

## Pension Fact Sheet



Issued on behalf of the International Consortium of British Pensioners, these Fact Sheets support the 20 year story of the fight for PARITY by 525,500 UK State Pensioners. Why should they be deprived of annual indexation of their pensions because they live in certain countries while another 540,000, living in other countries, are not ?

### The Fight through the Courts

**Fact:** In 2002, the High Court ruled against a challenge that their failure to up-date pensions on the grounds of country of residence was discriminatory and, therefore, illegal, saying that the decision to pay uprated pensions was one for Parliament. **Fact:** This decision was upheld by the Court of Appeal in June 2003.

**Fact:** Leave was subsequently granted for an appeal to the House of Lords. The appeal was rejected in May 2005.

**Note:** In simple terms the British Courts had ruled that the solution should be Political and not a matter for the Courts.

**Fact:** An application was subsequently made to the European Court of Human Rights (ECHR). In a judgment of 4 November 2008, the Court held, by six votes to one, that there had been no violation of Article 14 (prohibition of discrimination) in conjunction with Article 1 of Protocol No. 1 (protection of property) to the Convention.

**Note:** The one vote against was cast by the President of the Court whose very cogent rebuttal of the Judgement was published as an addendum.

**Fact:** On 6 April 2009 the case was referred to the Grand Chamber at the applicants' request.

**Note:** It is unusual for such cases to be referred to the Grand Chamber, and never without sound reason.

**Fact:** On 16 March 2010, the Grand Chamber held that the UK authorities' refusal to index-link pensions of former British residents was not discriminatory. By eleven votes to six it held that there had been no discrimination and no violation of Article 14 taken in conjunction with Article 1 of Protocol No 1.

**Note:** Six of the seventeen Judges disagreed with the Judgement. In fact of the five main arguments placed before the Court by the Plaintiffs only one failed, two were accepted and two others were not decided.

**Fact:** The policy has been debated in Parliament on numerous occasions. In successive years, Early Day Motions have been tabled praying against the Social Security Benefits Up-rating Regulations, providing an opportunity to debate the issue, although the regulations have not been annulled. In addition, amendments to a number of pensions Bills over the years have provided an opportunity to debate the issue.

**Note:** There has never been a free vote in Parliament on this issue. All decisions have been politically motivated, frequently on spurious grounds. Many Politicians, of all parties, and even Ministers have spoken out against the discriminatory policy of freezing UK Basic State Pensions on the grounds of Country of residence.

There is an election pending. Now is the opportunity for the British Public to have their say. The British tradition of Fair Play is at stake. Should just 4% of British Pensioners be deprived of indexation of their pensions because of where they live?

They paid into the National Insurance fund throughout their working lives. Even the UK Government admitted in the Grand Chamber of the European Court that it would cost less than 1% of the annual pension budget to remove this discrimination.

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