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Thursday 7th November 2013.

Urgent, Private and Confidential.

The Right Honourable Theresa May, MP. PC.

The Home Secretary,
2 Marsham Street,
London .
SW1P 4DF.

Dear Home Secretary,

I write in a private capacity but I am a barrister whose help Mr. Burns casually sought in a matter I was unable to help him with. But a greater problem has presented itself you may wish to treat without delay.

In looking through the papers I realised that the local fire-service pension provider had been making 'a good thing' out of retiring him early on the genuine grounds of ill health, by quietly and illegally replacing the B3 compensatory pension, due to him under 1992 SI 192, by the ordinary lesser B1 pension a fireman would have become entitled to on choosing to end their career by taking early retirement in good health.

As you will know, compensation for loss of earnings, lost pay raises, promotions, and pension reduction is consequential damage Courts routinely handle every day. But whilst the legal system is operated by lawyers, pension provision tends not to be.

To deal with this lack of qualification, 'The 1992 Home Office Commentary' was published to accompany and interpret the new legislation to avoid just such 'errors' in the laymen hands of pension providers. In Lancashire this was ignored, and the Commentary was not made available to retirees, though plainly intended to be.

I gave Mr. Burns my views and he applied for correction but was rebuffed. His pension remains underpaid and the SI provisions remain denied.

Mr. Burns came to the UK when, as a young, 'catholic', fireman he was 'kindly advised' to seek his career in the UK. Here he later negotiated the 'upper blue collar quartile' service terms, and conditions and with increases in pay. He remains 'very Irish', is highly intelligent, articulate and is, I believe, a respected and internationally well-regarded fireman. I am told he is one of some 11,000 firemen retired on grounds of ill health under 1992 SI 192, until superseded in 2006.

Angry not so much at the initial 'error' per se but at the injustice of the rebuff to him and his 'comrades, and unable to afford redress through the Court system, which with some cause I fear, he now wholly distrusts, he has now put up a web site 'the morning bugler' which is clearly attracting attention.

My fear is that if not dealt with this will become a national scandal with every ambulance chaser rounding up anyone who ever took early retirement on grounds of ill health to sue and, since it is the public service, for exemplary damages for arbitrary and oppressive conduct. I fear that the fraud in this is institutionalised – certainly in Lancashire and it appears Mr. Burns is far from being alone.

My Opinion is attached.

I fear the damage this may do. I can think of very little worse than to be entering an election portrayed as a Government who knowingly choose to profit by denying the compensation prescribed by law for those injured in the line of duty protecting us.

I have some experience in such matters. If you wish me to I can set up a scheme to deal with this for you. There will have to be compensation but I'd guess the public would warm to you if presented as a pre-emptive act of a compassionate Government appalled on learning that the State had been profiteering out of such 'error'. It would also be much the cheapest solution.

I have suggested to Mr. Burns that it may be in his interest not to muddy the waters further. Somewhat reluctantly, he has agreed to do no more pending your reply which I trust may pre-empt and defuse the position.

With best wishes,

John Bruce.
Inner temple.