

# "Real Chance of Victory in Strasbourg," Asserts Lord

Rosalind Tosh

In defiance of the fact that the Law Lords have ruled conclusively against indexing our pensions, the issue has already been raised in the House of Lords two more times since their judgment was pronounced in May – a clear indication of the *moral* outrage that the issue ignites in the hearts of many UK parliamentarians regardless of its supposed *legal* status. Indeed, the issue continues to be of sufficient interest that one peer chose it as the topic for his maiden speech, given in the House on October 25.

The debate was introduced that evening by our champion, Baroness Greengross. In his response, the Government's embarrassed standard bearer, Lord Hunt, openly admitted, "I do not seek to pretend that it will be easy to respond in the way that I shall."

Selected extracts from the hour-long debate follow.

**BARONESS GREENGROSS** – We all know that if...a free vote had actually happened, the policy would have changed... If the (freezing) policy is *right*, why then are almost half the pensioners who went abroad uprated?

**BARONESS FOOKES** – I hope that no government Minister will seek to take refuge in the judgment against Annette Carson... This is a long-standing grievance which needs to be put right.

**LORD MACKIE OF BENSHE** – Fortunately, we have some hope on the legal side, in that a very distinguished lawyer, the noble and learned Lord, Lord Carswell, disagreed with the last verdict. The Government have won the last legal case, but it is not a legal case that we are talking about...it a case of human rights. The human rights issue may well provide some solution.

**LORD GOODHART** – This unfairness dates back to 1975 when the Wilson government...had to find spending cuts... The uprating of pensions of non-residents was selected... It had the great attraction, and continues to have the great attraction, that those who suffered from these changes did not have the vote.

Back in 1975 there was no Human Rights Act which gave the victims of this decision an opportunity to challenge it on grounds of discrimination. Following the enactment of the Human Rights Act, a number of overseas pensioners claimed that their treatment was discrimination which was rendered unlawful by the Act. Mrs Carson, who took her case to your

Lordships' House, was one of them. I believe profoundly that in rejecting her claim the Appellate Committee of your Lordships' House got it wrong...

I do not know whether there is any possibility that this case might be taken from your Lordships' House to Strasbourg. If there is any possibility, I certainly believe that there would be a real chance of victory for Mrs Carson.

**LORD OAKESHOTT OF SEAGROVE BAY** – When we on these Benches are arguing our spending priorities with our Treasury team colleagues nearer the next election, (frozen pensioners) will certainly be in our mind... We on these Benches and my colleagues in the Commons believe that, as a start, UK state pensions paid to people living in countries where they are not currently uprated should be increased from now on in line with UK inflation.

**LORD HUNT OF KINGS HEATH** (responding for the Government) – (T)he question of money... is at the heart of this issue. ... (R)esource priorities...that is the nub of the problem. ... I am not aware of any current specific plans for extending reciprocal agreements... I am afraid that I cannot give the noble Lord the comfort that he seeks on that point... The position of the Government... is that we do not think that we can move away from the principle that has been accepted by this Government and the previous government.

The full text can be read on-line, beginning at this location:

[http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds05/text/51025-22.htm#51025-22\\_d10](http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds05/text/51025-22.htm#51025-22_d10)

## Heard the rumour that we'd given up?

A story was going around in October/November that the crusade to end pension freezing was over – it's not true, of course. Just another reminder that we can't believe everything we think we've learned from the media! The real story is to be found in these pages.



In memory of those who died waiting for their pensions to be indexed

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