attempt to avoid IHT.

In both cases, the Capital Taxes Office, could issue a claim and it is therefore vital that should your circumstances or personal health alter, that you seek professional advice on this very complex issue before reducing your withdrawals.

The Capital Taxes Office (CTO) recently clarified the application of Inheritance Tax to this type of pension plan and the results of their review were essentially that IHT is unlikely to apply on death, except in the above scenario.

## **Critical Yield**

Critical yields are illustrated by product providers using a common prescribed basis. There are two types (A and B).

Type A – the growth rate needed on the “drawdown” investment sufficient to provide and maintain an income equal to that obtainable under an equivalent immediate annuity.

Type B – the growth rates necessary to provide and maintain a selected level of income.

## **Suitability**

Both Unsecured Income and Phased Unsecured Income would be generally suited to the relatively sophisticated investor, who is capable of fully understanding the risks involved. The contract can be used as a useful tax planning tool and a means of accessing pension fund tax free cash without having to take the full taxable income.

## **THIRD WAY PENSIONS** (Sometimes referred to as Guaranteed Retirement Options)

### **Overview**

These plans, which are relatively new to the UK but are very popular in the US and Japan essentially fit in between a Lifetime Annuity and an Unsecured Pension plan as they offer the chance to still participate in stock market growth but with guarantees attached to either income, capital or both.

Whilst each specific product does differ in its features, the 'Third Way' pension is usually structured in one of two ways:-

**Annuity** – this option is commonly structured as a fixed term, value protected annuity plan, typically running for 5 years at a time, with the option to include guarantees to protect maturity values or the level of income. Unlike a traditional lifetime annuity, these products tend to offer the ability to alter income levels between certain limits and importantly, also allow the facility to provide a lump sum on death.

**Unsecured Income** – the second type of plan is structured as an Unsecured Income plan but with the option to apply a guarantee to the initial investment so that your fund value will never fall below what you originally paid into the plan. Some plans also allow all or a portion of any growth in the plan's value to be locked in and a new minimum guaranteed level is then set. Finally, the option to select a guaranteed level of income is also commonly available.

Under both of the above options, you can choose to take a tax-free cash lump sum at outset and then, instead of buying an annuity, leave the remainder of the fund invested in a tax-efficient environment.

If the income is not guaranteed it may vary between set limits, and will be reviewed at some point between 1 year and 5 years depending on the product chosen. The range of income typically can be anything between nil and 120% of the income that could be paid by a single life annuity and will be based in the main on your fund size, age, sex, assumed investment returns and your expected longevity. The maximum limit is broadly equal to 120% of a single life annuity that you could have purchased at that point. Where a guaranteed level of income is chosen this tends to be a fixed amount although increases may be possible.

These products tend to run until just before the plan holders 75<sup>th</sup> birthday at which point a choice needs to be made of whether to buy a standard Lifetime Annuity or move into an Alternatively Secured Pension.

Please note that this type of contract can also be set up as a Phased Unsecured Income or Phased Retirement plan as mentioned previously,

### **Tax Free Cash**

Most types of pension plan have the option of taking a tax-free cash lump sum before exchanging the residual fund for a series of payments. Ordinarily up to 25% of the fund may be taken as tax-free cash, however if the pension funds are or were part of an Occupational Pension Scheme or the individual had applied for transitional protection, then the available tax free cash may be greater than 25%. Tax Free Cash must be taken at outset and once drawn, there will be no further entitlement. Also, there will be no entitlement to tax free cash from age 75 onwards.

## Income

A pension income does not have to be taken but if this is required, it cannot exceed 120% of the single life annuity that you could have purchased at that point. This income is taxed as earned income under the PAYE system.

## Death Benefits

If you die whilst in a Third Way product the death benefits can differ depending on how the particular plan you are using has been set up. You therefore need to check the specific product terms and Key Features Document. In general however, they tend to fall into two scenarios :-

Under the annuity option - a return of the original purchase price less withdrawals and less a tax charge of 35%.

Under the Unsecured Income option – a return of the fund value at that point less a 35% tax charge.

Alternatively, beneficiaries may also have the following options available to them:-

- a) he or she can buy a lifetime annuity with the fund, or
- b) choose to continue taking unsecured income until they are 75, or
- c) If the dependent is aged over 75 then they could opt to move into an Alternatively Secured Pension

## Advantages

- ❖ You are able to take all of your tax-free cash lump sum entitlement at outset.
- ❖ Unless a guaranteed income is selected, you do not have to receive a set income but are able to vary it to suit your personal circumstances, up to a maximum limit, to supplement other sources of income.
- ❖ You are able to mitigate your liability to personal income tax in certain years.
- ❖ You have the potential to benefit from good investment performance in a tax-efficient environment and to exercise control over your own investment portfolio.
- ❖ You are able to add a safeguard in the form of a guarantee to limit any drop in your fund value and some products allow gains to be locked in.

## Disadvantages

- ❖ High income withdrawals may not be sustainable
- ❖ Taking withdrawals may erode the capital value of the fund, especially if investment returns are poor and a high level of income is being taken. This could result in a lower income when the annuity is eventually purchased and could also affect the long term financial security of your spouse/partner.
- ❖ The investment returns may be less than those shown in the illustrations.
- ❖ Annuity rates may be at a worse level when annuity purchase takes place. Although annuity rates generally increase with age, they have fallen dramatically during the past 15 years. This trend may continue.
- ❖ A careful investment portfolio needs to be constructed which will involve some investment risk. If capital guarantees are not included then this means the fund value could fall which could affect your future income levels.
- ❖ Withdrawing too much income in early years may have an adverse effect on preserving your pension purchasing power or preserving the capital value of your fund.
- ❖ Increased flexibility and the addition of guarantees bring increased costs and the need to review arrangements on an on-going basis.
- ❖ There is no guarantee that your future income will be as high as that offered by an annuity purchased today.
- ❖ You may feel the prospect of the future higher income does not compensate for the known income available from an annuity now and for the rest of your life.
- ❖ You may be prevented from withdrawing your chosen level of income due to the action of the GAD limits.
- ❖ The Financial Services Authority (FSA) has particular concerns in relation to mortality risk. If you purchase an annuity, you may benefit from a cross subsidy from those annuitants that die relatively early. This cross subsidy is not present with Unsecured Income plans and so to provide a comparable income, a higher investment return will be required. The impact of mortality can be expressed as an annual percentage rate by which the net investment performance of the remaining personal pension fund would have to exceed the interest rate implicit in an annuity in order to break even. This effect has become known as the 'mortality drag'.
- ❖ If you opt for an annuity version of the Third Way plan the charges are typically built in to the annuity rates offered. If you decide to choose an Unsecured Income version of a Third Way plan, the charges are added on top. Both of these are generally more expensive than a traditional annuity or Unsecured Income plan.

## Inheritance Tax Issues

If it is unclear that there were not sound retirement planning reasons for undertaking unsecured income and death occurs, the use of this version of a 3<sup>rd</sup> Way contract may be deemed as an attempt to circumvent the payment of inheritance tax (IHT). Furthermore, if you are in ill health and decrease the level of withdrawals with the intention of keeping the funds in your plan, thus outside of your estate, this may also be seen as a deliberate attempt to avoid IHT.

In both cases, the Capital Taxes Office, could issue a claim and it is therefore vital that should your circumstances or personal health alter, that you seek professional advice on this very complex issue before reducing your withdrawals.

The Capital Taxes Office (CTO) recently clarified the application of Inheritance Tax to this type of pension plan and the results of their review were essentially that IHT is unlikely to apply on death, except in the above scenario.

### **Critical Yield**

For Unsecured Income versions of the plan you may be provided with a Critical Yields figure. There are two types (A and B).

Type A – the growth rate needed on the investment sufficient to provide and maintain an income equal to that obtainable under an equivalent immediate annuity.

Type B – the growth rates necessary to provide and maintain a selected level of income.

### **Suitability**

Both versions of this Third Way plan would generally suit a relatively sophisticated investor, who is capable of fully understanding the mechanics of the plan and the risks involved. The contract can be used as a useful tax planning tool and a means of accessing pension fund tax free cash without having to take the full taxable income and it importantly allows the individual to defer annuity purchase until their future plans are clearer. The availability of guarantees allows this type of contract to be suited to more cautious individuals who would not normally suit an Unsecured Income plan however, the guarantees do come at a cost.

## ALTERNATIVELY SECURED PENSION (ASP)

### Overview

This is a new type of pension plan which provides individuals with an alternative to annuity purchase at age 75.

An annual income (taxed as earned income) must be taken from the invested pension fund. This income cannot exceed 90% of the Government Actuary's Department (GAD) rate for a male or female aged 75. There is a minimum limit of 55% of GAD. The plan is reviewed annually with the income limit being amended as appropriate at that point (but the income rate is still based on a 75 year old plan holder regardless of actual age).

If you were already taking income via ASP **before** 6<sup>th</sup> April 2007, you may continue to draw an income of between 0% to 70% of GAD but **ONLY** until the next annual review date of the plan. At this annual review date, the minimum income will need to be recalculated in line with a minimum of 55% and maximum of 90% of GAD.

### Tax Free Cash

The individual's right to take a tax free cash lump sum will be lost under this type of plan. If tax free cash is required, it must be drawn before age 75.

### Income

A pension income can be taken each year subject to a maximum of 90% of the GAD rate. This income is taxed as earned income under the PAYE system.

### Death Benefits

If you die whilst in Alternatively Secured Pension your remaining fund would provide an income to your dependents either via a scheme pension, an unsecured pension, a lifetime annuity or an alternatively secured pension (if over age 75).

If you had no dependents then your choices would possibly be as follows:-

1. The remaining funds would pass as a lump sum to the deceased member's nominated charity – this is free of IHT. All ASP providers offer this.
2. The remaining funds can be transferred to another member(s) of the deceased policyholder's pension scheme e.g. a family member who has a pension with the same provider. However, since the 6<sup>th</sup> April 2007, HMRC will levy an unauthorised tax charge on this type of transaction.

If funds are passed to other family members (i.e. non spouse or dependents) this will be treated as an unauthorised payment and will result in a 70% tax charge, plus a 40% IHT charge on the remaining 30% of the fund.

This results in a total tax charge of up to 82%. In reality, it is unlikely that providers or schemes will permit this as it may trigger a scheme sanction charge.

**Due to this fact some providers will not offer this an option.**

**There is no option to take a return of fund less tax.**

## Inheritance Tax Issues

The Capital Taxes Office (CTO) have recently clarified that Inheritance Tax would apply to benefits under this plan that are transferred to another member of the policyholder's pension scheme on the individual's death. IHT would not apply on transfer to a charity, a spouse / civil partner or dependent.

Additionally, if a spouse / partner or dependent inherited these benefits on the death of the member, on their subsequent death any remaining funds would be added to the original planholders' estate to calculate if any additional IHT liability arises.

## Advantages

- ❖ You may draw an annual income from the fund in line with a minimum of 55% and maximum of 90% of GAD.
- ❖ You are able to switch to a lifetime annuity or scheme pension at any point.
- ❖ ASP is a tax efficient way of making substantial charitable gifts
- ❖ ASP allows the opportunity to provide pension income to dependants.
- ❖ ASP provides an alternative to annuity purchase.

## Disadvantages

- ❖ The capital could be eroded if income is withdrawn and investment returns are poor
- ❖ As a client ages, the income gap between an ASP and a secured pension will widen due to the annual reviews being based on a client aged 75.
- ❖ Due to the requirement for annual reviews, the product will incorporate higher charges than a secured pension.
- ❖ The Financial Services Authority (FSA) has particular concerns in relation to mortality risk. If you purchase a secured pension such as a lifetime annuity, you may benefit from a cross subsidy from those annuitants that die relatively early. This cross subsidy is not present with ASP and so to provide a comparable income, a higher investment return will be required. The impact of mortality can be expressed as an annual percentage rate by which the net investment performance of the remaining personal pension fund would have to exceed the interest rate implicit in an annuity in order to break even. This effect has become known as the 'mortality drag'. This mortality drag is even more pronounced due to the increased age of the policyholders.
- ❖ A relatively high investment risk is theoretically required in order to compensate for the mortality drag mentioned above. In practice, this investment risk is unlikely to appeal to or be suitable for clients in this age group.
- ❖ The complex nature of this plan may be more difficult for older clients to understand.
- ❖ Likely IHT issues.

## Suitability

Alternatively Secured Pension is likely to be suitable for individuals who have no need for pension income, have a substantial level of funds to place into the plan and wish to pass their fund values on to financial dependants or their chosen charity on death. It may also be useful for individuals who are uncertain about their health and do not wish to commit to purchasing an annuity at this stage. It is generally envisaged that the potential disadvantages and the inherent risks involved require the individual client to be a relatively sophisticated investor, who is capable of fully understanding the risks.

## TRIVIALITY

### Overview

Where an individual is aged over 60 (but less than 75) and their total pension funds from all occupational and personal pension plans is less than 1% of the Standard Lifetime Allowance (SLA), the entire fund can be paid out as a lump sum. For example, where the SLA is £1.65 million in 2008/2009 fiscal year, an individuals' total fund must be less than £16,500 for it to be commuted under triviality rules.

Commutation of all pension plans must take place within the same 12 month period. If there is already a plan in payment, the notional value of this is calculated by multiplying the annual gross income by 25.

### Tax Free Cash

Tax free cash can still be drawn and this will usually be a maximum of 25% of the fund value.

### Taxation

The remaining fund after the tax free cash has been paid will be taxed as earned income dependent on the individual's current income tax status.

### Occupational Scheme Members

Where an individual has benefits in an employers pension scheme that is closing (known as winding up) they could be entitled to commute their benefits under triviality rules before age 60 as long as:-

- The employer is not contributing to any other scheme for the individual
- The employer will not make any contributions for this member for at least a year

## CRYSTALLISATION EVENTS

### Overview

Every year, the government should announce a new Lifetime Allowance figure. In the fiscal year 2008/2009 this is set at £1.65 million.

The pension benefits that you have accrued will be tested against this Lifetime Allowance upon a Benefit Crystallisation Event (BCE). If the total of your pension fund values exceed the Lifetime Allowance at that point, an extra tax charge will be levied of 55% if excess benefits are taken as a lump sum and 25% if you choose to take the excess benefits as pension income.

There are nine types of BCE and the following list provides a summary:-

- On using a money purchase pension plan to set up Unsecured Income
- Becoming entitled to a Scheme Pension
- The payment of a Scheme Pension above the maximum level permitted by law at the date the pension started
- On purchasing a Lifetime Annuity from Money Purchase scheme benefits
- Reaching age 75 with uncrystallised Defined Benefit scheme pension and lump sum
- Reaching age 75 with uncrystallised Money Purchase scheme benefits within an Unsecured Income plan
- Becoming entitled to a lump sum payment
- A lump sum death benefit being paid
- A transfer to a qualifying recognised overseas pension scheme

*Please note:*

*\* Unit prices can fall as well as rise*

*\* Past performance is not necessarily a guide to future performance and past performance may not necessarily be repeated*

*\* This guidance is based on present legislation which may be subject to change*