



## Once More Unto The Breach, Dear Friends

*Brian Lechem, President*



We're on our way to the House of Lords! Winning the right for our pension case to be heard in the Upper Chamber is a victory that is denied to fully 75 per cent of petitioners. Our success confirms that the Law Lords agree with what we all know to be true: the frozen pension issue raises a "point of law of general public importance" of enough significance that it simply cannot be dismissed out of hand, as was attempted by the lower courts.

The news came in early November, just as the previous issue of *Justice* had been taken off the press and sealed in mailing envelopes. Thanks go to Mike Donovan for producing a "News Flash" sticker that was then attached to each and every envelope ~ some 6,000 of them ~ so that the membership could be informed almost as soon as the news broke.

The hearing is likely to take place late this spring. Meanwhile, the manoeuvring continues, with the UK government insisting on every conceivable minuscule requirement being complied with to the fullest extent. This is time consuming for the legal team involved, of course, which translates into an alarming escalation of costs ~ no doubt a government tactic intended to force us into giving up.

If we are to thwart their plan, the need for continued funding is paramount. And the most feasible way for this to occur is to gain a rapid increase in our membership numbers.

### Thanks Again, Canada

The Canadian government has, once again, demonstrated tangible support for our cause by reimbursing us for some of the legal expenditures we have already settled. The matching-dollar nature of the gift is important to note: it makes every penny donated by members twice as essential, twice as effective and go twice as far.

This gratefully-received windfall will help towards the cost of the House of Lords appeal. However, we must keep in mind that the total of those costs cannot be known at this point and may well have to be followed by yet another appeal, one to the European Court of Human Rights.

Should we indeed be forced to go the European route, our legal advisors tell us to take consolation in the fact that, in Strasbourg, we should find a somewhat more level playing field as we strive to make our case stick against the openly-admitted discrimination of the UK government.

### Renew and Recruit! Recruit and Renew!

*Brian Lechem*

Membership subscriptions and donations to our action fund are coming in, for which we are very grateful. However, there is only so much that each of us ~ "frozen" as we are ~ can give, which is why it is absolutely imperative that more supporters be brought into our ranks.

If every member renews for 2004 and also recruits just one other person or family, we would double both our numbers and our impact instantaneously. With more than 146,000 residents of Canada already receiving a UK state pension and countless others eligible for one (though they might not know it until a member of CABP tells them!), there are obviously thousands within arm's reach just waiting to hear our story ~ their story ~ and to join in the fight for justice. Your closest branch office will be more than happy to send information to all the prospects you can identify.

There has never been a better time to sign up. Thanks to Ian Bold's initiative, new and renewing members who also donate five-or-more dollars to our action fund in addition to their 2004 membership fee are eligible to receive a bonus: one year's free membership in Canada's largest organization for the over-fifty, the 400,000-strong Canadian Association of Retired Persons (CARP).

## INSIDE

Information Meetings	Page 2
Branch Activity	Page 3
Volunteering	Page 4
Pension Topping Up	Page 5
Tips for Brits	Page 6
Membership Forms	Page 7 & 8

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# Editorial



2003 was a year of challenges and of triumphs. We lost our appeal last spring, however we also beat the odds by winning the right to keep on fighting.

We lost heart at the thought of having to keep on, however we also gained many miles in the road: we are either more than half-way or fully two-thirds of the way home, depending on what happens at the House of Lords.

We lost dearly-loved supporters who, sadly, simply ran out of time, however we also won over a national government to our cause. No matter the obstacles, we are still making progress.

Our board asked me to help out with this issue, so here I am, wearing the editor's hat one more time. You can help my successor by submitting interesting material to be considered for publication in *Justice*. We're a

*Letters to the editor should be addressed to the National Office address at left.*

*E-mail letters to the editor at justice@britishpensions.com*

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small magazine, so a 350-word limit serves best in most cases and we reserve the right to edit for clarity and length. As well, keep personal insults aimed strictly at the enemy!

In this issue, among other things, you will appreciate Peter Kennan's letter on p5, along with some useful tips outlined on p6. A bientôt...

**Michael Balchin**

## Information Coming Your Way

### Toronto West Volunteers

**The British Isles Show, Booth 420**  
Friday **5 March**, 11am ~ 7pm  
Saturday **6 March**, 10am ~ 7.30pm  
Sunday **7 March**, 10am ~ 5pm  
Queen Elizabeth Building  
National Trade Centre, Toronto  
Info: Rosina (905) 847 8095

### 21 March ~ Info Meeting

2pm ~ 4pm  
Royal Canadian Legion  
19 Regina Street North  
Waterloo Ontario N2J 2Z9  
(519) 886 1440  
Info: John Boon (519) 570 3521

### 30 March ~ Mall Event

10am ~ 8.30pm  
Oakville Place community booth  
240 Leighland Avenue  
Oakville Ontario L6H 3H6  
Stop by and chat  
Info: Rosina (905) 847 8095

### 3 April ~ Info Meeting

2pm ~ 4pm  
Royal Canadian Legion  
3326 Bloor Street West  
Toronto M8X 1E8  
(416) 231 2021  
Info: Rosina (905) 847 8095

### British Columbia Volunteers

### 13 March ~ Info Meeting

1:00 pm  
West Vancouver Seniors Centre  
Info: Office (604) 863-3445

### 23 & 24 April ~ Meet the Pres

BC is looking forward to the visit of our national president Brian Lechem and national director Peter Kennan. In Vancouver, meet them in the Van Dusen & Peter Kaye Room of the Vancouver Public Library, West Georgia Street, at 1 pm on Friday 23 April. They will also be in Victoria (Vancouver Island) on Saturday 24 April, time and venue TBA.

# Should Canadian Taxpayers Help CABP?

Rosalind Tosh, Ottawa

The Canadian government has handed over some \$350,000 to reimburse CABP and our colleagues in Calgary for legal expenses that we have already paid towards the Annette Carson case. Without that gift, quite simply, the case could not have proceeded as far as it has.

In addition, the timing of the gift confirms that the case is indeed considered by the government to be winnable, not just founded in rightful thinking: it was offered after federal legal observers returned from the exhaustive and dismissive lower court sessions in London.

But why should Canada assume any financial responsibility for rectifying the immoral actions of the UK?

One good reason is the fact that, if this case is not fought, Canadian taxpayers will remain on the hook for \$23 million in guaranteed income supplements paid every year to impoverished British seniors living here. Clearly, the government's financial gift to CABP is also an investment that has the potential to return itself many times over.

Then there's the additional pot sweetener of the benefits to the Canadian economy. Two years ago, Australian MP Peter Slipper estimated that indexed pensions would boost the Australian economy to the tune of "at least £116 million per year." Given the somewhat smaller number of pensioners in Canada, this translates to some Cdn \$200 million for our own economy. No small potatoes.

## What's stopping Australia?

When you think of it, we should not be asking: Why should Canada help fund the Carson case? The real question instead is: How can Australia afford not to? With her 220,000 frozen pensioners, she stands to gain 50 per cent more than Canada!

That's why we asked Prime Minister Jean Chretien to raise the matter of financial support with Australian Prime Minister John Howard at the Commonwealth Heads of Government Meeting last November. We also requested that he raise the issue with the leaders of New Zealand (currently home to 37,000 frozen pensioners) and South Africa (36,000).

Clearly, Canada should not be alone in supporting this matter of international impact and significance. Forty-seven out of 53 of our Commonwealth colleagues also stand to gain. Government support of this issue is an absolute "no-brainer."

## Request for Nominations to the National Board

Our by-laws require that we provide an opportunity for nominations to our national board of directors. The provisional date for the 2004 AGM is Saturday, June 5; starting time 1:00 p.m.; and probable venue the British Legion Hall adjacent to Bloor and Islington in Toronto. Nominations of paid-up members ~ duly proposed and seconded, and accompanied by a signed intention to serve if elected ~ should be forwarded as soon as possible (to arrive no later than April 15, 2004) to Executive Director Ian Bold at the CABP national office.

## Branch Activity

Brian Lechem, President

### The West

As reported in some detail in the last issue of *Justice*, British Columbia branch activities continue unabated, both on the mainland and on Vancouver Island. We are also maintaining good relations with our colleagues in the Calgary-based British Pensioners Association of Western Canada who, although only a few hundred strong, have been extremely supportive of the Carson legal case and have demonstrated complete solidarity with our cause and our goals.

### Ottawa

In Ottawa, we have to single out for special thanks chairman Michael Balchin who, as well as serving as editor of *Justice* for the past year, has inspired a productive group of volunteers. They regularly 'man' CABP booths in the city and outlying communities and keep media and politicians informed through personal letters and mail-outs. In addition, Ottawa volunteer Rosalind Tosh has acted as our advocacy specialist, preparing letters to prime ministers and cabinet ministers at home and abroad.

### South-Western Ontario

The West Toronto branch is growing surely and steadily, thanks to the chairmanship of Rosina Stoddart. Meetings are held regularly all over south-western Ontario and arrangements are under way for leaflets to be handed out in 10+ shopping malls. There will also be a CABP booth at the British Show in Toronto this coming March 5, 6 & 7. Meanwhile, Peter Kennan is organizing a meeting to take place in Oakville in April and there is a move afoot to set up branches in the cities of Waterloo and Kitchener. In total, Ian Bold is arranging 11 new presentations and four new meetings in the next three months alone.

# Volunteering: What's in it for me?

*It is clear that the only way to achieve pension indexation is through the courts, following the failure of 30 years of other tactics such as international diplomacy and pleading by "the bleeding." Legal action costs money, however, and we can only accumulate money through CABP membership fees and donations.*

If not enough people know we exist, our money will dry up, forcing an end to the legal proceedings. Active members help ensure this will not happen. By spreading the word, they draw in new members to CABP, thereby keeping the pot topped up and taking the dream of pension indexation ever closer to reality. A lucrative reward indeed!

"Until I saw the ad for a CABP info session in the newspaper, I'd forgotten all about the national insurance stamps I'd paid in the UK," writes a lady from Ontario. "If there were no active volunteers in my community, that meeting would not have been offered and I would never have discovered that I was owed a pension. I hate to think of how much

of a struggle my retirement years would be without it. I can't thank those volunteers enough."

## How difficult is it?

It can be as simple as two or three people coming together for a couple of hours one-time-only to hand out ready-made brochures that inform the public of the issue, of their rights and of CABP's involvement. Urban or rural areas. Large or small communities. Two people or 20. Formal or informal. It's your ticket to write. It's your future to invest in.

## What's the first step?

Contact Ian Bold [See page 2] for information on how to get started. Advice and support is also available for the asking from existing groups.

## What if I lose energy?

Contact Ian as above and/or "plug into" an existing active group for some friendly help and motivational encouragement.

**CABP volunteers make a brighter financial future possible for themselves**

**CABP volunteers increase the quality of life for others**

## Positions Vacant

### Got legal expertise?

CABP needs you!  
Location: Wherever you are.  
Time commitment: flexible.  
Payback: indexed UK pension.

### Got financial expertise?

CABP needs you!  
Location: Wherever you are.  
Time commitment: flexible.  
Payback: indexed UK pension.

### Got political expertise?

CABP needs you!  
Location: Wherever you are.  
Time commitment: flexible.  
Payback: indexed UK pension.

### Got PR expertise?

CABP needs you!  
Location: Wherever you are.  
Time commitment: flexible.  
Payback: indexed UK pension.

### Got people skills?

CABP needs you!  
Location: Wherever you are.  
Time commitment: flexible.  
Payback: indexed UK pension.

### PLEASE

Submit expressions of interest before April 1, 2004 to  
Brian: pension2@bellnet.ca  
or Ian: (905) 829-2298

## Clippings

### Montreal Gazette

We thank Jim Stewart for giving CABP some exposure in the Montreal area under the catchy headline, "Britain Waives The Rules." Jim was one of the many media recipients of our mailshot package.

### Weekly Telegraph

Fred Langan of the CBC's Business News wrote an article for the Weekly Telegraph (Oct 1-7) explaining the general background of the situation

and that the Canadian government is providing financial support. He interviewed Ed Tamagno, Director General of Migrants and International Affairs Security Programs at HRDC, who said "The reason the Canadian government is interested in seeing the 147,000 British pensioners in Canada with increased incomes is so that Ottawa can stop paying many of them cost of living benefits. There would obviously be a benefit to Canada as a whole."

Fred also interviewed Ian Bold, our Executive Director, explaining Ian's previous success in taking the British government to court over his Christmas Island radiation poisoning.

### Toronto & Windsor Stars

In recent months, both journals have highlighted the plight of British pensioners in Canada with the Toronto Star quoting our president, Brian Lechem: "The money provided last month (by the Canadian government) saved the day for thousands of British expatriates in Canada with a stake in Carson's legal case."

Dear Member, if you hear or see something similar from your own local media, please send it along to HQ at the address on page 2. We regret that we are not able to acknowledge your mail but we will appreciate your effort.

# Pension Topping-Up: Class 2 or Class 3 Contributions?

Peter Kennan, National Director

*This article is intended to give general guidance on the subject of Class 2 and Class 3 contributions. Though I believe that the article is generally correct, individual circumstances differ. It is up to the reader to ascertain exactly what will be the result of any actions he or she might take.*

*Also note that in this article all financial figures are in £s. Obviously future fluctuations in the £:\$ exchange rate will affect the dollar value of the pension at the time of receipt.*

## Intended Readership

This article is aimed at those CABP members who are resident in Canada, eligible to make further contributions to the UK pension scheme, and considering doing so. **If you are already receiving a pension this article is not for you.**

Should you be interested in making further contributions? For most people, making additional contributions to the UK pension scheme is a sound financial move. If you are not already planning to do so, you should give it consideration. The rest of this article considers whether you should or are eligible to make Class 2 rather than Class 3 contributions.

## Background

In booklet NI 38 the Inland Revenue defines three “classes” of contribution.

**Class 1** ~ This is a full contribution and is usually paid by people working in Britain. It is not of interest to the majority of our members, who live and work in Canada.

**Class 2** ~ This is a contribution which Canadian residents were always eligible to pay but until April 2000 (remember the British fiscal year runs April to April) it was not financially advantageous to do so.

Commencing April 2000 the Class 2 contribution ceased to confer certain



benefits, in particular disability benefits payable abroad, and as a result the cost of a class 2 contribution for the year commencing April 2000 and for subsequent years was lowered to £104. For most of our members, who are interested only in the pension benefit, the stripping out of other benefits is irrelevant and it makes Class 2 potentially a very cheap way of buying a pension benefit.

However there is a restriction. Class 2 contributions can only be made by Canadian residents if they are employed or self employed.

**Class 3** ~ Historically, Class 3 was the class of contribution used by Canadian residents to top up their UK pension. Its cost has increased a little each year and is now in round terms £360. It can be paid by eligible persons (i.e. you don't have to be employed) living outside the UK.

Comparing the Class 3 with Class 2 reveals an anomaly which is difficult to comprehend. If you are working and earning money you can pay the cheaper Class 2 contribution whereas if you are under sixty-five and fully retired, like me, you have to pay the more expensive Class 3 contribution.

## What should you do?

### Years prior to April 2000

If you are making back-contributions for the years prior to April 2000 you have no real alternative other than to

make Class 3 contributions. The cheaper Class 2 alternative is simply unavailable for these years. However I will repeat again ~ for most people, making the Class 3 contributions for these years is a good idea. Each year you contribute will cost approximately £360 and will increase your pension by approximately £90 per year. In other words after four years of retirement you will have got your money back ( $4 \times 90 = 360$ ) and if you live longer it is all “gravy”. If you are married the statistics could be even more favourable.

### Years commencing April 2000

If you are employed or self employed you can make Class 2 contributions. This means that for each additional year you pay £104 and it increases your future pension by approximately £90 per year. It's such a good deal it seems unbelievable.

If you are not employed or self employed you will have to make Class 3 contributions. Though you may feel cheated that you are ineligible for Class 2 the four year payback on Class 3 contributions still makes this a very favourable deal.

## Example

In April 2004 a male aged 63 who is working, has worked consistently up to this date, has already more than 11 years contributed, decides to make “top up” contributions. He is eligible to pay back to April 98 (1998/99)

The effect of the above will be to increase his UK pension by about £540 per year ( $6 \times 90$ ). The payback is almost exactly two years and it will be quicker if his wife is entitled to the Category B pension.

Of course the subject of the above example would not stop at this point. Before reaching sixty-five he would contribute two further years and increase his pension by a further £180 ( $2 \times 90$ ) per year.

See RECLAIM on page 7...

# TIPS for BRITS

## The Spousal Pension

A female spouse can qualify in her own right based upon working years in the UK (Category A pension) **OR** she can qualify based upon her husband's contributions (Category B pension). She will receive 60% of what he receives. The reverse will only be true in the year 2010.

See "a guide to Retirement Pensions" NP46 for full details.

**NB 1** At a recent recruiting session near Ottawa, 12% of the new members were unaware of this Category B possibility.

**NB 2** The female spouse need not ever to have worked nor even set foot in the UK.

## The Life Certificate

Did you get yours yet? One CABP member reports that he received his first pension payment in January of 2004 and received his first Life Certificate in the same month!

For those of you who are not aware, the Life Certificate allows the Pension Service to confirm that you are still alive and therefore entitled.

We all have 'senior's moments' but this is one that you want to avoid.

**After receiving a Life Certificate, you have 60 days to respond. Failure to respond will result in your pension being cut off!**

## The Pension Service

Essentially, the Pension Service is the first filter for all communications with the Department for Work and Pensions and Inland Revenue. So, whether your query ends up with the Pension Service or the Inland Revenue, it is probably best to keep the Pension Service in the loop. When in doubt, always write to:

**International Pension Centre  
Tyneview Park  
Newcastle upon Tyne  
NE98 1BA  
United Kingdom**

## Claiming A Temporary Upgrade

**8 Leaving the country where you are living**

Retirement Pension, Widow's Benefit and Bereavement Benefit can generally be paid to you anywhere.

If you are permanently resident abroad when benefit rates go up for people living in the UK, you may be able to get the increased rate only if:

- you are living in a European Economic Area (EEA) country
- or you are living in a country with which the UK has a reciprocal agreement which allows you to get the increased rate.

Increases are also payable in Sark under UK domestic legislation.

The EEA is made up of the following countries: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, and the UK, plus Iceland, Liechtenstein, Norway and Switzerland. While Switzerland is not a member of the EEA, from 1st June 2002 it applies the EC Regulations on social security as a result of an agreement with the EU.

**9 Leaving the country where you are living – continued**

The reciprocal agreement countries are: Barbados, Bermuda, Cyprus, Israel, Jamaica, Jersey and Guernsey, Malta, Mauritius, Philippines, Turkey, USA and Yugoslavia (applies to the Federal Republic of Yugoslavia (Serbia and Montenegro), Bosnia Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia).

If you do not get the increase while you are abroad, you may get the higher rate of benefit if you visit either the UK or any of the EEA or reciprocal agreement countries apart from Bermuda and the USA. The lower rate will again be paid when you leave.

You must tell us within one month of the date of arrival in the UK or any of the specified countries to claim the increase.

The Pension Service is part of the Department for Work and Pensions

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Scanned from a Pension Service pamphlet "Notes about the payment of • Retirement Pension • Bereavement Benefits • Widow's Benefits" CF-N-701 7/02

### Can you reclaim monies paid?

What if you have paid Class 3 contributions for years in which you were eligible to pay Class 2? You have obviously overpaid. Can you reclaim the money?

The short answer appears to be "no". Initially there were a few successful claims but lately the Inland Revenue has been turning down such requests on the grounds that "you were given the choice". This is a travesty and some people are working to have this position reversed but I cannot be optimistic. My suggestion is that you send a letter to the Inland Revenue requesting the money be returned or put towards future contributions. You will probably get a negative response but at least you will have a letter on file so that if, in the future, the "Revenue" reverses its position you can make a well documented request for a refund.

### Contact

I suggest you make your initial contact by 'phone and at least get the form CF 83, the form you need to fill in, on its way to you. Requests by mail are answered slowly.

Have your NI number handy and make sure you specifically ask if you can make Class 2 contributions.

If you want to make additional contributions you need to contact:

**The Inland Revenue  
National Insurance  
Contributions Office  
International Services  
Longbenton, Newcastle upon Tyne  
NE98 1ZZ  
United Kingdom**

**Tel 011 44 191 225 4811  
Fax 011 44 191 225 4858  
Internationalservices.ir.sbg@ir.gsi.gov.uk**

## The Issue

- The UK has 11 million pensioners, all of whom contributed to the pension scheme via their social security contributions.
- Of the 11 million, one million live outside the UK.
- Of the one million, half live in countries in which their pensions receive an annual uprating.
- Canadian pensioners, along with pensioners in 48 of 53 British Commonwealth countries, belong to the other half. Our pensions are 'frozen' either when we apply, if living abroad at the time, or when we arrive in a 'frozen' country if already a pensioner.
- CABP fights to redress this discrimination.
- Cost to the UK government to correct this situation? 0.75% of the pension budget.
- The advantage to Canada when the problem is fixed? About \$200 million per year, resulting in pensioners reducing their need for supplemental incomes.

**Caution:** The above numbers have been rounded by Michael Balchin as an aide-mémoire. He is responsible for them.

**Ed: Contributors and readers are reminded that the contributor alone is responsible for all financial content and opinion.**

## New Membership Application or Membership Renewal

Please clip & mail with your cheque or money order to the National or Vancouver office

Name & Address:

Phone:

Email:

**PLEASE CHECK ✓ CABP**     New Member or     Renewing Member ~ Membership #:

Thank you for joining or renewing with CABP, the Canadian Alliance of British Pensioners.

Take advantage of the wonderful offer from CARP, the Canadian Association of Retired Persons, by completing the boxes below. Only Canadian residents qualify.

**PLEASE CHECK ✓ CARP**     New Member or     Renewing Member

**PLEASE CHECK ✓**     Yes, please sign me up for one year's free membership with CARP including a 50Plus magazine subscription. I am donating \$5 or more to the CABP Action Fund **Offer CABP01**

**PLEASE CHECK ✓**     If you do not wish to receive additional information about products or services from CARP or other CARP recommended companies

### Membership Fee & Action Fund Donation

My Donation to the CABP Action Fund

CABP Membership ~ Canadian Resident \$20

CABP Membership ~ Non-Canadian Resident US \$25 or £18 or Cdn \$35

**My Total Payment \$**

**We are most grateful  
for your cheque or  
money order to CABP**

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## Membership Fee & Action Fund Donation

My Donation to the CABP Action Fund

*We are most grateful  
for your cheque or  
money order to CABP*

CABP Membership ~ Canadian Resident \$20

CABP Membership ~ Non-Canadian Resident US \$25 or £18 or Cdn \$35

**My Total Payment \$**

## Executive Director's Postscript

Ian Bold, Toronto

Since my last postscript, we have made considerable progress at the Toronto office. New volunteers are fast reducing the backlog of increased membership applications, Action Fund donations, and corrections to our database. Not even a leak in the roof, which had us paddling around in slush and water during the second and thirds weeks of February, could dampen our energies. Fortunately, no serious harm was done and our members handled the mopping up with their usual aplomb. Please continue to be patient and to send in any required corrections.

A special vote of thanks goes to one of our sponsors, **Parcels to Britain**, who not only paid for the cost of poly-bagging the last issue of *Justice*, but also donated towards our Action Fund. Thank you, Nigel Raincock and family! CABP members look forward to using your company to continue sending gifts to the UK. Thanks also to Michael Balchin and Rosalind

Tosh for rallying the troops one more time to produce this issue of our magazine.

### All In The Family

If any members have younger relatives living in the UK (or here!), I urge you to encourage them to join our alliance now. Their modest annual investment will pay off, should they themselves emigrate to Canada ~ or it will increase their peace of mind by helping achieve a better pension for you.

A significant portion of our membership passes on each year, cheated forever by a self-serving UK government. For those of us still in the fray, let us continue to fight for what was rightfully theirs. We are currently awaiting a date for the House of Lords/Annette Carson appeal. Check our website regularly for updated information: [www.britishpensions.com](http://www.britishpensions.com)



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

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