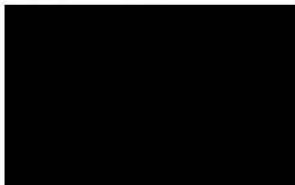




# HM Courts & Tribunals Service



The Royal Courts of  
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HIGH COURT APPEALS  
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(Helpline for the deaf and  
hard of hearing)

**[www.justice.gov.uk](http://www.justice.gov.uk)**

Our ref: CH-2020-000043

Your ref:

06 February 2020

Dear Sir,

**RE: G [REDACTED] v Lancashire Combined Fire Authority**

Thank you for your Appellant's Notice received on 4<sup>th</sup> February 2020.

This appeal has been allocated the reference number *CH-2020-000043*. Please use this reference number in all further correspondence. This appeal will be handled in the High Court Chancery Appeals Office.

We return a copy of your Appellant's Notice for your own record, together with sealed copy (or copies) for service on the Respondent(s). It is your responsibility to effect service on the Respondent(s). Service by first class post is deemed to have taken place two working days after posting.

If your Appellant's Notice includes an application for permission to appeal, no other documents should be served on the Respondent(s) at this stage. The Respondent(s) need not take any action until such time as notification is given that permission to appeal has been given.

Please send to this office, the certificate of service required by CPR PD 52B para 6.1 as soon as possible. You must also, as soon as possible and in any event within 7 days of today's date, apply for an approved transcript of the lower court's judgment, unless you have made an application for a transcript at public expense. If the judgment was not recorded, you must obtain either a copy of the written judgment (if

one exists) or you must agree a note of judgment with the Respondent(s) and send this to the lower court judge for approval.

Unless you have already been able to do so, the next step is to file with the court an appeal bundle to contain the required, relevant appeal documents including a transcript of the judgment of the lower court or other record of reasons. If you require it, I am able to grant you an extension of time now to lodge this bundle (see CPR PD 52 para 6.4). I am able to grant you 35 days from the date when your appeal was filed, that is to say until 10<sup>th</sup> March 2020. By that date, you should file your complete appeal bundle containing the relevant documents, preferably in a ring binder. Of course, you should lodge the bundle earlier if you are able. If you have already lodged your bundle, you may ignore this paragraph.

If you are still not in a position to lodge the appeal bundle (for example if you have not received the transcript of the judgment of the lower court) on the date specified, you may make an application to extend time. This requires a formal application, which should be made on form N244 and sent to the Appeals Office with the relevant fee. The Application Notice must be filed in triplicate together with the requisite fee of £100 (or fee remission certificate with supporting evidence) with the Appeals Office, ground floor, The Rolls Building before 10<sup>th</sup> March 2020. If you do not lodge the required documents or do not issue the Application Notice by the date specified, your appeal is liable to be struck out and dismissed.

I am sending your appeal papers to a judge at this stage. I will send you a copy of his/her Order in due course together with any other directions which may be made. If your Appellant's Notice includes an application for a transcript at public expense or a stay, I will notify you of the Judge's decision in due course.

Yours Faithfully,

A handwritten signature in blue ink, appearing to be 'C. J. M.', is written over a faint, illegible stamp.

High Court Appeals Office

## Appellant's notice

(All appeals except small claims track appeals and appeals to the Family Division of the High Court)

For Court use only	
Appeal Court Ref. No.	CH-2020-000043
Date filed	4/2/20



Notes for guidance are available which will help you complete this form. Please read them carefully before you complete each section.

### Section 1 Details of the claim or case you are appealing against

Claim or Case no.  Fee Account no. (if applicable)

Help with Fees - Ref no. (if applicable)  -  -

Name(s) of the  Claimant(s)  Applicant(s)  Petitioner(s)

Name(s) of the  Defendant(s)  Respondent(s)

#### Details of the party appealing ('The Appellant')

Name

Address (including postcode)

Tel No.

Fax

E-mail

#### Details of the Respondent to the appeal

Name

Address (including postcode)

Tel No.

Fax

E-mail

Details of additional parties (if any) are attached  Yes  No

Section 2

Details of the appeal

From which court is the appeal being brought?

- The County Court at
- The Family Court at
- High Court
  - Queen's Bench Division
  - Chancery Division
  - Family Division
- Other (please specify)

What is the name of the Judge whose decision you want to appeal?

What is the status of the Judge whose decision you want to appeal?

- District Judge or Deputy
- Circuit Judge or Recorder
- Tribunal Judge
- Master or Deputy
- High Court Judge or Deputy
- Justice(s) of the Peace

What is the date of the decision you wish to appeal against?

Is the decision you wish to appeal a previous appeal decision?  Yes  No

*HP*

**Section 3** Legal representation

Are you legally represented?

Yes  No

If Yes, is your legal representative (please tick as appropriate)

- a solicitor
- direct access counsel instructed to conduct litigation on your behalf
- direct access counsel instructed to represent you at hearings only

Name of your legal representative

The address (including postcode) of your legal representative

Tel No.	
Fax	
E-mail	
DX	
Ref.	

Are you, the Appellant, in receipt of a Civil Legal Aid Certificate?

Yes  No

Is the respondent legally represented?

Yes  No

If 'Yes', please give details of the respondent's legal representative below

Name and address (including postcode) of the respondent's legal representative

Mr.D.Howell(Solicitor)  
Lancashire Combined Fire Authority  
Lancashire Fire & Rescue Service HQ  
Fulwood, Preston, Lancs.  
PR2 3LH

Tel No.	01772 862545
Fax	
E-mail	DominicHowell@lancsfirerescue.org.uk
DX	
Ref.	

*Ri*

## Section 4 Permission to appeal

Do you need permission to appeal?

Yes  No

Has permission to appeal been granted?

**Yes** (Complete Box A)

**No** (Complete Box B)

### Box A

Date of order granting permission

6th November 2019

Name of Judge granting permission

1. Mr. A. Arter ~ The Pensions Ombudsman  
2. HJ Sir Paul Maguire ~ High Court  
Royal Courts of Justice Belfast N. Ireland

### Box B

I, \_\_\_\_\_  
the Appellant(s) legal representative) seek  
permission to appeal.

If permission to appeal has been granted **in part** by the lower court, do you seek permission to appeal in respect of the grounds refused by the lower court?

Yes  No

## Section 5 Other information required for the appeal

Please set out the order (or part of the order) you wish to appeal against

Appeal against all the Determination by the Pensions Ombudsman ~ PO-19150 ~ on Points of Law.

Have you lodged this notice with the court in time?

(There are different types of appeal - see Guidance Notes N161A)

Yes  No

If '**No**' you must also complete  
**Part B of Section 10 and Section 11**

## Section 6 Grounds of appeal

Please state, in numbered paragraphs, **on a separate sheet** attached to this notice and entitled 'Grounds of Appeal' (also in the top right hand corner add your claim or case number and full name), why you are saying that the Judge who made the order you are appealing was wrong.

I confirm that the grounds of appeal are attached to this notice.

*HP*

## Section 7 Arguments in support of grounds for appeal

I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' are set out **on a separate sheet** and attached to this notice.

**OR** (in the case of appeals other than to the Court of Appeal)

I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' will follow within 14 days of filing this Appellant's Notice. A skeleton argument should only be filed if appropriate, in accordance with CPR Practice Direction 52B, paragraph 8.3.

## Section 8 Aarhus Convention Claim

For applications made under the Town and Country Planning Act 1990 or Planning (Listed Buildings and Conservation Areas) Act 1990

I contend that this claim is an Aarhus Convention Claim  Yes  No

If Yes, and you are appealing to the Court of Appeal, any application for an order to limit the recoverable costs of an appeal, pursuant to CPR 52.19, should be made in section 10.

If Yes, indicate in the following box if you do not wish the costs limits under CPR 45 to apply. If you have indicated that the claim is an Aarhus claim set out the grounds below

HR

## Section 9 What are you asking the Appeal Court to do?

I am asking the appeal court to:-  
(please tick the appropriate box)

- set aside the order which I am appealing
- vary the order which I am appealing and substitute the following order. Set out in the following space the order you are asking for:-

- order a new trial

## Section 10 Other applications

Complete this section **only** if you are making any additional applications.

### Part A

- I apply for a stay of execution. (You must set out in Section 11 your reasons for seeking a stay of execution and evidence in support of your application.)

### Part B

- I apply for an extension of time for filing my appeal notice. (You must set out in Section 11 the reasons for the delay and what steps you have taken since the decision you are appealing.)

### Part C

- I apply for an order that:

(You must set out in Section 11 your reasons and your evidence in support of your application.)

*Hi*



## Section 11 Evidence in support

In support of my application(s) in Section 10, I wish to rely upon the following reasons and evidence:

1. The Pension Ombudsman(TPO) issued a 'Determination'(including a 'Fact Sheet') on a pension Complaint by myself on the 10th September 2019. The Complaint was not upheld. I was granted leave to Appeal on a point of law advised in writing that an Appeal could be lodged within 28 days in several jurisdictions including the Nireland High Court of Appeal.
2. On the 23rd September 2019 using the TPO Fact Sheet I filed an Appeal Application including a bundle(Case No:19/089130) which was sealed by the Queens Bench Division of the Central Office Belfast.
3. On the 2nd of October 2019 Mr.Burns appeared on my behalf in the Belfast High Court before HJ Sir Paul Maguire; on the 17th October 2019 Mr.Burns then appeared in review before Recorder HHJ McPartland; on the 6th November 2019 I appeared before HJ Sir Paul Maguire.
4. On the 17th October 2019 the Combined Fire Authority lodged a late Affidavit to strike out my Appeal on the grounds of jurisdiction and that my Appeal was vexatious and frivolous; but did not on this occasion nor subsequently at the 6th November 2019 hearing, when again represented by Counsel, challenge my barrister's skeleton arguments(including Addenda) for the Appeal on the points of law which I had served on them.
4. On the 6th November 2019 HJ Sir Paul Maguire concluded at the last Hearing , with expressed misgivings, that in his opinion my Appeal did not lie in the Nireland jurisdiction in spite of the Pension Ombudsman's advice and he directed that I take my Appeal to the High Court of Appeal in London. He commented that it was not necessary for me to seek leave to Appeal because the case was neither frivolous nor vexatious, and several times, that I was was entitled to Appeal, and extraordinarily, that in his opinion stating that the case was "winnable".
5. No direction was ordered for a time scale to take this action but without delay and following consultation with the Registry at the High Court of Appeal I resubmitted my Appeal on the 3rd December 2019 including an Application, as advised by the Registry, for a further extension of time should it be required.
6. Registry unfortunately misdirected my Appeal Application to the Court of Appeal instead of to the Chancery Division and the CoA returned it to me on the 13th January 2020 further advising that I attach a copy of the Belfast Judgement (included) to confirm the above proceedings and resubmit directly to the Chancery Division.

**Statement of Truth** – This must be completed in support of the evidence in Section 11

I believe (The appellant believes) that the facts stated in this section are true.

Full name

Name of appellant's legal representative firm

signed  position or office held

Appellant (s legal representative)

(if signing on behalf of firm or company)

*VP*

## Section 12 Supporting documents

To support your appeal you should file with this notice all relevant documents listed below. To show which documents you are filing, please tick the appropriate boxes.

If you do not have a document that you intend to use to support your appeal complete the box over the page.

### In the County Court or High Court:

- three copies of the appellant's notice for the appeal court and three copies of the grounds of appeal;
- one additional copy of the appellant's notice and grounds of appeal for each of the respondents;
- one copy of the sealed (stamped by the court) order being appealed;
- a copy of any order giving or refusing permission to appeal; together with a copy of the judge's reasons for allowing or refusing permission to appeal; and
- a copy of the Civil Legal Aid Agency Certificate (if legally represented).

### In the Court of Appeal:

- three copies of the appellant's notice and three copies of the grounds of appeal on a separate sheet attached to each appellant's notice;
- one additional copy of the appellant's notice and one copy of the grounds of appeal for each of the respondents;
- one copy of the sealed (stamped by the court) order or tribunal determination being appealed;
- a copy of any order giving or refusing permission to appeal together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- one copy of any witness statement or affidavit in support of any application included in the appellant's notice;
- where the decision of the lower court was itself made on appeal, a copy of the first order, the reasons given by the judge who made it and the appellant's notice of appeal against that order;
- in a claim for judicial review or a statutory appeal a copy of the original decision which was the subject of the application to the lower court;
- one copy of the skeleton arguments in support of the appeal or application for permission to appeal;
- a copy of the approved transcript of judgment; and
- a copy of the Civil Legal Aid Certificate (if applicable)
- where a claim relates to an Aarhus Convention claim, a schedule of the claimant's financial resources

*Handwritten signature*

Reasons why you have not supplied a document and date when you expect it to be available:-

Title of document and reason not supplied	Date when it will be supplied

**Section 13** The notice of appeal must be signed here

Signed   Appellant(~~s~~ legal representative)



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[Click here to print form](#)

## Grounds of Appeal.

Concerning TDPO's Determination, concerning the pensions of 'Mr. N', the Deputy Pensions Ombudsman misdirected herself in law in some, or all, of the following ways:

1. The Crown paying a B1 time served pension to a retiree on grounds of ill health 97 days before he would have had to retire on account of age; she misdirected herself in law that Example 7 in the Home Office Commentary to SI 192 could be taken as evidence that the Crown intended that no compensation be paid for future financial loss occasioned by such enforced retirement.
2. She misdirected herself in law that the pension paid in Example 7 was a B1 pension rather than an enhanced 'notional pension' fully compensating to the date of being retired on account of age, and in full reflection of what 'he could have earned'.
3. She misdirected herself on the law of construction of documents and the 'Universal rule' *Rookes v Barnard* 1964 (AC) and drew an inference in law as to the meaning of statute not open to her, as a matter of law, to draw.
4. She misdirected herself on law and acted wrongfully to deny statutory intention and provision in place of common law entitlement though the statute used no language to exclude such statutory provision.
5. By her misdirection and misapplication of the law she, contrary to law, denied the Statutory ill health pension rendering the whole of ill health B3 provision, as specified at paragraphs 3, 4 and 5, redundant, null and void of meaning and superfluous to the statute, wrongfully replacing said provision in each instance by a time served ordinary B1 pension.



6. She misdirected herself, contrary to statute and in breach of its legal provision, in determining that when a Firefighter was being required to retire early on grounds of ill health they be paid, including M.N., an ordinary time served B1 pension instead of a B3 ill health, enhanced, pension provided as compensation for financial loss occasioned by being required to retire early on grounds of ill health. She unlawfully determined that an ordinary time served B1 pension, due to any Firefighter retiring early of own volition, as though choosing to go and do other work, was also the ill-health pension due to Mr N, on being invalidated out of service.

7. She misdirected herself into a Determination ultra vires by finding that [TDPO Determination Para 36] "I can see nothing in the legislation as drafted that is unclear on its face" to mean the legislative intention was to deny compensation for financial loss, so giving unlawful effect in her Determination by replacing B3 by B1 provision and, in so doing, rendering all ill-health provision redundant in the SI, save in nomenclature by calling a time served B1 pension, when being awarded to an injured Firefighter being forced to retire, a B3.

8. Though required by the law of construction of documents and otherwise under the 'universal rule', to give words their ordinary meaning, and adhere to it, she misdirected herself in drawing no distinction between the words 'is' and 'by reference to' used in the statute making B3 provision, but by conflating them, misdirected herself on a whim that in law they be taken to mean the same thing, thereby denying the purpose and intention of the statutory B3 paragraph 5 provision.

9. She misdirected herself in law as to the legal purpose and meaning of the Home Office 'Commentary' accompanying the promulgation of the SI and so denied herself the legal intention of the SI and its provision.

10. The Deputy Pensions Ombudsman has unlawfully misconstrued the SI and its terms of provision to illegal effect and by so doing has misdirected herself into wrongfully denying Mr N the ill health pension provided for him by statute, wrongfully putting in its place a time served B1 pension; thus denying compensation of any sort due under the law for financial loss occasioned by being required to retire prematurely on grounds of ill health.



11. Though some misdirection may be no more than maladroitness, some can only be construed as determined on a whim to make the law fit a predetermined outcome, relying on age, infirmity, poverty, and absence of legal aid to avoid correction of such ill-practice and its unjust, illegal, arbitrary, and oppressive results.

12. The Appellant humbly begs that the Honourable Court take judicial notice of such conduct and award such exemplary and/aggravated damages as the Honourable Court should deem appropriate.

13. May the Appellant, with the deepest of respect, make mention to the Honourable Court that having relied and trusted his pension provider to look after his interest, that that trust has been betrayed. That he has been impoverished over 21 years and deprived of much quality of life by a deliberate, callous, and fraudulent deception.

14. A deceit maintained even into TPO correspondence by Mr. N's pension provider in an earlier case cited as precedent in Mr N's Adjudication, upheld by TDPO, and here appealed.

15. That but for such deception by those in a fiduciary relationship with Mr N, he and others would have seen the 'Commentary' published by the Home Office specifically to give him and other laypeople guidance and the ordinary meaning to the Statute.

16. That the 'Commentary' was wrongfully kept from Mr N denying him knowledge of his lawful pension entitlement and from knowing that calculation of his pension as a B1 pension was wrong in law and that the B3 provision was intended to be calculated on "...what you could have earned' as the lawful construction of the provision made by Statute at B3 paragraph 5.

17. He submits such conduct has been an unconscionable abuse of power and most oppressive and wholly arbitrary.

18. He submits it should not go unremarked that when he was injured and incapacitated for life and forced to retire on grounds of ill health he was wrongfully given a basic time served



pension as though he has simply chosen to leave, fit and well, and by choice, instead of being given what the law provided for his enforced early retirement on grounds of ill-health.

19. The Appellant is humbly grateful to the Honourable Court for its consideration.

20. The Appellant asks The Honourable Court for his costs.

21. The Appellant claims interest and humbly submits that the time, sum and long loss, and high earlier interest rates make it fair and reasonable that the Honourable Court exercise of its discretion and awards interest at 5% compound per annum on the sum of pension sum withheld from him.

John M Coplestone-Bruce.

Inner Temple

15<sup>th</sup>. September 2019.



IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
QUEENS BENCH DIVISION

APPEAL FROM THE DECISION OF THE COUNTY COURT DIVISION

Between:

Mr. [REDACTED] ("Mr. N.").....Appellant

And

Lancashire Combined Fire Authority..... Respondent

TAKE NOTICE that I, the above-named Appellant having lodged Appeal to the High Court from the whole of the Order made by 'The Pension Ombudsman' ('Determination'; ref PO-19150) in this pension matter on the 10<sup>th</sup> day of September 2019 whereby it was adjudged that "Mr. N's" Pension Complaint was not upheld, the Grounds of Appeal being exclusively on Points of Law.

Take Further Notice of an addendum Grounds of Appeal:

1. In that 1992 SI 129, at Rule K5 (3) provides that an ordinary B1 pension cannot be reduced save on Treason or Breach of the Official Secrets Acts, and that Rule K3 (1) provides that "where a person (a) is permanently disabled, and (b) has brought about or contributed to his infirmity by his own default, the fire authority may reduce any ill-health or injury award payable to him by them to not less than half its full amount", it follows that for the statutory provision to have meaning, sums awarded as ill-health or injury awards must per se, be 'reducible' or the sum is wrong in law. TDPO misdirected herself in law by determining the sum of a B3 ill health pension award was in the irreducible sum of a B1 pension due to Mr. N as if retiring by choice. By her misdirection she denies the statutory wording of Rule K3 (1) meaning, rendering it redundant, void and without legal effect, all contrary to law.

2. By misdirecting herself on the law TDPO set into conflict clauses of provision in the same statute by determining wrongfully that the statute intended no compensation for financial loss, so wrongly determined an irreducible B1 award be paid in place of a compensatory B3 award, able to be reduced by up to "half its full amount", and by so doing put B3 (5) and K (3) into mutual exclusion, into conflict, rendering both to be without meaning, redundant, void, and without legal affect, all contrary to law.

25<sup>th</sup>. September 2019.

Signed by Appellant.

C/o 'The White House'.

4 Bangor Road,

Groomsport,

Bangor BT19 6JF

Northern Ireland.