

Canadian Alliance of British Pensioners

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CHAIRMAN'S LETTER

Update from the European Court of Human Rights

In September of last year, the European Court of Human Rights informed us that our case, "Carson and Others versus the United Kingdom" (No.42184/05) had been adjourned "...pending the adoption by the Grand Chamber of a judgment in Burden and Burden v the United Kingdom (No.13378/05) which raises connected issues about discrimination and the margin of appreciation in matters of economic policy."

We can now report that the Grand Chamber of the Court delivered its judgment in the Burden case at a public hearing on Tuesday 29 April 2008. The Court held, by 15 votes to two, that there had been no violation of Article 14 (prohibition of discrimination) of the European Convention on Human Rights taken in conjunction with Article 1 of Protocol No. 1 (protection of property) to the Convention. If you are interested in reading the judgment it can be found at the CABP website at the following link:

<http://www.britishpensions.com/pdfs/burden-judgment-distribution.pdf>

Our UK Counsel, Tim Otty QC, has now received a letter from the Court advising of the Burden judgment and which included the following statements. "*You will see that the Grand Chamber based its finding of no violation on the lack of analogy between the applicants and their chosen comparators. In these circumstances, it does not seem that the Burden judgment is of great relevance to the issues in Carson.* (our emphasis inserted.)" It goes on to request Counsel "...to submit further, concise observations before 30 May 2008. It is hoped that the Court will then be in a position to proceed with its examination of the case without further delay."

Counsel have confirmed that they will submit observations prior to 30th May 2008 and will press for expedition thereafter. They have however repeated their previous view that if (as both ourselves and the Government have suggested it should) the Court decides to hold a hearing before proceeding to give its decision, then it is most unlikely that this will take place before the Autumn.

The bottom line of all this is that the only apparent impact the Burden case has had on ours is the delay the Court imposed whilst we awaited the judgment. As stated above, our case is now re-activated and Counsel will make further submissions, including reference to Age Concern's supporting intervention, by 30 May. We shall continue to keep you informed of events as they develop, primarily through the pages of Justice, and we take this opportunity to thank you all for your continued support of our objective to achieve pension parity for all expatriate British pensioners.

Sincerely



Tony Bockman
Chairman
Canadian Alliance of British Pensioners
12 May, 2008