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4th March 2011

Dear Kerry Welsh

Letter to the Chief Executive, SPVA, dated 1st December 2010 with enclosures

Please find enclosed copy of the above letter and enclosures you claimed had not been received by the SPVA in your recent telephone call to me.

Also enclosed with this letter are –

1. Letter to Caroline Dinenage MP dated 18th November 2010.
2. Letter from Minister for Veterans dated 4th July 2009.
3. Email from Leanne Peterson dated 25th November 2010.
4. Introduction to the Pension Schemes Act 1993 Chapter 48.
5. Letter to John Thurso MP dated 22nd January 2009.
6. Extract from Social Security Act 1973 Sect. 38 Schedule 16.

A Researched Report and Addendums published by The Combined Armed Forces Federation UK in 2008 is also available for the benefit of the SPVA's deliberations regarding these Pension claims should you wish to have sight of a copy I can send one to you.

The SPVA is requested to submit all the issues referred to in the above enclosures to its Internal Dispute Procedure for the benefit of my Member of Parliament Caroline Dinenage MP as a matter of urgency please, and also the Pensions Ombudsman's Service.

With reference to the letter from the Minister for Veterans Mr Kevan Jones MP dated 4th July 2009

Paragraphs 8, 9, 10

The Minister states

Command 675 does not say that all recommendations contained in Sir James Griggs report Command 545 were to be implemented.

However Command 675 does not say they were not to be implemented either ! In fact Command 945 introduced and gave effect to them in April 1959. The sole purpose of the recommendation was to have all the years of service of less than 22 years transferred to the Principal Civil Service Pension Scheme in anticipation of the Social Security Act 1973 and 1975. This Act in Schedule 16 includes all service before the 'Appointed Day', i.e. April 6th 1975, to be taken into account.

Paragraph 9

This paragraph substantiates Paragraph 8 above.

Paragraph 10

The sole purposes of the Social Security Acts 1973 and 1975 along with the Parliamentary Command 945 was to ensure employees were able to transfer their years of service in one Occupational Pension Scheme to another Occupational Pension Scheme for preservation purposes when changing from one employer to another. In the cases of members of the Armed Forces who subsequently joined the Civil Service they were able, under the Parliamentary Command 945, to transfer their years of service into the pre 1975 Principal Civil Service Occupational Pension Scheme. Arrangements between the MOD and Treasury and the Civil Service Pension Schemes have yet to be implemented. The reason for this failure to do so to date, is no doubt due to the 'Profumo' scandal who was Minister of Defence at this critical time. Such arrangements have been conveniently overlooked ever since. The Profumo Scandal, which has been well chronicled ever since, led to the Minister's resignation. This was at a time when the Parliamentary Command 945 was given effect in April 1959. These arrangements need to be put in place now as a matter of urgent priority.

Paragraph 12

This response from the Minister as to why the Government refuses to accept or carry out its Statutory duty in accordance with the Social Security Act 1973 for those ex members of the Armed Forces transferring to 'other' than the Civil Service Superannuation Scheme is utter 'Humbug' in an attempt to avoid Government responsibility !

His short answer that the Schedule 16 of the 1973 Act was replaced by the Pension Schemes Act 1993 Section 188 and Schedule 5 Part 1. This Act is in fact a

‘Consolidating Act’ ! This means that although the Social Security Act 1973 was repealed, its requirements were transferred to the Pensions Act 1993. In any case the requirements of the 1973 Act were required to be implemented in 1973 – not 1993 twenty years later !

It is also noticeable from the Ministers response he has conveniently overlooked the additional question put to him. i.e. ‘To state categorically which other employees, either Public or Private, besides members of the Armed Forces, whose transitional and transfer long service benefits were not taken into account when transferring from one occupational Pension scheme to another after 1975 immediately?’ (See Page 2 Item 3 of my letter to Caroline Dinenage MP dated 18th November 2010 also) The claim by the Government that if they awarded Occupational Pensions now to pre 1975 members of the Armed Forces that they would also have to do so for other Public Pensioners also, is totally false for the reasons given.

Since my letter to the Chief Executive of the SPAV enclosed requested that he provide the Pensions Ombudsman’s Service with evidence that any further enquiry would be a waste of the SPVA’s time, I note that any outstanding cases have also to be subjected to the Internal Dispute Procedure. I have therefore taken this opportunity to provide you with our Federation’s response to the last Government’s Minister. You will appreciate however we are at present awaiting a response from the present Minister of Defence, which should be available any day now, to the same questions.

The SPVA is requested to investigate these matters urgently. Could you please confirm receipt of this letter and enclosures as soon as possible.

Yours sincerely



David Robson
Secretary General
The Combined Armed Forces Federation U.K.