

# The Criminal LAWYER

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- Editor – Sally Ramage, MPhil, MCIJ  
Email: [legal\\_consultant@btinternet.com](mailto:legal_consultant@btinternet.com)  
Address: Copehale, Coppenhall, Stafford, ST18 9BW, UK.  
Tel: 01785 244725  
Fax: 01785 228281
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Maxwelton House, 41-43 Boltro Road, Haywards Heath, West Sussex  
RH16 1BJ
- Telephone: 01444 416119
- Fax: 01444 440426
- Email (customer services):  
[customerservices@bloomsburyprofessional.com](mailto:customerservices@bloomsburyprofessional.com)
- Please send submissions to the editor

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## Potential pension fraud?

### Roderick Ramage

The trustees of a small engineering company's pension scheme received a death benefit claim. It was an occupational pension scheme giving modest money purchase benefits, and was administered by the same insurance company that had set it up several decades ago and had two of the company directors as its trustees. The claimant had written to the insurance company with a copy of the death certificate and made a claim for the lump sum payable on the death of a member. The insurance company calculated the amount of the death benefit, asked for the will and probate and then wrote to the trustees with the papers it had received and a form to be signed by them and returned, authorising the payment. One of the trustees, who was also the company's finance director, was suspicious when he read the papers. The deceased, John Smith (the names are fictitious) was an employee of the company on extended sick leave and had died of cancer shortly before his normal retirement date. About two years before his death John Smith made his will, in which he appointed his sister, Jane Jones, her husband Paul and a solicitor to be executors and left the residue of his property to his sister Jane, or if she predeceased him, her son Peter.

The will bore a longhand addition of the words 'Peter Jones and his father' which were written above the words 'Jane Jones and her husband'. Next to the addition was a signature, which superficially resembled that of John Smith's but on close examination differed from it in several material details. The signature was dated about eighteen months after the will, so it was clearly not part of the will. Even if the signature were genuine, the addition was not an effective alteration of the will, for which, the will as altered, would have had to be re-executed and witnessed. Peter Jones obtained a grant of letters of administration with will annexed. This is a form of grant normally obtained if no executors are appointed by the will or if they are unable or unwilling to prove the will. The trustees were suspicious that the alteration (or attempted alteration) of the will was a forgery and that Peter was seeking to obtain payment to him of the lump sum on death to which his mother was entitled. They also