



(Image via @helpfrance)

The immoral UK pension policy discriminates against expats

Jim Tilley

[Independent Australia](#)

Freezing pensions of British expats is an example of blatant miserly British Government discrimination from a nation which believes in and promotes itself as being fair minded, respecting equality, sound ethics and moral behaviour, writes [Jim Tilley](#).

There are 250,000 retirees in Australia all of whom are in receipt of a UK State pension or part thereof; most of them are British expats.

Unlike in several other countries e.g. the U.S., Israel, the EEA, Turkey, Jamaica etc., this UK State pension, in most Commonwealth countries, including Australia, is not uprated for inflation, meaning it stays at the same UK £ amount at which it was first granted.

UK only OECD country which freezes State pensions

The UK is the only OECD country, which practices a selective pension policy of freezing the UK State pensions in some countries. This British practice has been in place for over 60 years. A UK statutory regulation enables the UK Government to operate this immoral UK pension policy.

On 29 January 1997 a UK House of Commons Social Security Committee, [Up-rating of State Retirement Pensions Payable to People Resident Abroad] investigating this issue, concluded in its Third Report:

'Surely no-one would have deliberately designed a policy of paying pensions to people living abroad intending to end up in the position we are at today... A simple change in British law could enable up-ratings to be paid in any or all overseas countries, provided the political will was there to do.'

Unfortunately no such political will eventuated in 1997 or in subsequent years.

If you are a British expat, you are entitled to a part pension at 65

There are thousands of British expats here in Australia approaching the UK's pension age of 65 now and 66 from 6 March 2019. Many of these expats appear to be unaware that they will be entitled to a part UK pension when they reach 65.

[British Pensions in Australia](#) (BPiA) a not for profit incorporated volunteer association, offers to help all UK expats discover their UK pension entitlements and how to improve them by making contributions, from Australia, back to the UK. This offer is made in exchange for a small annual subscription. BPiA makes this offer to attract these people approaching retirement to enable it to accumulate funding used to finance a UK political and media campaign primarily directed at the UK to remove the UK Government's highly discriminatory practice of freezing a few UK pensions.

The financing of this political and media campaign is shared with other British expats, mostly living in Canada, where UK expats' pensions are similarly frozen.

The Annette Carson case

The frozen pension issue has been condemned by British expats for over 25 years.

Annette Carson a British expat, retired in South Africa, challenged the UK Government in a legal action in London's High Court in 2002. This case was lost as being of a political nature and not a legal matter. The case was then progressed but un-successfully to the Court of Appeal, following which it was heard in the House of Lords, where it was again lost 5-1. However Lord Carswell, by dissenting, provided Mrs Carson and her many supporters with some encouragement. He was reported in the London *Daily Telegraph* on 31 May 2005 as saying:

'Once it is accepted that pensions should be paid to contributing pensioners resident abroad, then no justification remains for paying some less than others and less than UK resident.'

Consequently, "Annette Carson's case" was then joined by several frozen British pensioners as a class action and taken to the European Court of Human Rights. In Europe, the case eventually reached the Grand Chamber, but again it was lost, this time by 11-6 in this Court on a legal technicality. The loss brought about a [comment](#) from the UK Government's Champion of older people, Dame Joan Bakewell, that,

'there is another view aside from the niceties of the law: that it is a matter of social justice.'

Discrimination by the UK government

Since 2010, together with the Canadians, as the International Consortium of British Pensioners, British Pensions in Australia has main-

tained a political and media campaign, sometimes proposing the suspension of the UK from the Commonwealth.

This approach was based on the fact that in spite of the UK's blatant discrimination in freezing some pensioners' pensions, the UK Government, in 2013, encouraged the Queen to sign a Commonwealth Charter, in which it is [stated](#):

'We are implacably opposed to all forms of discrimination.'

Moreover, earlier in 2013 in a UK Supreme Court judgment, [O'Brien \[Appellant\] v Ministry of Justice 2013 UKSC 6](#), I understand the judge commented that, "*budgetary considerations [costs] cannot justify discrimination*" – O'Brien claimed discrimination by the UK's Ministry of Justice and his appeal claiming discrimination against him by the UK Government's Ministry of Justice was upheld.

A successful campaign could benefit the Australian budget by over \$1 billion

However, each year since and notwithstanding this decision against its Ministry of Justice, the UK Government, through its Social Security Benefits Up-rating Regulation 3, continues to annually legalise its own discrimination against 550,000 of its expat pensioners who are living in some countries overseas.

The UK Government justifies its actions based on its claim of non-affordability and some cost savings. We believe this immoral regulation could be challenged, but to do so would possibly cost thousands of dollars, unless the Australian Government, possibly together with the Canadian Government, would be prepared to invest by funding such a case, for Australia and Canada are home to almost 75 per cent of the frozen UK pensioners.

We also believe eventual success in our campaign for justice could benefit the Australian budget by about \$1 billion over the 4 year budget period, mostly through less means tested Australian pension payments being made to these expat retirees.

UK media support our case

The media and political campaign, financed in recent years by British expats in Canada and Australia, has resulted in the UK's major quality newspapers reporting in support of our cause. In particular the London *Telegraph* has established a website in which most its supportive articles can be read on the *Telegraph* website: www.telegraph.co.uk/frozenpensions/.

Similar articles can also be found in many of the UK's newspapers aimed at UK based Asian and African/Caribbean readers, viz:

What to do if you are a British expat or Australian who has worked in the UK

British Pensions in Australia is now appealing to all British expats and Australians who have worked in the UK to learn more about this appalling and highly discriminatory British government practice and to contact us to ask for our assistance to discover their own British State pension entitlement and how to invest to improve this potential retirement income in Australia.

The annual subs requested will help us finance our on-going fight for fairness, equality, dignity in retirement and justice.

Our eventual success will be a win-win for us all as well as for the Australian economy.

Jim Tilley is the hon chairman [British Pensions in Australia](#) and director of the International Consortium of British Pensioners. If you wish to enquire further, please telephone BPiA on 1300 308 353 or join up as a member [here](#).

You can follow Jim Tilley on Twitter [@possiejim](#).