

## DAN NEDILE FURTHER POINTS OF 14 JUNE 2024

Our understanding is that you do control Buckingham Wealth and Minerva de facto, presumably via trusts or other arrangements.

ANSWER:

Please see above:

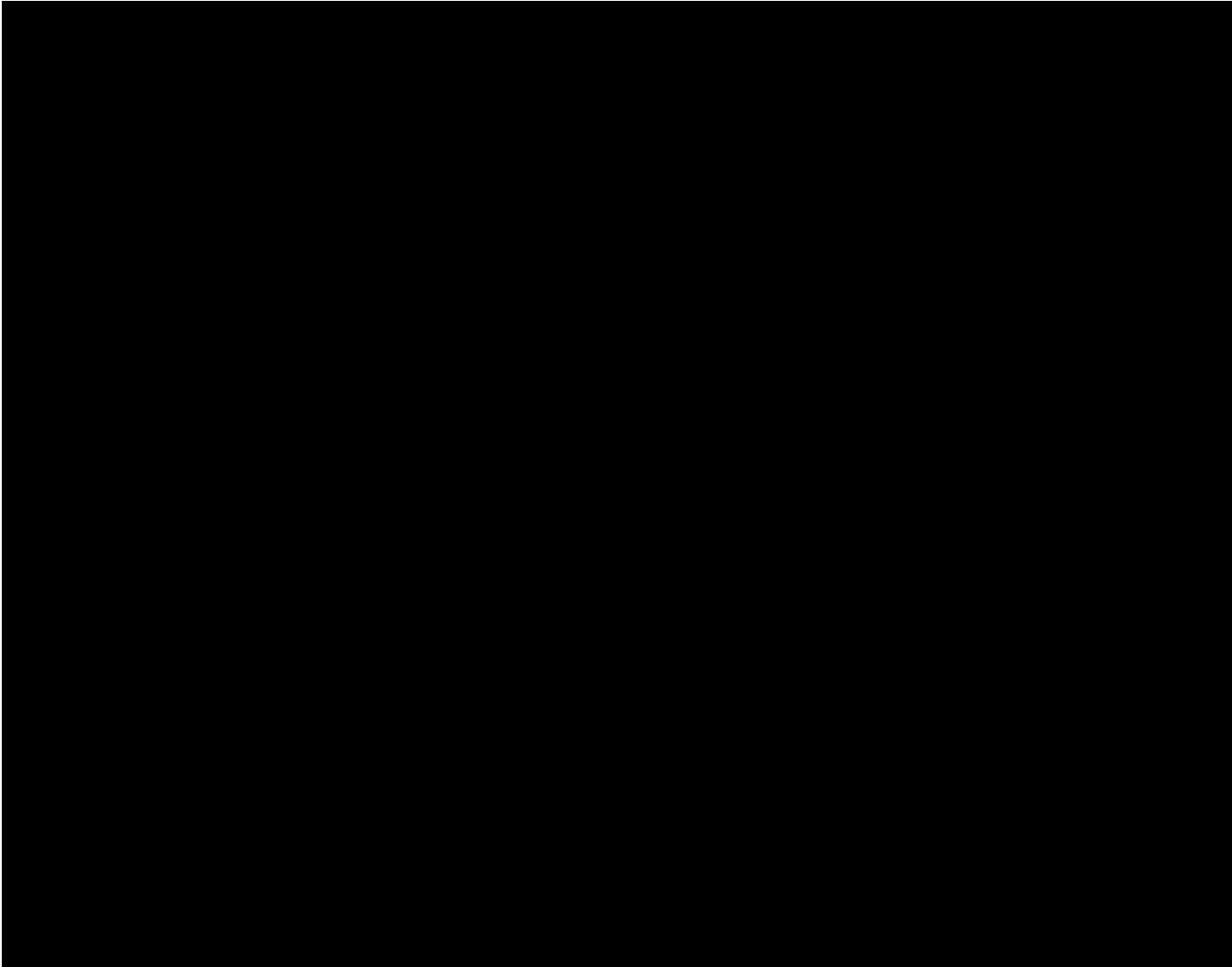
9. Upon PBW's bankruptcy in 2018, the bankruptcy trustees undertook a full investigation of PBW assets, income and sources of income. As, plainly, the bankruptcy trustees would. PBW was released from bankruptcy after the standard 1 year period, the bankruptcy trustees being satisfied that they had established all of PBW assets, income and sources of income.
10. If PBW were in any way the beneficiary of fantasy figures bandied around the bankruptcy estate would have been rich indeed. It was not.
11. If PBW were in any way the de jure or de facto owner or controller of Buckingham Wealth Limited (or any other entity) such property or power would have vested in the trustees in bankruptcy. No such vesting occurred.

If you don't agree, it would be helpful to know who does.

ANSWER:

- (1) This assumes (wrongly) that PBW has such knowledge.
- (2) Helpful to whom? Not helpful to PBW who retired from tax practice over a decade ago, and who practices as a psychotherapist.

**Further: If DN were to publish the untruth that PBW "control Buckingham Wealth and Minerva de facto, presumably via trusts or other arrangements", that would be an imputation of bankruptcy offence and would be actionable without proof of special damage.**



I'm afraid if we have to trust HMRC's word or your word we are likely to trust HMRC's - we believe that is fair in light of your history.

ANSWER:

It is not a matter of trusting words. It is a matter of objective facts.

You have been placed on notice of the objective facts.

**To publish speculation to the contrary of those objective facts places you in a position where you are liable in defamation, actionable without proof of special damage**

We will be publishing a summary of your career based on published sources, but in short we will say:

- you were one of the originators of the EBT/loan structures in its modern form (some people say you invented it, but I don't know how true that is and we won't be saying that).

ANSWER: PBW's published works, particularly *The Law and Taxation of Remuneration Trusts (2007 and 2012)* speak for themselves. They are not works about "employee benefit trusts".

Our view is that most of the structures never worked technically, because in most cases the "loans" were not in fact loans viewed realistically, as there was never any intent to repay them.

ANSWER: As a matter of fact, loans have always been repaid, either inter vivos or on death. *Again, you are replacing speculation for factual information which admit you do not have.*

It was very clear from 2010 that the disguised remuneration rules killed EBT schemes (and, from 2013, the GAAR).

ANSWER:

As to employee benefit trusts, that was the legislative intent. However, there are now challenges in litigation to the HRA compatibility of Part 7A.

GAAR has published various Opinions. You may be unaware that HMRC has declined to utilise such Opinions for any assessment or collection purpose. Because the GAAR Opinions are plainly unfit for purpose.

COMMENT:

Has it occurred to you that large numbers of taxpayers, and their professional advisors, including solicitors, accountants junior and leading tax counsel simply do not agree with your stance?

Has it further occurred to you that HMRC has changed and keeps changing its stances and arguments? And that HMRC has lost as many times before the Tribunal and Courts on these matters as it was won: going back to the cases examined in PBW's first work in 2007.

You seek to adopt a simplistic "HMRC must be right" approach. When all the data tells you – as a tax lawyer of 25 years experience – that this is not so.

Has it further occurred to you that a more balanced and nuanced presentation of the actual issues of law and practice might be more useful to the tax community? Or are you simply seeking Twitter bait?

- you were involved in the design of the Rangers scheme and many others. It's said you believe that the Rangers scheme was not implemented correctly,

ANSWER:

It is not a matter of belief. That the tax planning was not implemented in accordance with the advice given when I was at BW LLP, is a matter of record: read the Supreme Court judgment, then the judgment of the FTT.

but we're unaware of any structures where your advice was followed which have had a happier outcome.

ANSWER:

**An admission of ignorance is not a valid basis for a value judgment: it is the opposite.**

- HMRC have said £1bn of total tax was avoided by schemes where you promoted or advised; we don't know if that figure is correct. I'm conscious you believe HMRC have walked back from that number, but we have no evidence of that.

ANSWER:

You are referred to the above points:

7. What fees others in the community made: (i) are nothing to do with PBW; and (ii) outside his knowledge.
8. What tax savings were made by clients of that community are outside PBW's knowledge.

Further:

The IRS accepted that the IRA had been provided with false information by HMRC, including as to the absurd figure stated, and accordingly withdrew the IRS information request from Federal Court.

PBW's solicitor has knowledge of the relevant documents, having represented the IRS Notice recipient. **These are confidential court documents and you cannot have a copy.**

You will publish this speculation at your own risk.

#### BIOGRAPHY COMMENT

You make yourself an object of ridicule by re-hashing what is on the PBW Wikipedia page, and passing that off as investigative journalism.

Perhaps you should actually read PBW's published autobiography.

Unless you are entirely uninterested in balance and the truth of matters, you rather ought to publish that:

13. In 2013, PBWS retired for ill-health. In 2015, PBW was diagnosed with cerebral vasculitis. Since then, PBW has suffered a number of cerebral stroke events.
14. Since 2013, PBW has re-trained as a psychologist and psychotherapist. He has published 6 books on psychology, psychotherapy and logic, together with other works. They are all accessible via the Paul Chaplin Amazon books page:  
[https://www.amazon.co.uk/stores/Paul-Chaplin/author/B0897HCPB1?ref=ap\\_rdr&isDramIntegrated=true&shoppingPortalEnabled=true](https://www.amazon.co.uk/stores/Paul-Chaplin/author/B0897HCPB1?ref=ap_rdr&isDramIntegrated=true&shoppingPortalEnabled=true)

- you were the subject of a criminal investigation by the SFO in the late 90s. In the course of the investigation you were fined £1,000 for contempt of court. The prosecution failed after a civil judgment relating to the same matter determined that you had not acted dishonestly.

ANSWER: Indeed so. The salient matter is that I was accused of dishonesty and acquitted by a High Court judge.

The Law Society then began a complex and length[y] investigation which went on for years.

ANSWER:

You omit that the Law Society fabricated a 'complaint' that tax planning I had advised upon (of the like you were commenting adversely on above) did not work.

Robert Venables QC provided written expert opinion that it did and what the Law Society contended, was wrong.

The expert evidence for the Law Society was provided by Deloitte's. Deloitte's were then caught on tape trying to sell the same tax planning to a client.

When that was revealed to Lord Philips MR, the Law Society declined to try and proceed with its case. The Law Society was ordered to pay over £200,000 in costs.

In the course of its attempt to sell a PBW advised on tax planning arrangement, Deloitte's defamed PBW: saying that the structures never worked technically, and PBW was a crook. PBW sued Deloitte's for defamation. Deloitte's settled (on confidential terms)

COMMENT: There is a story for you. It does not favour your prejudices. However, it has rather more interest than your re-hash of the PBW Wikipedia page.

- your practice continued, and you became a very wealthy man - you typically charged 10% of the value of the EBT, day one and ongoing contributions.

ANSWER:

9. Upon PBW's bankruptcy in 2018, the bankruptcy trustees undertook a full investigation of PBW assets, income and sources of income. As, plainly, the bankruptcy trustees would. PBW was released from bankruptcy after the standard 1 year period, the bankruptcy trustees being satisfied that they had established all of PBW assets, income and sources of income.

10. If PBW were in any way the beneficiary of fantasy figures bandied around the bankruptcy estate would have been rich indeed. It was not.
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And further see 2-6 above.

PBW has never advised on “EBTs”.

- You worked occasionally as an adult film star or producer (that is not clear).

You acquired Loaded magazine through Blue Publishing Limited, owned by you. Blue Publishing entered administration very soon after. It was reported to have sold the titles to Loaded Media Limited, also owned by you. Whilst this was all widely reported at the time, we don't really understand the transactions, or why there's no sign of them in Loaded Media's accounts, or why Blue Publishing Limited never filed accounts, confirmation statements or (latterly) disclosed its PSC, all as required by law.

ANSWER:

PBW did not own any of these entities.

You are referred again to paragraph 9.

COMMENT:

You are free in the privacy of your own mind to indulge in fantasies about PBW, and to seek rationalisations of them, by appeal to false “facts”.

You can only expect your hard earned reputation as a serious tax affairs commentator to be harmed by an indulgence in those fantasies, against the documentary facts.

- you were suspended from practice as a solicitor in 2006 for giving a “good standing” reference for someone who you hadn't met, and turned out not to exist.

- you were struck off a couple of years later for a conflict of interest in advising on schemes in which you had an interest

COMMENT:

Looks like DN is being fed information by another of which PBW's solicitors are aware, and who has been warned about purveying falsehoods: when PBW's solicitors can provide they are false.

- you then pursued the Law Society, SRA and others in the courts, to a degree that resulted in an extended civil restraint order being granted to prevent you issuing further claims in England & Wales.

ANSWER:

False. PBW never sued the Law Society or SRA in England & Wales. The CRO was made because PBW objected to a statutory demand issued against him by the Law Society.

You responded by suing the Law Society and the SRA in at least two jurisdictions in the US, without success

COMMENT:

False.

PBW sued the Law Society and SRA only in the State of California. The defendants succeeded in a claim of sovereign immunity, but never denied the merits of the Claim.

- at some point during this protracted dispute, you impersonated an HMRC official for which you were convicted of fraud (you pled [sic] guilty).

COMMENT:

False.

**If you print that you must be sued for defamation, which would be actionable without proof of special damage.**

- at some point in the early 2010s this you were involved promoting and/or designing a "pension liberation scheme". The Pension Regulator's position was that the scheme constituted misuse or misappropriation of the pension assets, and in 2014 they applied for an injunction against you and others. Our pensions expert regards the scheme as abusive. The court ruled that your interpretation of the law was incorrect; you subsequently agreed to discontinue the schemes.

ANSWER:

The matter is far more complex than that.

In fact, upon George Osbourne announcing that pension money belongs to the pensioners "it's their money", the case, which was on appeal, **was dropped by TPR**. The settlement terms are confidential.

Please name your "pensions expert". Does he/she accept liability for the millions that he/she has cost pension clients by inducing them to place wealth in predatory "approved" pension schemes.

- In 2016, HMRC won the Rangers appeal. Your reaction was to say that HMRC had suffered a "major defeat" but this was not correct.

ANSWER:

PBW was only one of many tax experts to say that. It was justified. You are entitled to your own view.

It became clear soon after that none of the schemes worked,

ANSWER:

You have admitted above that you are ignorant as to whether relevant tax arrangements worked. You would not of course have any reason to have that knowledge because: (i) You are not paid by anyone to advise upon such arrangements, since you are not qualified to do so; (ii) you would never come to know of arrangements that work, because they would not appear in the law reports.

COMMENT: Consider the gap between your simplistic prejudices and the reality encompassed by the landscape of your ignorance.

and the loan charge removed any need for HMRC to even challenge them.

ANSWER:

Regrettably, you are merely demonstrating ignorance on an even wider scale.

- After the failure of the Rangers scheme, many of the rest of the schemes became the subject of court cases,

ANSWER:

False. Only 1 'scheme' was subject to challenge in the civil courts.

of which the most serious was a negligence claim against you personally for £16m. That culminated in a 2017 Court of Appeal decision that you had been "clearly negligent".

ANSWER:

That is so, although PBW won at first instance.

GAAR in the meantime ruled in 2015 that the 'scheme' did work and was not abusive.

- The £16m award seems to have caused you some financial difficulty.

- You were then made bankrupt by your creditors in 2018 (it's unclear whether this was driven by the lenders, the successful negligence claimant, or some other party).

ANSWER: PBW was made bankrupt in 2018. That is a 6 year old story of no public interest today: if it was then.

COMMENT: DN is really scraping the barrel here.

Having previously borrowed £7m from two companies controlled by a client, you now tried to argue that the loans were void and you could keep the money - this failed in court.

ANSWER:

False.

- you then then attempted to assign rights to sue another law firm to a BVI company you controlled. This failed in court

ANSWER:

False.

- you attempted to stop your bankruptcy trustees from obtaining documentation from third parties (with which you were associated). This also failed in court

ANSWER:

False. The TiB gave an undertaking not to seek those privileged documents which were not relevant to the bankruptcy estate.

- You failed to make full disclosure of your assets to the bankruptcy trustee, and so the usual bankruptcy restrictions were extended for ten more years, and will remain in place until 2030.

ANSWER:

Obviously you are as unfamiliar with insolvency law as you are with income tax law.

The BRO is a matter of public record. There was no 'extension'.

- At some point around 2021, HMRC started investigating your own historic personal tax affairs. HMRC claimed the total tax avoided using his schemes was £1bn, and that you used the same schemes to avoid tax on your fees (which demonstrates that you believed the schemes worked). The HMRC investigation looked at income from 2007 to 2018.

- HMRC says that you were uncooperative with its enquiries, and sought to frustrate its investigation. In particular, HMRC says you tried to hide evidence by selling assets, including your records, to a US LLC owned by an associate. HMRC responded by procuring that the IRS obtain the records from the LLC. The IRS issued a summons. The LLC attempted to contest the summons in court, using arguing which we would characterise as very poor, and the court found in favour of the IRS. We understand that the documents were eventually provided.

ANSWER:

HMRC lied to the IRS and breached the TIEA.

Once the IRS became aware that the IRS had been lied to, the IRS dismissed its own case in Federal Court. My solicitor has possession of the relevant documents (as noted above).

You are now repeating the same lies. *That is unwise, from a defamation perspective.*

- And then the most recent activity appears to be around Buckingham Wealth, Minerva and NOVA.

ANSWER:

DN's fantasy narrative is addressed above.

I grateful for any comments you have on the above by 12pm Tuesday. I will continue to treat our correspondence below as confidential but, as we are approaching publication, our

commitment to transparency means that I will need to publish any response that you (or your lawyers) send us. If there are elements that you would like to explain but which involve confidential information then please let me know in advance and we can likely reach some agreement (but absent express agreement we will not treat anything as confidential).

Many thanks  
Kind regards,  
Dan

COMMENT:

### **[1] Malicious and Targeted Harassment**

Your 'kind regards' are no such thing. You are undertaking targeted and malicious harassment of PBW. You are doing so with an array of false statements of fact.

Moreover, you have emailed PBW at his address, out of hours at 10.30pm on a Friday, when you are fully aware from previous communications that he is represented by a solicitor.

In 2013, PBWS retired for ill-health. In 2015, PBW was diagnosed with cerebral vasculitis. Since then, PBW has suffered a number of cerebral stroke events. Your actions are calculated to cause PBW further pain and suffering.

**This is the second such communication, and so a course of conduct. You are therefore now guilty of the criminal offence of Harassment, contrary to the Protection from Harassment Act 1997, and you are personally liable to damages.**

**An injunction can issue in the County Court to prevent any further harassment, unless you by return GIVE AN UNDERTAKING not to pursue further such harassment.**

### **[2] Contractual Matters**

#### **CONTRACT**

This is a unilateral contract dated 14 June 2024.

This Offer is communicated in writing by the Offeror to Dan Neidle on 14 June 2024.

The Offeror is PBW. It can be accepted by conduct by Dan Neidle (or any other acting at his direction or invitation).

1. The offer is that Dan Neidle can read this document.
2. The conduct is to publish any matter which is contained in this document, including the identity of the author.
3. Dan Neidle hereby agrees to pay to PBW the sum of £500,000 upon engaging in the conduct.

The provisions of this contract are subject to English law and may be litigated by arbitration or in the Courts of England & Wales, at the election of PBW.

### **[3] Reservation of Rights**

All rights are reserved.