



Mr P Burns
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Please ask for: Anthony Harold
Telephone Mobile: 01772 866964
Telephone: anthonyharold@lancsfireandrescue.org.uk
Email:
Your Ref: AH/TMC/IPPS_08
Our Ref: 7 February 2008
Date:

Dear Sir,

I write with reference to your letter of the 28th January, for which I thank you, and other related correspondence to the Chairman of the Combined Fire Authority, to which you should also regard this letter as a reply.

I consider the tone and substance of your correspondence to be both ill-conceived and wholly inappropriate. Therefore, I do not propose to comment further upon the specific allegations you make other than strongly to advise you to refrain from repeating or further publicising allegations against Members of the CFA or Officers of the Lancashire Fire and Rescue Service which are clearly defamatory. Should you fail to do so then injunctive relief may well be sought followed, if necessary, by proceedings for defamation.

It is categorically denied that either the CFA or the LFRS is in any way acting unlawfully in this matter. A Fire and Rescue Authority is entitled under Part 10, Rule 2, para.1 of the Fire-fighters Compensation Scheme (previously Rule L3 (1) of the Fire-fighters Pension Scheme) to suspend the payment of all or part of any injury pension as required to determine the correct amount of an award.

The Authority has no alternative but to proceed, as it has in cases such as yours, where a reasonable request for consent to obtain information as to DWP benefits, has been refused. It is this refusal to provide the Authority with the required Benefits information that has resulted in it having to consider suspending payments until the issue of liability can be resolved in accordance with its legal obligations and the fiduciary duty it owes to the public purse.

Your requests for information under either the Freedom of Information Act or the Data Protection Act are not regarded as legitimate and thus will not be complied with. Should you commence proceedings against the Authority they will be defended vigorously.

Yours faithfully


PP ANTHONY HAROLD
SOLICITOR

M B Winterbottom, JP, DL.LL.B Solicitor
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