



BRIEFING PAPER

Number 1151, 13 August 2020

Armed Forces Pension Scheme - preserved pensions

By Djuna Thurley

Contents:

1. Introduction
2. Provision for members of the armed forces
3. Campaigns to extend entitlement
4. Legal challenge



Contents

Summary	3
1. Introduction	4
2. Provision for members of the armed forces	7
3. Campaigns to extend entitlement	9
3.1 Principle of non-retrospection	9
4. Legal challenge	14

Contributing Authors: Djuna Thurley

Summary

Until 1975, those who left relevant employment before the normal pension age for the scheme generally had no statutory rights to preserved benefits, or to receive back the contributions that they had paid into an occupational pension scheme. Members of the Armed Forces could qualify for an Immediate Pension after 22 years reckonable service (or 16 years reckonable service for officers). Commissions or engagements for shorter periods were on non-pensionable terms. Those who had served 12 years (or nine years in the case of officers) were awarded a gratuity.

The *Social Security Act 1973* introduced for the first time, for those who left after April 1975, a right to a preserved pension. This was initially restricted to those who were over the age of 25 and had completed at least five years' pensionable service. The age requirement was subsequently removed and the five-year period reduced to two. For members of the armed forces who left after April 1975, the right to a preserved pension was implemented through Armed Forces Pension Scheme 1975 (AFPS 75).

There have been long-running campaigns that the right to a preserved pension should be extended to those who left before April 1975. Successive governments have argued that discretionary changes to improve the benefits from public service pension schemes should be implemented from a current date for future service only. Improvements are not applied retrospectively, as to do otherwise would "make any worthwhile improvements unaffordable."

Reforms to the AFPS were introduced in April 2005, with a new scheme for new entrants ([AFPS 05](#)) – see Library Briefing Paper [CBP 5892](#) and for [AFPS 2015](#) under the *Public Service Pensions Act 2013*, see [CBP 5891](#).

1. Introduction

The term 'preserved pension' is used to describe the benefits a member of a defined benefit occupational pension scheme has already earned from the scheme when they stop being an active member (or the scheme closes) before their normal pension age.¹

Until 1975, those who left relevant employment before the normal retirement age for a scheme generally had no statutory rights to preserved benefits, or to receive back the contributions that they had paid into an occupational pension scheme. In practice many schemes did give members a right to a refund of their contributions but in many non-contributory schemes, such as the Armed Forces Pension Scheme (AFPS) and some private schemes, early leavers ended up with nothing.

In its 1971 White Paper, *Strategy for Pensions*, the then Conservative Government announced that it would introduce a right to a preserved pension for early leavers:

30. A continuing weakness of many otherwise good occupational schemes is that members who leave before pension age, for instance on a change of job, frequently lose or abandon their pension rights. At present only an estimated 40 per cent of employees who leave early have the opportunity of retaining their pension rights, and the majority even of them choose not to do so. The Government regard it as essential that people who are building up pension rights in an occupational scheme should not be deprived of those rights merely because they leave before pension age; the proposed legislation will ensure that. Furthermore, reliance on pensions from occupational schemes as an integral part of provision for retirement cannot be reconciled with the refund of relevant contributions paid after the start of new arrangements. The Government have therefore concluded that it should not be open to leaving employees to surrender, for a cash refund, preserved pension rights which derive from service after the new arrangements take effect.²

The right would apply to members who left after the implementation date and satisfied the minimum qualifying conditions:

Qualifying conditions

8. The requirement on a scheme to preserve a member's pension rights will arise if he leaves after the operative date of the legislation and has satisfied the minimum qualifying conditions, namely the attainment of age 26 and completion of 5 years' pensionable service. The proposed age qualification is linked with the minimum age of 21 proposed for entry into the State reserve scheme and ensures that anyone with at least 5 years' pensionable service after that age will satisfy the qualifying conditions for a preserved pension. For satisfaction of the service qualification, any service will count which the leaving member had built up towards pension in the scheme either before or after the operational date of the legislation, subject

¹ A defined benefit pension scheme is one that provides pension benefits based on salary and length of service. See [Money Advice Service – defined benefit pension schemes explained](#)

² Department of Health and Social Security, *Strategy for Pensions. The future development of State and Occupational Provision*, September 1971, Cmnd 4755

to the exclusion of notional deemed or credited service. Where, however, a person is concurrently a member of more than one scheme in respect of the same employment, then if he has qualified for preservation in one scheme he will be deemed to have qualified in all.

Service before and after operative date: treatment of contribution refunds

9. Where a member leaves a pension scheme after the operative date of the legislation, has attained age 26 and has six or more years' pensionable service, he will be entitled to a preserved pension in respect of the whole of that service, irrespective of whether it occurred before or after the operative date. If such a member has 5 years or more service after the operative date, a contributory scheme will no longer be permitted to offer him – as an alternative to preserving his pension – a refund of contributions which he has paid since the operative date. This restriction on refunds will not extend to contributions which he has paid since the operative date. This restriction on refunds will not extend to contributions in respect of service before the operative date, nor will it apply to contributions relating to a period of service after the operative date which has lasted for less than 5 years; in these cases a refund of contributions will still be permitted. In brief therefore a leaving member who satisfies the qualifying conditions may if he wishes have a preserved pension in respect of all his pensionable service and must have a preserved pension (or otherwise have his pension cover maintained) in respect of all periods of service lasting for 5 years or more after the operative date.³

The *Social Security Act 1973* introduced for the first time, for those who left after April 1975, a right to a deferred pension.⁴ This was initially restricted to those who were over the age of 25 and had completed at least five years' pensionable service. The age requirement was subsequently removed by the *Social Security Act 1985*, taking effect from 1 January 1986, and the five-year period was reduced to two years from 6 April 1988 by section 10 of the *Social Security Act 1986*.⁵

Initially, the value of the right to preserved benefits was limited in earnings-related schemes by the fact that the benefits to which the early leaver was entitled were set in terms of prices and earnings levels at the time of leaving but were paid at retirement age by which time both might have changed considerably. Since 1986 there has also been a requirement to revalue preserved benefits in line with inflation up to a statutory limit.⁶ Each change to the provisions covering preserved benefits only applied to those who left after the change in the legislation and, in some cases, only applied to rights which accrued from the date of the legislation coming into force.⁷

³ Ibid, Appendix 2

⁴ [Social Security Act 1973](#), section 63 and Schedule 16

⁵ [Social Security Act 1985](#), Part 1; [Social Security Act 1986](#), section 10

⁶ [Pension Schemes Act 1993](#), section 84 as amended by [Social Security Act 1985](#), section 2 and Schedule 1

⁷ There is a more detailed history of provision for early leavers in chapter 4.7 of the Report of the Pension Law Review Committee, *Pension Law Reform*, Cm 2342, September 1993

6 Armed Forces Pension Scheme - preserved pensions

Under current legislation, active members of an occupational pension scheme who leave before reaching the scheme's normal pension age, with at least two years' pensionable service, become deferred members of the scheme, with preserved rights that they can draw when they reach the scheme's deferred pension age.⁸

People with under two years' service may, subject to certain conditions, be able to request a cash equivalent transfer value or a refund of the contributions they have made (although not their employer's).⁹ See [Gov.UK – workplace pensions – changing jobs and taking leave](#).

The issue of the lack of preserved benefits in relation to service prior to 1975 is not, therefore, one which applies exclusively to those who served in the armed forces.

⁸ See chapters I and IV of Part IV of the [Pension Schemes Act 1993](#)

⁹ [Pension Schemes Act 1993](#), s 94; [Occupational Pension Schemes \(Early Leavers: Cash Transfer Sums and Contribution Refunds\) Regulations 2006 \(SI 2006/33\)](#)

2. Provision for members of the armed forces

In the armed forces, prior to April 1975, there was a system of gratuities for people who left before retirement and who had not completed sufficient years' service to qualify for a pension (22 years or 16 years in the case of officers). There was no system of preserved pensions or any right to transfer accrued rights to a different scheme. An MOD factsheet explains:

Prior to 1975 there were no rights to preserved pensions in any public or private pension schemes. Most schemes had very restricted qualifying criteria for the award of pensions. For instance, to qualify for a pension under the Civil Service arrangements, an individual had to be over age 50 and have served for ten or more years. Those who left voluntarily before meeting these criteria lost rights to pensions. For the Armed Forces occupational pensions were awarded only if a member had completed at least 16 years reckonable service as an officer or 22 years reckonable service as an other rank. Reckonable service is paid service after age 21 for officers or after age 18 for other ranks.

Engagements for shorter periods were on non-pensionable terms.

Gratuities (lump-sum payments) were awarded to those who did not serve long enough for a pension but had completed at least nine years reckonable service as an officer or 12 years reckonable service as an other rank. Gratuities were not paid to compensate for lack of pension but rather to assist the individual to settle into civilian life.

The *Social Security Act 1973* brought about changes by requiring all pension schemes to preserve pension rights for those who left service after 6th April 1975 having completed at least five years qualifying service, and having attained the age of 26. Later Social Security Acts reduced the qualifying period from five years to two years and removed the age qualification requirement. These changes were not made retrospective. Individuals receive the benefits in accordance with the scheme rules in place at the time of their retirement.

National Service

There was prior to, and post 1975, no statutory provision requiring an employer to allow a National Serviceman's period of compulsory service to count towards an occupational pension. However, notional contributions towards a State pension were made on behalf of those serving on National Service terms. The changes brought about by the 1973, and subsequent Social Security Acts, did not apply to former National Servicemen.¹⁰

The AFPS was introduced in 1972 and its rules were amended in 1975 to introduce preserved pension rights in respect of service after April 1975 in line with the changes to the general legislation on occupational pensions. Under the preserved pension rules as originally introduced to the AFPS, if someone left the armed forces before retirement but after at least five years' service, a pension based on the relevant years of service would be preserved for them until they reached pension age. The 1975 provisions

¹⁰ [MoD – AFPS 75: legacy issues factsheet; HC Deb 30 October 2001, c 563W](#)

were subsequently further amended and under the current rules of the scheme, members with at least two years' service are entitled to a preserved pension or transfer rights. Preserved benefits are revalued in line with inflation and paid when the member of the scheme reaches the age of 60.

The MoD has produced a factsheet to explain the history of entitlement to preserved pensions in the scheme:

ARMED FORCES PENSION SCHEMES (AFPS) - DEFERRED PENSIONS

Overview and History

Pension members who have served in the Armed Forces since 1975, and did not qualify for an immediate pension may be entitled to a Deferred Pension.

Prior to 6 April 1975, there was no provision for a preservation of pension benefits and Service personnel who left the Armed Forces had to have completed 16 years service from age 21 (Officers) or 22 years from age 18 (Other Ranks) to be eligible for a pension. Those who left before that date, without completing the above criteria, had no pension entitlement unless they were medically retired.

The Pension rules were changed so as to allow for individuals who left before the immediate pension point to accrue benefits under the scheme but not to be paid until they had reached pension benefit age: -

- From 06 April 1975, deferred pensions could be claimed for payment at age 60 for all those discharged over the age of 26 with a minimum of five years reckonable service. Reckonable service starts from age 18 for other ranks and age 21 for officers;
- In 1978, the age criterion was removed;
- From 06 April 1983 Service personnel no longer needed 5 years reckonable service, but 5 years contracted out service (contracted out service is service from age 16 earned after 6/4/78
- On 06 April 1988, the qualifying period was reduced from five years to two years
- On 6 April 2006, the deferred pension age changed to age 65.¹¹

¹¹ [MoD, Armed Forces Pension Schemes \(AFPS\) – Deferred Pensions](#)

3. Campaigns to extend entitlement

The fact that entitlement to a preserved pension was not extended to those who left before April 1975 has led to a long campaign. The [Armed Forces Pension Group](#) (AFPG) was set up as an action group of members who had no pension from the Armed Forces Pension Scheme because they left the Armed Forces before preserved pensions were introduced and did not serve long enough to qualify for a gratuity or pension. The [Combined Armed Forces Federation UK](#) has also campaigned on the issue.

According to the [British Armed Forces Federation](#)¹², a third campaign group was formed in 2010 - "Equality for Veterans Association" (EFVA) – but this wound up in 2015, as did the AFPG. An online petition is actively running as of Spring 2018.¹³ This calls for a pro-rata pension to be paid to members of the armed forces who served before and up to 1975. It currently has just under 28,000 signatures.¹⁴

The main argument in response from successive governments has been that it is a long-standing principle that improvements to public service schemes are not applied retrospectively. They say that to do so would result in large costs both for the AFPS (and for other public service schemes, which would also need to be changed), which would make improvements unaffordable.

3.1 Principle of non-retrospection

Successive governments have maintained For example, in May 1991, the then Minister of State in the Armed Forces, Archie Hamilton, replying in an adjournment debate said:

As an occupational pension scheme, the armed forces scheme is managed in accordance with the same principles which apply to such schemes in general. There are two important and allied points. First, entitlements under the scheme are, for any individual and through him his dependants, derived from the rules of the scheme which were in force at the date of his retirement. Secondly, when rules are changed, those changes do not apply to those who are no longer serving at the time when they are brought into effect.¹⁵

He went on:

I understand, and sympathise with, the feelings of those who have retired in earlier years and do not receive benefits at the same level as are available to those who have retired more recently. The fact that there are such differences is not unique to the armed forces scheme and the hon. Gentleman acknowledged that. It could be found in the great majority of schemes, and for similar reasons. As I mentioned earlier, improvements must be paid for. If we had applied

¹² BAFF describes itself as ‘the only independent, all-ranks, tri-service representative staff association open to serving members of any branch of the Royal Navy, Royal Marines, British Army or Royal Air Force, including the reserves. Former members of the regular or reserve forces are also welcome.’

¹³ <https://baff.org.uk/the-pre-1975-service-pensions-injustice>

¹⁴ [38 degrees, Equal pension rights for veterans of Her Majesty's forces serving before 1975](#); <https://www.facebook.com/groups/weforveterans>

¹⁵ [HC Deb 23 May 1991 c 1126](#)

10 Armed Forces Pension Scheme - preserved pensions

every improvement retrospectively, the costs involved would have been significantly greater and it is unlikely that we would have been able to reach the standard which exists today.

The scheme as it now stands is very good. I am afraid that we cannot turn back the clock and confer additional entitlements on those who are ineligible because of their earlier dates of discharge.¹⁶

The last Labour government maintained this approach.¹⁷ It said the cost would be prohibitive as it would need to be applied across public service pension schemes:

It has been the long-standing policy of successive Governments that discretionary changes to improve the benefits from public service pensions schemes should be implemented from a current date for future service only. Improvements to pension schemes are not applied retrospectively as to do otherwise would make any worthwhile improvements unaffordable. When scheme modifications are introduced on this basis, active members of the scheme may be given an opportunity to pay for the new benefit to apply to their accrued service, but pensioners and deferred pensioners should receive only those benefits which they earned when they were themselves active members. It would not be possible to make an exception for former Service personnel, as this would require a change for all public service schemes. Such a move would be at great public expense and has been judged unaffordable by successive Governments.¹⁸

In response to a debate in 2007, the then Minister of State for the Armed Forces, Adam Ingram, also said the issue had been tested in the courts and referred to improvements in survivors' benefits which had also not been made retrospective:

Successive Governments have taken the same view. There is no realistic prospect that this or any other Government could afford the many billions of pounds that would need to be found to address the issue. That is an easy statement to make, but the real test is the legal one. The issue has been legally tested, and a claim for pre-1975 pension entitlement for the armed forces failed in the High Court in 2003, in the House of Lords in 2004, and in the European Court of Human Rights in 2006. There are other legacy issues, in addition to the pre-1975 pension entitlement that arose from Government economic policies and other improvements to AFPS 75, which did not cover those who served before the changes were made. Issues such as pension troughs, widows' and widowers' pensions for life, widows' post-retirement entitlement, and widows' third-rate and half-rate pensions are not unique to the armed forces, as there is a read-across to other public sector schemes. As I have said, making retrospective changes to pension schemes would have financial implications across the wider public sector.¹⁹

¹⁶ [HC Deb 23 May 1991 c 1127](#)

¹⁷ [HC Deb 30 October 2001 c 563W](#)

¹⁸ [Memorandum from the Ministry of Defence to the Defence Select Committee on Legacy Issues for the Armed Forces Pension Scheme, 12 December 2002, HC 188-i, 2002-03, 18 December 2002](#)

¹⁹ [HC Deb, 31 January 2007, c 338; See also HC Deb 30 October 2001 c 563W](#)

No specific estimate had been made of the cost of backdating armed forces preserved pensions before 1975.²⁰

The Coalition Government said it would not change policy in this area, for the same reasons:

Lisa Nandy: To ask the Secretary of State for Defence if he will assess the merits of extending eligibility for an armed forces pension to those who retired from the armed forces before 1975.

Mr Robathan: No. It is a principle of public service pensions policy, and one that has been upheld by successive Governments, that any changes to pension schemes are not made retrospective. It is a legal principle that individuals receive the benefits in accordance with the scheme rules in place at the time of their retirement.²¹

The Coalition Government did go on to make some, very limited, exceptions to the principle of non-retrospection. This was for a group of widows who would otherwise lose their survivors' pension on remarriage. This was in recognition of "the difficulties many partners of armed forces personnel face in earning their own occupational pensions, often due to having to relocate their homes within in the UK as well as overseas."²² This exceptions was later extended to survivors of police officer and firefighters who died in the course of duty.²³

In July 2019, Minister for the Armed Forces, Tobias Ellwood, said it had been the policy of successive governments not to make retrospective changes to public service pension schemes:

Before April 1975, there was no legal requirement for a pension scheme to preserve pension rights for those who left service before reaching the normal retirement age.

The issue of pre-1975 pensions does not just affect the Armed Forces but is common to all other public service schemes in existence prior to the Social Security Act 1973.

It has been the policy of successive Governments not to make retrospective changes to pension schemes.²⁴

For more detail, see

Library Briefing Paper
CBP 7109 [Lifetime survivors' pensions from public service pension schemes](#) (April 2019).

Comparison with the position for MPs

Campaigners have argued that those who left the armed forces before April 1975 should be awarded preserved pension rights. In around 2007/08, some MPs were contacted by constituents supporting the Combined Armed Forces Federation UK's campaign and asking for details of the arrangements for MPs both before and after 1975. They pointed to the fact that, like members of the armed forces, the career of an MP may be relatively short.²⁵

²⁰ [HC Deb, 2 Feb 2007, c551W](#); See also, [HC Deb, 9 February 1999, c132W](#)

²¹ [HC Deb 17 January 2011 c585W](#); [HC Deb 28 June 2011 c666W](#); [HC Deb, 24 June 2010, c288W](#)

²² [Ministry of Defence, Pensions for life for surviving spouses and civil partners of personnel, 8 November 2014; SI 2015/208](#)

²³ [SI 2015/2057](#)

²⁴ [PQ 239767](#), July 2019 [Tobias Ellwood]

²⁵ See, for example, [Combined Armed Forces Federation UK, A Demand by The Combined Armed Forces Federation UK for the immediate recognition and payment of their pre-](#)

Introduction of the MPs' pension scheme

Before the introduction of an occupational pension scheme for MPs in 1964, there was a system of grants, based on an assessment of need, to ex-Members, their widows and children. The discretionary nature of the awards came to be seen as unsatisfactory and demeaning, leading to the introduction of a pension scheme for MPs under the *Ministerial and Members' Pensions Act 1965*. This was only open to MPs who served after the date of introduction (16 October 1964), provided they had at least ten years' pensionable service.²⁶ Pensions were calculated on contributory service after this date and non-contributory service in the previous ten years (i.e. from 16 October 1954). The original 1964 scheme was unusual in that benefits and contributions were fixed in money terms.

A more conventional defined benefit occupational pension scheme – the Parliamentary Contributory Pensions Fund (PCPF) - was set up from 27 July 1972 under the *Parliamentary and Other Pensions Act 1972*. The provisions in the 1972 Act did not affect the entitlement of those who had ceased to be MPs prior to 1 January 1972. The new method of accrual was applied to all the pensionable service of MPs who were serving as such on 1 January 1972, including service prior to this date and non-contributory service to 1954. Section 7 of the 1972 Act, which replaced section 7 of the 1965 Act, provided for preserved pensions to be paid to an MP provided s/he had not less than four years' reckonable service. This applied to MPs who left after the date the legislation came into force.²⁷

Reform of the House of Commons Members' Fund

The House of Commons Members' Fund is essentially a benevolent fund, financed by contributions from serving MPs and, until relatively recently, an annual grant from the Exchequer.²⁸

The initial purpose of the fund, set up in 1939, was to provide discretionary grants to ex-Members of Parliament who attained 60 years of age and who had 10 years' service as Members, their widow/ers and orphan children under 16.²⁹ It was reformed in 1981 to provide "periodical payments" to those who had ceased to be MPs prior to 16 October 1964, were not entitled to a pension from the PCPF, and met two qualifying conditions:

- They had served as an MP for at least ten years, with no service after 15 October 1964; and
- Attained the age of 65 and, in the opinion of the trustees, be incapable of earning a living "through bodily or mental infirmity."³⁰

Trustees had discretion to make awards in cases where former Members had less than ten years' service, if the Fund could support this.

For more on the House of Commons Members' Fund, see

Library Briefing Paper [CBP 6794](#).

[1975 accrued years of Occupational Pension Rights and Gratuities as recognised and paid to pre-1975 Members of Parliament and Civil Servants, 2008](#)

²⁶ Section 7

²⁷ For more on the background, see Library Briefing Paper CBP 6283 [MPs' Pension Scheme](#) (May 2016)

²⁸ See Library Briefing Paper CBP 6794 [House of Commons Members' Fund \(2016\)](#)

²⁹ [House of Commons Members' Fund Financial Accounts 2017-18](#)

³⁰ *House of Commons Members Fund and Parliamentary Pensions Act 1981*, s1

Francis Pym, the then Leader of the House of Commons, explained that concern had grown about the position of some former MPs with no pension. Making payments through the Members' Fund would allow their needs to be met without compromising the principle of no retrospection in reforms to public service pensions:

These former hon. Members had no opportunity to contribute to a pension scheme, or to benefit from one. Many are getting on in years and some now find themselves in difficult circumstances. This is a state of affairs which I know has been a source of anxiety on both sides of the House for some time. In the debate on the 1978 Parliamentary Pensions Bill, I said from the Opposition Benches: 'hon. Members who retired by 1964 without any pension are among the hardest hit members of the community'. [HC Deb 21 June 1978 c 623]

I know that this view is widely shared in the House. I am therefore glad to bring forward this Bill now, especially the proposals contained in clauses 1 to 3. The root of the problem is that the existing parliamentary pension scheme, which took effect from the time of the general election in 1964, makes no provision for those whose service ended before its introduction and who therefore had no opportunity to contribute to it. The principle of no retrospection may sometimes seem a hard one. It is a fundamental feature of pensions practice that still affects hundreds of thousands of would-be pensioners in the public service and many in the private sector. Successive governments have accepted that they could not justify an exception in the case of our own former colleagues. [...]

The Review Body suggested that the solution was to establish new grants to be paid as of right from the Members' Fund to pre-1965 Members. This was a valuable proposal because it reconciled the principle of no retrospection with recognition of past services, regardless of need. On 14 February, last year, my predecessor told the House that the government accepted in principle the review body's proposals and would introduce the necessary legislation.³¹

As at 2013/14, the level of payments to these "as of right" grant recipients³² was set at around £6,132 p.a. for ex-Members and around £3,835 p.a. for their widow/ers.³³ Inevitably, the numbers grant recipients has reduced over time, to 36 in September 2018.³⁴

³¹ HC Deb 19 February 1981 c 491

³² Pre 1964 members with no pension entitlement for themselves or their survivors

³³ *House of Commons Members' Fund Bill 2013-14*, [Explanatory Notes](#), para 10

³⁴ [House of Commons Members' Fund Financial Accounts 2017-18](#)

4. Legal challenge

In 2003/04, the [Armed Forces Pension Group](#) pursued a legal challenge to the policy on preserved pensions for pre-1975 leavers. However, this was unsuccessful both in the High Court and in the Court of Appeal. Lord Justice Jonathan Parker concluded that, despite their undoubted sense of grievance, the pre-1975 leavers did not have a remedy in law:

As to the alleged injustice which the appellants have suffered, it is important not to confuse their undoubted sense of grievance deriving from their perception of the way they have been treated by the respondents with injustice arising from some act or omission on the part of the respondents which entitles them to a remedy in law. The stark facts are that the appellants received their gross pay, and that they were entitled to nothing further, either by way of gross pay or under the then terms of the Scheme. They have, therefore, suffered no injustice entitling them to a remedy in law.

He described the legal claims as “manifestly hopeless”:

I very much hope that the appellants’ undoubted sense of grievance is not the product of any encouragement which they may have received from their legal advisers to pursue at their own expense claims which are, for the reasons I have given, manifestly hopeless.³⁵

The case was presented to the European Court of Human Rights.³⁶ However, this was ruled to be inadmissible.³⁷

³⁵ [Hudson & Ors v HM Treasury & Anor, Court of Appeal, 4 November 2003](#)

³⁶ [Daily Telegraph, 19 June 2004, AFPG News 2004](#)

³⁷ See, for example, [HC Deb, 31 January 2007, c 338](#)

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcenquiries@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).