

Secretary General's Report
April 2009

Please note this year's AGM has now been arranged for Thursday 7th May 2009 at the Union Jack Club, Waterloo (Opposite Main Railway Station) London, in the Lawrence Room commencing at 1300hrs.

Also note that apologies are not required, but we need to know if you are attending so that sufficient arrangements can be made for those present plus tea and biscuits etc.

Remember for those of you not on the Internet that most libraries are these days and you will find us at www.caffuk.org.uk. The librarian will get you started if you are not 'Hands on' usually.

First of all, many thanks to all Members for your continuing support which is vital in providing us with a 'Fighting Fund'. Also for doing so in the absence of regular updates on our Web-site for which I apologise. This has been due to the pressure of work in keeping MPs informed and up to date. This is particularly important in relation to those several MPs having written to the new Minister of Defence, Rt. Hon. John Hutton MP, in support and on our behalf following receipt of our 'Researched Report and Addendums'. I have included three recent examples in this Report. You can rest assured – 'We are here to stay, we are definitely not going away, and we will challenge this, and any other Government, for as long as it takes. That is until it accepts that the 'Withholding' of our pensions and gratuities is 'Unlawful!' We are entitled to these Pensions and Gratuities in accordance with existing Parliamentary Legislation as our Researched Report and Addendums demonstrates.

The Researched Report and Addendums was submitted to every MP, Defence Spokesmen in the House of Lords, the 'National Television Networks and the Broad-sheet Newspapers, as planned in October last year. It has been well received and in particular we have had a very generous donation towards its costs of Publication and Distribution from the Daily Mail. The Daily Telegraph was also instrumental in assisting us to create our Federation in 2004 and we are very grateful for the generous publicity in both Newspapers.

For the benefit of our Membership the 'Researched Report and Addendums' is available at half the normal price of £25 @ £12.50 including postage. If you wish to order a copy, send a cheque for £12.50 made out to CAFF UK to either myself or, preferably to the Treasurer Michael Kennedy, 7 Whitehouse Road, Ruskington, Lincs, NG34 9TP. This will help to cover the cost of the additional printing.

Following my letter to John Thurso MP dated 5th December 2008 which included a copy of my letter to Sir Peter Viggers MP dated 25th November 2008 (The letter addressed to John Thurso MP dated 22nd January 2009 as detailed in this Report is identical to that addressed to Sir Peter Viggers MP dated 25th November 2008) the following reply was sent by Mr Kevan Jones MP to John Thurso dated 10th January 2009 –

"I am sorry I am unable to provide a full reply at present. My officials are investigating the issues raised. Once the investigations are complete I will write to you again".

The above is in marked contrast to the totally irrelevant and false pretences this Government has provided in the past regarding our legitimate claims to Occupational Pensions and Gratuities. Hopefully this Government is beginning to accept that by withholding them it is, and has been all along, 'Unlawful' and in breach of their Parliamentary and Statutory Duties! Provision for payment of pensions and gratuities was made under Command Orders and the Transitional and Transfer arrangement made under the Social Security and Pension Acts as detailed in our Researched Report and Addendums. As pointed out in my letters to John Thurso and Ian Cawsey MPs the reply from Kevan Jones MP's officials is now long overdue. We were expected to do our duties 'immediately' – it would appear Government Officials can take as long as they like!

John Thurso MP
House of Commons
London
SW1A 0AA

22nd January 2009

Dear John Thurso

Response from Under Secretary of State for Defence
And Minister for Veterans, Mr K Jones MP

In preparing the application for submission to the Ombudsman there is a requirement to forward copies of written correspondence and replies between the responsible Government Minister and the applicant.

Would you therefore please request the Minister of Defence, Rt. Hon. John Hutton MP, to answer the following specific questions which Mr K Jones MP, as a junior Minister, is unable to answer?

Please explain

1. Why the Government refuses to accept, or carry out its Parliamentary Duty, in accordance with Command 675, presented to Parliament February 1959 and effective from 1st April 1959 as confirmed by Command 945, 1960.

This Command 675 accepted the recommendations following the Sir James Grigg Report Command 545, 1958 Paragraph 264 Recommendation (XII).

That an ex-regular taking up an established job in Government should have the option (on repayment of any non-effective benefits earned by service in the Forces) of counting that service as if it were unestablished service for the purposes of Civil

Service superannuation.

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Could the Minister of Defence also explain how this Duty could possibly be applicable to any other employees besides ex members of the Armed Forces, as claimed by Mr K Jones MP?

Please explain

2. Why the Government refuses to accept, or carry out its Duty, in Accordance with the Social Security Act 1973 38/Schedule 16 Transitional and Transfer Preservation of Benefit arrangements, under Occupational Pension Schemes for those ex members of the Armed Forces transferring to other than the Civil Service Superannuation Scheme?

Section 63 (1) Paragraph 3 (1)

'Pensionable Service', in relation to a scheme and a member of it, means service in Relevant employment which qualifies the member (on the assumption that it Continues for the appropriate period) for long service benefit under the scheme, **including service before the appointed day. i.e. 6th April 1975.**

Could the Minister of Defence also state categorically who the other employees are, either Public or Private, besides ex 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 as Claimed by Mr K Jones MP?

Please explain

3. Why Contributions made to the Civil Service Widows Pension Scheme pre 1978 have not been refunded to the Contributors following the post 1978 Widow's Pension Scheme arrangements?

Finally would you please request the Minister of Defence to reply to these questions personally by December 15th 2008.

Yours sincerely



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

John Thurso MP
House of Commons
London
SW1A 0AA

22nd March 2009

Dear John Thurso

Mr Kevan Jones MP – Letter dated January 10th 2009

Thank you for your letter dated February 19th 2009 enclosing a copy of the above in reply to your enquiries on our behalf. We very much appreciate your support and assistance in helping to resolve this matter with the MOD.

We have been looking forward for some time now to his further response to the issues raised and no doubt you have also. With an election due, possibly within the next twelve months, there is a suggestion, with the present delay in replying to you, that this Government could be dragging its feet in the hope of ‘passing the parcel’ to any future Government?

These issues amount to a total dereliction of duties by this Government and previous Governments. It also reflects a total contempt for those members of the Armed Forces serving prior to 1975, many of which should be enjoying their twilight years after serving this country, and protecting its interest whilst putting their lives at risk. Many are, like myself, left with no disposable income, due to the many years of service we gave. For example I am no longer able to carry out the necessary and outstanding repairs and improvements to my house such as the installation of ‘plastic’ window frames and doors, or replacement of my garage which is about to collapse. To add insult to injury, as a single occupier, I find myself paying my share of Council Taxes plus one half of somebody else’s share, so that my local Council can afford to fit ‘plastic’ window frames and doors to Council houses! So much for the ‘Re-distribution of Wealth’ – from those who can and do, to those who cannot be bothered, more often than not!

This government is now making £70 Billion pounds available in order to inject liquidity into the economy. This after finding countless Billions of pounds in order to rescue greedy, reckless, irresponsible bankers and ‘their pensions’. This is besides the £9 Billion plus of money to fund the totally non-essential Olympic Games! Such funding reflects a total distortion of public priorities, interests and wishes.

We therefore demand that this Government immediately recognises the legitimate claims we have on our Pensions and Gratuities and our interest in the £70 Billion pounds of liquidity it is making available to restart local economies.

As you are aware, we wish to place these issues in the hands of the Pensions Ombudsman at the earliest opportunity which requires the inclusion of relevant correspondence.

But it should not be necessary to involve the Pensions Ombudsman and the additional delay this would obviously incur. The Government's Duties were clearly set out in the letter you forwarded on our behalf to the Government. The references to these Duties are clearly set and in our Researched Report forwarded to every Member of Parliament. We therefore consider Mr Jones and his MOD officials have had more than enough time to reply to you.

There is also the matter of refunding contributions made by Civil Servants to the 'Contributory Civil Service Widows Pension Scheme', made before the new Scheme was introduced in 1978. The value of a Widow's Pension paid now is based solely on Contributions made after 1978 and any previous Contributions are being discounted. Some Civil Servants, like myself, made additional Contributions to the minimum amount required in order to provide, if necessary, an improved pension. If Contributions made pre 1978 are not now to be taken into account towards a Widow's Pension then the Government has a clear duty to refund them!

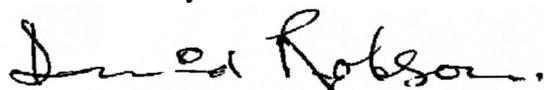
In the meantime I am wondering if you would be prepared to try and persuade Nick Clegg MP, our Leader of the Liberal Democrats, to raise these matters with the Prime Minister at Question Time, taking account of the references in this letter? We did our duties immediately, as required, as servicemen and women, and we now have every right to expect Government Ministers to respond likewise!

Regarding the future regulation, accountability and management of financial services related to Banking, I have heard nothing whatever to date in all the discussions I have listened to, regarding the role played by Auditors. At present all they are required to do is tell firms and businesses what they already know, or should know, about the state of their accounts. Surely there is a vital future role for Auditors to play in reflecting Credit Worthiness and satisfaction of future regulations that will hopefully be required and introduced. Perhaps this is something you could put to Vince Cable MP our Economics Spokesman for me please?

As I pointed out at the beginning of this letter we are very grateful to you as a Federation for the assistance you in particular and other MPs are affording us in an attempt to bring this Government to account. If in the meantime you have received a reply from Mr Kevan Jones, I shall look forward to a copy at your earliest convenience.

Thanking you for your kind attention.

Yours sincerely

A handwritten signature in black ink that reads "David Robson". The signature is written in a cursive, slightly slanted style.

David Robson
Secretary General

Ian Cawsey MP
House of Commons
London
SW1A 0AA

4th April 2009

Dear Ian Cawsey

Armed Forces Pre 1975 Occupational Pensions and Gratuities

Thank you for your letter dated 26th March 2009 together with reply to your enquiries on our behalf from Mr Kevan Jones MP, Parliamentary Under Secretary of State for Defence. Also for your support in pursuing these issues for which we are extremely grateful.

The Government has now been in possession of my letter since early January 2009 and has therefore had more than enough time to come up with answers to the issues raised. There is a suggestion now, with the possibility of a General Election within the next twelve months, Government Ministers are hoping, if they can hold out long enough, they can pass the parcel on to the next Administration!

It is as clear as the 30mph speed limits on our roads that Parliamentary Legislation requires Government Ministers to award these Occupation Pensions and Gratuities along with back pay and interest for the periods they have been long overdue. For someone entering the Armed Forces in 1939 aged 18 these Pensions were due to be paid as from 1981. Service men and women have now been lobbying Parliament and Politicians for payment since 1981 and before. No other Professional Organisation or Trade Union would have tolerated such contempt without Industrial action to force the Government to pay up! There should be no requirement now for these issues to be passed to the Pensions Ombudsman which might incur even further delays!

Many of our Members are now living out their twilight years with nothing to show for the service they gave, whilst putting their lives at risk, protecting the interests of this country. Some gave their lives and some have deceased in the meantime. This reflects a disgraceful contempt for yesteryears Armed Forces by today's Government Ministers – especially so in the light of recent revelations regarding their own personal expenses.

Withholding the payment of these Occupational Pensions and Gratuities is therefore unlawful. The Government's 'Standard' replies to Members of Parliament making enquiries on our behalf are totally irrelevant in relation to the Government's duties, and/or, false pretences in an attempt to defraud the Armed Forces pre 1975 of their legal entitlements to Occupational Pensions and Gratuities by deception. Not only is this disgraceful, it is also criminal!

These pre 1975 Pensions and Gratuities represent the 'Savings' the Armed Forces made for their retirement and there is ample circumstantial evidence in our Researched Report that pay levels were abated during service to provide for them. (See also the Secretary General's references to this in his latest Report) Subsequently Government Ministers have claimed to pay them now would be simply 'Unaffordable'! What they really meant was, that if they paid our Members what they are legally entitled to, they would not have the money to indulge in all the 'Back Door Social Engineering' they prefer to finance! In other words from those who 'can and do' to those who, for the most part, cannot be bothered!

Now since the 'Credit Crunch' we see the Government finding countless £Billions of pounds to bail out greedy, reckless, irresponsible Bankers and their claims for unbelievable Pensions and Bonuses! Our claims are way ahead of theirs in the queue for payment.

We did our duties 'Under Orders' and now we are required to 'Beg' Government Ministers to do theirs! Capitalism is not working and neither is this Government regarding its legal obligations! We are just as much entitled to have our savings

protected as those who were fortunate enough to have them to deposit in Banks for their safe keeping.

The withholding of these Pre 1975 Armed Forces Pensions means for the most part, those who served many years in the services without qualifying for the full pension now find themselves living at subsistence levels with no disposable income!

Fortunately you are one of several MPs working on our behalf to put an end to this injustice for which we are all most grateful. I shall be putting my letter to John Thurso MP, and this one, on our Web-site – www.caffuk.org.uk

Thanking you once again and for your kind support and attention.

Yours sincerely



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

Last year in my report I made reference to the case of Hudson & Others v MOD and Treasury. One of the false pretences made by the Government Ministers of Defence was that our claim to Pensions and Gratuities had been tested in the Courts and rejected. This was incorrect and what was tested in the Courts, was whether there had been an abatement to earnings, during service, for the provision of Pensions and Gratuities. For what it is worth to the Armed Forces Pension Group, a totally

independent association to our Federation, but making identical claims for ex Civil Servants having served in the GCHQ., I consider the decision made in the High

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Court regarding the above was 'unsafe' for two reasons which should have been picked up at the Appeal Court on Appeal. Although I took no part in their litigation process I did attend the hearings in the High Court and Appeal Court. I also have the transcripts of both hearings which are included in our 'Researched Report'. The 'Researched Report' also includes circumstantial evidence that 'Service Pay Levels' were abated and without much doubt for Pensionable purposes.

With respect the two reasons I give for the High Court decision being 'unsafe' are as follows. The first reason is that the MOD and Treasury could only offer a 'Firm Belief' there had been no abatement to pay levels for pensionable purposes during service in the Armed Forces prior to 1975. A firm belief is therefore not the same as certain knowledge! The AFPG could have equally claimed a 'firm belief' that there had been an abatement to earnings!

The significance of this is that Mr Justice Stanley Burnton in his judgement (See Paragraph 23 of the Transcript) claims 'No such deductions were made in the present case'. With respect without any certain knowledge this was the situation he was not in a position to draw such a conclusion.

The second reason I regard the judgement as 'unsafe' was his reference to an analogy with employers who without the knowledge of their employees reduced pay levels in order to provide pensions. In the judge's opinion because the employees worked and received the gross pay offered they would have had no claim on a pension even though pay levels would have been reduced to provide them. With respect there is a distinction to be made between these employees above and those of the AFPG. In the case of the latter a Pension Scheme did exist. The Armed Forces Non Contributory Pension Scheme!

My conclusion is for the above reasons that the judgement of Mr Justice Stanley Burnton was 'unsafe' and should be 'Set Aside'. To some this may appear to be all academic and immaterial now, but for the AFPG the consequences could be considerable. With respect, if the AFPG were required to pay the costs of the actions they brought against the MOD and Treasury they should be able to have this judgement set aside and recoup those costs! Mr Justice Stanley Burnton claimed to be concerned only with the facts. With respect, these were the facts! Neither Hudson & Others, nor MOD & Treasury were able to substantiate their claims as to whether there had been an abatement to pay levels or not for pensionable purposes, with reference to the particulars claimed, and any costs awarded to the MOD and Treasury should be refunded to the AFPG.

Finally Members are requested yet again to write to their MPs, preferably with a typed letter, drawing attention to the facts as set out in this report in their own words. Alternatively you could download this report in its entirety, if you are able, with a covering letter requesting them to answer the following questions. Writing to them again is most important!

1. Did you receive this Federation's Researched Report and Addendums and if

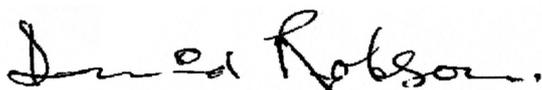
you did, did you acknowledge its receipt from the Secretary General, David Robson 34 Raynes Road, Lee-on-the-Solent, Hampshire PO13 9AL?

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2. Have you read the Researched Report and Addendums and are you prepared to give us your support? If so -
3. What representations have you made, or will you be making to the Minister of Defence in support and on behalf of our claims for outstanding Pensions and Gratuities which are being unlawfully withheld? And will you be putting a question to the Prime Minister asking him why?
4. Are you aware that the responses from the Ministry of Defence to date amount to totally irrelevant and/or false pretences in an attempt to defraud our Members of their legitimate claims to Pensions and Gratuities by deception?
5. Are you aware that many of our Members, due to their length of service in protecting this country's interests, whilst putting their lives at risk, are now left with no disposable income whatever?
6. Are you aware that bogus asylum seekers and the like are being better cared for and their legal rights protected far better than those of our Members?
7. How would you feel if your pension was illegally withheld when you came to retire and, instead of enjoying your retirement in peace and tranquillity you found yourself spending all your time instead fighting Government Ministers for what you are already legally entitled to?
8. Have you ever served in Her Majesty's Armed Forces and been subjected to the discipline and deprivation?
9. Do you fully appreciate the privileged lifestyle Ministers have created for MPs at the taxpayers expense?
10. Finally will you be making a financial contribution to the costs of the Research, Publication and Distribution of our Researched Report and Addendums which should never have been necessary?

Members are requested to send copies of all replies to the Secretary General at the earliest opportunity. This is most important and will allow us to keep you better updated in future hopefully. I will endeavour to place the reply to John Thurso's letter from the Under Secretary of State Rt. Hon. Kevan Jones MP dated 10th January 2009 as soon as I receive it, on our Web-site.

Also alternatively you could send your MP a letter (preferably typed) requesting them to read the Secretary General's Report for April 2009 on our Web-site and answer the questions at the end for you at – www.caffuk.org.uk



David Robson
April 2009