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Overseas pensioners take battle to the House of Lords

The battle to upgrade the pensions of over half a million British pensioners living overseas is back on after Pensioner Associations received some last minute funding to challenge the recent Court of Appeal's decision against Annette Carson. A Petition to the House of Lords requesting permission to Appeal has been lodged in Court.

Annette Carson, 62, and living in South Africa since 1989, lost her test case in the Court of Appeal in June, despite her claim that the Government's policy discriminates arbitrarily against some pensioners depending upon the country they live in.* While some pensions are increased with inflation, as they would be in the UK, others are frozen from the date they begin. This means that, as pensioners get older, their income is reduced. However, if a pensioner from one of the affected countries returns to the UK, even on holiday, or moves to an "increase country", then indexation applies.

Ms Carson was refused leave to appeal to the House of Lords in June this year. She currently has the Department of Work and Pensions' costs awarded against her, which costs have been paid.

Ms Carson's representative, Graham Chrystie, partner at solicitors Thomas Eggar says: "As a result of the Court of Appeal decision in June and the tremendous level of support from the press, pensioner bodies, public figures and many individuals, Annette Carson was not despondent.

"Worldwide support for Annette's claim has resulted in limited funding and undertakings being received from pensioner organisations which have enabled a Petition to be lodged in the House of Lords," adds Graham.

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“After discussing the Court of Appeal judgment with Counsel it became clear that there were a number of strongly arguable points and that a Petition to the House of Lords was appropriate,” Graham continues. “Indeed we have been urged to lodge the Petition by lawyers in a number of countries who concur that several key legal arguments should be considered by the House of Lords and this case is of considerable public interest and importance.”

The House of Lords decision on the Petition is expected not earlier than October this year.

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Notes to Editors:

Ms Carson moved to South Africa in 1989; she was told by the UK Government that she would have to continue making contributions if she wanted a full UK state pension; she first received her pension in September 2000; the Government first refused its uprating (indexation) in April 2001.

* Pensioners in many countries do not receive the increases, many of them living in Commonwealth countries. The majority are in Australia (254,000 pensioners) and Canada (147,000); others are in New Zealand (37,100) and South Africa (36,000) while there are nearly 60,000 living in other countries. Pensioners in other countries who do receive increases, including all EU countries and the USA, number 400,000 (figure does not include UK).

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