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BURNS

Thursday, 27th June 2013.

My Ref: PB02613.
Your Ref: BW/HLG.

My Pension and Gratuity Awards.

Dear Mr. Warren,

In the appendix to your letter of 10th May you have written... "we need to take account of paragraph 5, which advises us of the restriction on the length of pensionable service that we are permitted to use". You also refer... "to the cap required to be placed on the amount of the notional retirement pension, namely at 30 year's service", on which you also rely.

Since each is an assertion in law, and so far you have avoided producing authority, would you please be so kind as to give me your legal authority for making such assertions – precisely what 'advises' you; by what authority; and to what precise effect?

Precisely, what provides for a 'cap'? By what authority? To whom does it apply? In what sum?

You have in your letter referred to 'guidance' but you have denied me the Reference so that I too can refer to it. Please be so kind as to give me the full Reference.

You have sought to include this matter in your Application to 'strike out', though specifically excluded by HH Judge Butler from the Counterclaim.

The propriety of a pension provider seeking to avoid a question in this way would, I would have thought, be questionable – but that may be for others to consider.

For now, however, we are and remain in correspondence which, on reflection, you may feel will best be left to run its full course.

With these 'authorities' to hand I would anticipate sending you a substantive reply to your letter shortly thereafter.

Yours Truly,

Paul P. Burns. GFireE
Divisional Fire Officer (Rtd)