



UK FIREFIGHTERS



PENSION SCANDAL



1992 ~ 2021



QUESTIONS TO ANSWER?



DENIAL OF THE HUMAN RIGHT TO JUSTICE

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'An Teach Bán'

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Monday, 25th October, 2021.

Dame Meg Hillier DBE.
Chair Public Accounts Select Committee
House of Commons
London
SW1A 0AA
My Reference: PB00321
Your Reference: email, Thu 23/09/2021 11:51hrs.

DWP ~ Minister of State ~ Cabinet Minister Dr.T. Coffey PhD.,PC

Knowingly Defrauds 11,000 UK Disabled Firefighters, Widows & Beneficiaries

By

Suborning the President of the Supreme Court Baron Reed of Allermuir

In Complicity With

The Master of the Rolls Sir Geoffrey Vos

Dear Dame Meg,

I write respectfully but with passion and I thank you for your kindly invitation to submit evidence to your Public Accounts Select Committee.

Your generous act gives us hope and we know as life time rescuers *Hope* should always be the last expectation to die, particularly in our battle against this criminal scandal of fraud perpetrated against us and others, by a so called democratic government we elected.

Yours Sincerely,

Paul P. Burns GradIFireE.

Chapter 1.00.

'Withering on the Vine' and 'Winnowing by Death'.

How Government Policies grew from a Lancashire Combined Fire Authority Cover Up.

1. The task of condensing and synopsising 14 years and 2000 archived documents into this narrative has, as I expected, proved to be difficult. It should be said that *any and all documents* I have in my possession which explore in greater depth aspects of this scandal are available through you to your Committee.
2. This document is written under the legal protection of the Law Lords Ruling of 1993 commonly known as the "Derbyshire Principle", quoted in full on my website, [<https://www.themorningbugler.com/about-the-morning-bugler/>]and of course under Parliamentary Privilege.
3. Regrettably, I had an invitation before which raised the hopes and expectations of those I lead, that Democracy is not yet dead in the UK; notably from Mr.F.Field M.P. who in hindsight with his 'promotion', now appears, to have been just another 'bought man' and is particularly heinous because he implies to the world that he is a socialist by inclination and nature.
4. On this long journey for Justice I continue to learn brutal lessons as I go, but once learned never forgotten.
5. In this organised criminality I know who my malevolent opponent is and the organisation he represents and it is not the brainless 'loose cannon on the deck' Johnson, but the coup d'etat leader and lead Freemason, Sir George Iain Duncan Smith MP (IDS). It is obvious that leading Freemasons, lacking in intellectual rigour, use Freemasons with even less.
6. IDS was for 6 years 2010-2016, the Cabinet Minister for the DWP so he knows exactly how this "brainless bureaucracy" (his words) all works and was directly involved in Lancashire since 2010, controlling and directing a Lancashire Combined Fire Authority(LCFA) Pension fraud which of course he will deny.
7. Recently Johnson, also a Freemason, in his reshuffle has attempted to assert his authority as PM and remove the IDS grip from his neck by the sacking of his lead 'disciples' but Johnson well knows the price for that.
8. You have innocently tripped over two interlinking secret IDS/government policies which I call, "Withering on the Vine" and 'Winnowing by Death'.

It is not, as it is meant to appear, the product of "brainless bureaucracy" at the DWP, though this was where in the beginning the local DWP played a role; this is about this government parsimoniously saving money, not from the wealthy, but to the detriment of its poorer pensioner Citizens.

9. Recently you have publicly stated that the DWP have 'questions to answer'; can I with respect direct your attention away from the DWP 'rank and file' to focus almost entirely on their political masters and how they control this 'Winnowing' by intimidation, bullying,

manipulation and ultimately with the 'mailed fist' malevolently reaching down to control those in the Civil Service and Local Government who carry out this policy for them. No corruption is too deep.

10. When I read the personal accounts of these 135,000+ ladies who have been defrauded of their pensions the resonance with the disabled Firefighters, their Widows and Beneficiaries is simply overwhelming but then we know these policies and have experienced them repeatedly; such has been my direct and accumulating experience for 14 years.
11. We have learned what these nuanced policies are; how they are implemented and who controls these denials of the Human Right to Justice and who enforces them with all their malignant intent based on the mantra, 'I will because I can'.
12. These decent hard working ladies who walk rather than ride to the food bank; who scavenge for the supermarket 'bargains'; who take the poorer cuts of meat; who turn the heat down; all to pay their honourable bills as they see the world; a UK world which has denied them their basic Human Right to Justice by the denial of their meagre pensions but they are not the only victims.
13. These ladies who are victims of government policies, not brainless bureaucracy, speak in hurt of deliberate obfuscation, intransigence, delay, of the loss of dignity through frustrated anger and the greatest insult of all, 'Disdainful Stonewalling'. Yet in spite of their strong wills and determination some have given up their endeavours to obtain that which is rightfully theirs by law and morality because ultimately it has taken a toll of their mental health. Some dying in embarrassed and shameful penury, because of the shameless IDS and Coffeys of this world, these Fascists, who have decided they will, because they can.
14. If like me and my colleagues you have lived and worked in the streets for 36 years you will have seen these noble people stumble by at all hours of the day and night. If you did not notice them then sadly you have neither compassion, the bedrock of morality, nor heart...there but for the Grace of God go I.
15. By exposing this shameful fraud by the power of a free press, the BBC (though I predict they will be told to step back) have compelled the leading 'enforcer', a master's servant, of these "Wither on the Vine" and 'Winnowing by Death' policies, DWP Cabinet Minister Dr. Theresa Coffey PhD, PC to admit to her £2.7Billion 'error' which I also predict will not include the 'Late Payment of Commercial Debts (Interest) Act 1998', which sets an 8% compound interest benchmark on such overdue debts.
16. But Coffey's 'game' will not end there when 7 days later the furore dies down, she will, by delaying restitution, hope that the 'Withering on the Vine' will resume its insidious work of 'Winnowing by Death' by continuing to reduce the bill.

It is an iniquitous, nay evil, 'game' and if proof was needed the DWP state that they are unable to locate 40,000 deceased victims of this policy to pay them.

17. Later I will look more closely at this Cabinet Minister but for the moment I should naturally start at the beginning with a condensed historical background...

Chapter 2.00.

UK Fire and Rescue Service (FRS) ~ The Maladministration of FRS Pensions.

18. In the UK, FRS non-Service personnel with neither pension management training, any formal qualifications (by national examination), or legal training, have for decades been unaccountably allowed to control and administer FRS Pension Schemes, disastrously as we the victims have discovered first hand.
19. It is not unique and is common practice throughout the UK pensions 'industry', indeed, it is common knowledge that daily, thousands of such lay clerks, control Pension Schemes worth Billions of Pounds of investment in pension savings invested in the international 'City of London'.
20. DWP staff who daily do their personal best to make payments due to those entitled labour under the yoke that when joining the DWP they are given no formal training, simply training 'on the job' as they go along. There is no incentive to obtain foundation skills, or nationally recognised qualification (by examination) even if they existed and to understand and administer the legal complexities of the Social Service Act 1975 (as tortuously amended) which requires the skills of trained specialist lawyers which they are not.
Little wonder they get it wrong but ultimately are they responsible?
21. The responsibilities for all this institutionalised debacle lies at the feet of successive 'Pension Ministers' of whatever Rank and Party who in the main see their appointments as a greedy personal opportunity to seek well paid jobs in a grateful pension 'industry' when they move on.
22. They have done little, if anything, to advance the skills and opportunities of these untrained clerks for whom they hold direct responsibility but they prove to be handy 'whipping boys' when, as now, they are publicly made to appear as 'brainless bureaucrats' who got it all wrong. When in fact it is a lawless Governmental corporate and moral failure of obligation to the needy, underpinned by unlawful hidden government policies which the DWP and its leaders enforce without the recipients' and Public knowledge, until now.
23. Ex-Pension Ministers junior, or senior, abound and will no doubt wax lyrical to any scrutinising Committee about what they did when they were in charge but they will speak from the comfort of a well-paid job from within the pension 'industry', post Ministerial appointment.
24. There have been a total of 15 Ministers responsible for pensions since 1997. Mr. Steve Webb MP, Lib-Dem, remains the Pensions Minister who has 'survived' longest in post since its creation in 1998.
Webb's tenure, at five years, was well over twice as long as the longest-serving Pensions Minister under a previous Labour administration.
25. In July 2016, PM Theresa May MP downgraded the Pensions Minister's role to Under-Secretary of State, with Richard Harrington MP as incumbent.
26. In June 2017, Mr. Guy Opperman MP took over the role, which was expanded to 'pensions and financial inclusion' Minister and he now takes up the mantle of the longest serving Pensions Minister, a corrupt 'messenger boy' of who we will hear a lot more about later.

27. In July 2019 Cabinet Minister Dr.T.Coffey PhD,PC was appointed Minister of State for the DWP.
28. A knighted Steve Webb is currently the popular 'boy wonder' of the pension industry and as such, a complete 'expert' and master of hindsight who, post a lack lustre performance, was entirely aware of what was going on all around him including with his disabled Firefighters and their Widows/Beneficiaries in his own constituency Avon who were getting by on £230 each month.
29. Every single one of these Pension Ministers and Ministers for the Disabled and their accountable servants, the members of the DWP Select Committees, successive Pension Regulators, not forgetting the greatest corrupt servant of the pensions industry the Pension Ombudsman Arter (still in post). But reminding ourselves of the present Ministerial incumbents Tomlinson/Opperman/Coffey who were all regularly informed directly by personal letter, from not only myself, but by unsolicited letters, such was his personal alarm and frustration by eminent retired pro bono Barrister Mr. John Merlin Copplestone Bruce (Life Member ~ Inner Temple), (JCB).

JCB, who in repetitive personal letters reminded them *all* about the corruption and fraud which was swilling around their feet, letters which are archived but which, in the main, never received an acknowledgement, nor a reply.

30. In final confirmation that all these persons were fully and currently aware, their digitally recorded daily visits to my website ought not to be forgotten, which simply exposes their deep personal concern about their Public exposure, but caring even less about those they are responsible for.
- Indeed, Cabinet Minister Coffey in particular regularly downloads documents for her anticipated defence whereby she will claim, falsely, that the responsibility for all this lies with the Home Office and with the successive 25 Elected Members of all Parties of the Lancashire Combined Fire Authority(LCFA) where the progenises of all this corruption did indeed originate. But which in time since 2019 has been controlled and directed at the behest of the Cabinet, by Coffey via a sell-out Judiciary at the highest level whose visits are also logged and identified.
31. Though Coffey's corrupt hand may well be on the tiller, the corrupt finger clearly points at the Prime Minister and beyond him to IDS Freemasonry actually in control of these pension 'games' sometimes mistakenly referred to benignly as ' the old boy network'.
32. It has been said that all Empires collapse into the black hole of total corruption, is this such an example?
33. Is this all just so much hyperbole, or is it the stark reality?

Chapter 3.00.

The Reality.

34. The evidential facts reject the accusation of hyperbole but it is still necessary to satisfy these statements by examining the bare bones of the reality of actual pension schemes, the health of which the DWP and its Cabinet Minister are required to monitor, control and

demand accountability from through her own agencies the H.O. Firefighters Pension Committee; The HO Firefighters Pension Team; The Pension Regulator; The Pension Ombudsman and her very own DWP Select Committee where her Government holds the balance of voting power and with it, its Public accountability.

35. This reality is based on two examples; *firstly*, the Lancashire based Local Government Pension Scheme (LGPS), with assets consisting of 88 major individual Pension Schemes which are subdivided into smaller local individual Schemes with collective assets in 2019 of around £286Billion all in the care of unqualified clerks and unaccountable management 'controlled' by their unqualified, lazy, expenses claiming, corrupt local politicians and *secondly*, the Lancashire Firefighters Pension Scheme.
36. In 2011 the government produced the Lord Hutton of Furness Report on Pension management in parallel with the new Public Service Pension Act 2013 and its vision for the future.

A revisionary Hutton did not get his reformation just a little wrong, he got it all wrong.

Chapter 4.00.

Compulsory Medical Discharge.

37. In 1997, I was compulsorily medically discharged from the Lancashire County Fire Brigade (LCFB) citing self-declared deafness at a routine annual medical examination. I was increasingly concerned that I was having difficulty hearing Junior Officers during actual operations which of course directly impinges on their and my Firefighters safety. In my early days I had been injured in an explosion in Belfast causing damage to my hearing in both ears which was medically predicted that later in life would become gradually worse.
38. This discharge was after 36.5 years' service (33.5 of which was pensionable) and though I would have liked to complete my 40 years I was sad, though sanguine, about the whole issue. That is how life hands it out.
39. The Brigade compulsorily discharged me under 'The 1992 Firemens' Pension Scheme Order ('92 Scheme), Statutory Instrument No:129; under Rule B3 ~ ill-health Pension and, *in addition*, because my injury was recognised as a 'qualifying injury'(during operations), also under Rule B4 Injury Award (pension) all of which the LCFB decided.
40. For DWP(and future earnings capacity) purposes the LCFB Occupational Health Doctor, at the end of his medical examination, determined that I had 5% DWP disability which the LCFA Pensions Clerk, a Ms.J.Drinkall stated, wrongly, brought no form of DWP Benefits (my working life started age 13 on a dairy farm in Ireland. I never claimed a penny from the Public purse).

Chapter 5.00.

The Pension Scheme 'Controllers'.

41. In 1998 by legislative effect the LCFB ceased to exist being replaced by the newly formed and independent LCFA. It was Public knowledge that 'new' Authority was a blatant cynical

political act initiated by Jack Straw MP(Labour) the actual purpose of which was to curry favour with the growing ethnic Asian vote in Blackburn, to prop up his sliding voting figures... on the basis of, 'I'm all right Jack'...

42. Thus the LCFA with its Lancashire Fire and Rescue Service (LFRS) was created, formed and separated from its parent Lancashire County Council (LCC). In matters pension administration none of the old transferees nor the new post holders, held either Pension Scheme management experience, practical pension administrative working knowledge and neither legal training in Pension Law, or even just basic auditing skills which included the LCFB Pension Officer, at that time the aforesaid Ms.J.Drinkall who was also without training, legal qualification and was employed as its pensions' clerk technically just growing into this position of 'expertise' over the years until 1998.
43. Drinkall (LCFB) was the progenitor of three further 'experts' Mrs D. Lister(LCC); Mrs.D.Lambert(LCC); and Ms.J.Wisdom(LCC) who were already employed by the LCC who did not have the essential skills I have noted above either; nor any qualifications whatsoever.
44. In 1998 the LCC became the new LCFA's *contracted* Pension Providers to the LCFA Firefighters Pension Scheme with its 2000+ Fire Service Veterans (FSV) though Lambert LCC and Drinkall LCFA continued to be employed in their respective roles in pensions until retirement.
45. The LCC in 1998, under Lister and Wisdom, controlled 120+ existing Pension Schemes in total, disbursing £3-400million to in-payment pensioners, but not at the beginning exercising administrative control over the new LCFA.
46. Currently the LCC with Lister and Wisdom also control the nationwide LGPS which is now based in Lancashire and which has more than 6 million active saving members, namely, contribution payers, 'deferred members' and active in-payment pensioners a figure which continues to rise under the government's compulsory Auto-Enrolment membership of a pension scheme.

One wonders how they actually manage all this, given their lack of qualifications ?

47. So should this LGPS Scheme fail and fall from 'investment grace and favour' on the international investment market the UK stakeholder/shareholder impact will be quite indescribable.
48. Confusingly, in all this blizzard of change the LCFA created its own new pension administrative staff (jobs for the boys) but *all of whom*, including the LCC still administered the '92 Scheme which is annually supplemented fiscally in arrears from HMT via the DCLG/Home Office, as departments and sub-departments move around.
But who actually ended up controlling what?
49. The LCFA is the controlling Statutory Pension Scheme management under the legal advice of the in-house Clerk (Solicitor Mark Nolan) which cascades its legal responsibility to the current LFRS Chief Fire Officer (Justin Johnson); the Finance Manager (Keith Mattinson); the Head of People Development Robert (Bob) Warren ; the Head of Human

Resources Brendan (the Barbarian*) Hamilton from Belfast; the Personnel Manager and Pensions Clerk (Jayne Hutchinson) who is responsible for the Scheme's daily administration including the critical retention and updating of all Personal Record Files (a PRF- which includes the pension records which follow a Firefighter throughout their Service) and the first point of contact for a troubled FSV (a description introduced by PM Blair) who collectively *trusted* all these LCFA/LCC employees to get their pensions right. A trust repeatedly breached, abused and exploited in defence of their endemic 'professional' ineptitude leading to maladministration and then knowingly, advancing into malfeasance to a magnificent criminal cover up, in a word corruption.

* A sobriquet applied by the 'troops'.

50. Hamilton was renowned for throwing his office door open every morning and bellowing... "Now who can I sack today?" Prescient words. Well known as the 'Belfast bigot and racist' he later publicly and verbally attacked a black nurse on the LCFA Occupational Health Unit alluding to her colour and gender.

An Assistant Chief, with extraordinary career 'courage', frogmarched Hamilton from LFRS Service Headquarters on immediate suspension but when he threatened to ... 'spill the beans' ...he was bribed from the top down with a payoff of two years' salary £200,000, a fraudulent act carried out by Mattinson (Finance) who buried the payment in the accounts under 'General' but which I located following a 'tip off' and the leprechaun was heard of no more...probably smoking himself into oblivion on his ill-gotten gains.

51. This specific group of LFRS Employees (Hutchinson excepted ~ inherited from LCFB) were all 'recruited' via the 'back door' by the 1998 CFO, a colourful sexual predator with a recorded criminal conviction for lewd behaviour in a public place, namely the Blackpool prom, 'tiddly om pom, pom', every circus needs its clown.

Holland (a swinging Freemason who later became a government advisor) without a single recourse to the demands of the 2010 Equality Act or its Statutory requirements including Public Post Advertisement ~ Short Listing ~ Interview Panels ~ or anything tedious like the Law, decided to completely disenfranchise any and all potential applicants of any gender by recruiting only WASPs. A group of individuals with colourful and dubious employment histories and records just like himself.

52. At the benchmark 2002 when Warren arrived we now know from experience that the LCFA had not the slightest expertise or capability within these delegated new Pension Scheme staff to run or administer a Pension Scheme so the LCFA 'plugged the gap' by contracting the LCC to be their Pensions Provider but in fact and in practice a role reversal occurred.

The LCC Pensions Providers became the 'lead experts' so one might assume the two leading lights Lister, Head of Pensions (LCC) and her Deputy, Wisdom (LCC) *might* know what they were doing but that was also grounded on sand.

53. In fast forwarding, for a moment, to March 2013 standing sworn in, in the Witness Box, at Preston Crown Court before Civil Circuit Court Justice for Lancashire and Cumbria, Philip Butler.

As the Litigant-in-Person I asked Lister to declare her professional pension management qualifications for managing 120+ LCC Pension Schemes disbursing over £400million

annually for the LCC/LCFA she replied “None”; when asked to repeat her answer, she truthfully replied “None!”.

Next I asked how many of her 60 subordinates (including Wisdom) held any professional pension management, legal, or audit, qualification to which she responded that she was “...not sure” but went on to state that the some of these clerks involved “might” be attempting to acquire some, though she could not say what type of credential that might be.

In the actualite, if her staff were minded , it seems if they joined a pensions ‘industry’ training organisation and paid it subs then they would automatically receive a pension management ‘qualification’ in the post.

54. It seems, if ‘sources’ are to be believed, that when Lister left BAe Systems as its pension ‘expert’ to take up employment with the LCC she left on the basis of ‘was she pushed or did she jump?’. In the process ‘inheriting’ Wisdom who was and remains, just like herself an untrained without qualification clerking case worker, but currently Lister’s Deputy and a Performance Manager ~ some performance.
55. Today, clerk Wisdom professes and writes publicly at seminars that she has a ‘degree’ but when pressed cannot produce any supporting University accreditation.

Chapter 6.00.

When did this Pension Fraud start?

56. In late 2006, a Member of the LCFA Firefighters Scheme and one of my retired disabled Station Commanders FSV~DW (of which I had 10, with direct responsibility for Divisional Operational Service Delivery with 400 Firefighters of all ranks and genders), responsibly reported to the DWP and the LCC Pension Providers that his carer (he suffered from cancer) his wife would reach the age of 60 and there was the possibility that if this was not noted and factored into his pensions calculations and then recorded in his PRF, that they would both in effect become overpaid.
57. It should be noted that ’92 Pension Scheme Members including FSV~DW had no Statutory duty nor liability to fulfil in taking this honest action. The sole responsibility for the correct Statutory management of their ’92 Scheme rests entirely with the LCFA to pay the correct timely pension(s), ignoring any promissory notes made under duress by an FSV to the LCFA to do this, that, or the other, because this has no basis in Statute nor Common law.
58. FSV~DW was responding responsibly to his self-imposed duty to keep all three agencies (DWP/Pension Providers/LCFA) aware of any change in his circumstances, for which he maintained his own contemporaneous records. Indeed he was also aware that by Statute certain of his DWP benefits *would* be deducted from his Injury Award... “*so much of any...(the DWP disability percentage)...as relates to the qualifying injury*” .
With difficulty he got this messages across.
59. By June 2007 during one tedious conversation with ‘expert’ Wisdom she casually announced that she had been reviewing his DWP payments and that it appeared to her

that he had been overpaid £30,000 because he had failed to inform the Pension Providers and the LCFA of his changes in his DWP Benefits and consequentially she would be seeking repayment of this amount whilst making reference to a letter which she alleged had been sent to him on the matter, which hardly surprisingly, arrived the following day.

60. These 'experts' working rule, but not the law, seems to have been that all these '92 Scheme administrators were only interested in changes in *types* of Benefits but not in the slightest interested in annual increases to existing DWP Benefits already in payment. Indeed this was part of a brief (that they did not need to inform) that some, but not all, FSVs received at their compulsory discharge interview, if that had occurred. One FSV was informed he was being compulsorily discharged the following day whilst painting railing in the station yard !
61. FSV~DW asked for a breakdown of these amounts as did his engaged solicitor and although the monthly payments were listed there was no actual breakdown of each month, or individual payments, nor what disability percentage, if any, was being deducted as being attributable by Statute to his Rule B4 Injury Award; *so much of any...*(the DWP disability percentage)...*as relates to the qualifying injury*".
62. None was forthcoming simply because Wisdom did not understand the law, what its intent was (Statutory duplication payment prevention Rule L4) and how it was and is, to be correctly calculated and applied. Given Wisdom's lack of legal training, this was hardly surprising but it was not the legal responsibility of disabled FSV~DW to have the correct Pension(s) paid to him. The Statutory responsibility rested entirely with the LCFA to get it right.
63. The '92 Scheme specifically addresses this by defining a recognised DWP Benefit which, by Statute *is deductible* from his Rule B4 Injury Award (it is a sort list ~2 items) and by inference, what is not deductible from his Rule B3 ill-Health Pension, a separate Pension, for which no definition for deduction is stated.
64. So in clarity and worked logic it is necessary to look at how this process is intended to work in Actuarial Scientific Mathematics, in (Fire Service) Pension Law and in FS Pension Management, if you happen to know what you are supposed to be doing, which they did not.

In the example which follows it is important to remember that an Injury Award is anticipated:

- The Firefighter under provisional compulsory discharge is sent to the Occupational Health Doctor. After examination the Doctor decides what the percentage of disability is attributable to the on-operations 'Qualifying' Injury. The range is 0% (which is an award) -100%. This is also a measure of future earnings reduction capacity.
- The DWP has disability 'bandwidths (undoubtedly created by their own Actuaries) which they and the Doctor both recognise because when a disability percentage is medically decided this places the Firefighter into a particular bandwidth for DWP Benefits e.g. 0%-14% only pays incidental minor Benefits ; 14% + is the benchmark

point from which increasingly 'heavy' DWP Benefits start to be paid rising of course to 100% total disability [though the Firefighter may well already be on temporary DWP Benefits for his injuries at this point until the matter is medically determined].

- The LCFA take the Doctor's percentage disability decision, record it on the individual's PRF and then the Authority confirms the Pensions to be awarded. It is usually a Rule B3 ill-Health Pension and/or a Rule B4 Injury Award (pension).
- In preparing a monthly Injury Award pension payment, the Rule B4 Injury Award is first calculated using its own Rule B4 Statue and thus the amount stands alone.
- The LCFA then look at the DWP Benefits percentage bandwidth into which the FSV's percentage disability falls and which the *DWP will pay* based on the Doctor's decision. Next the LCFA looks at the Statutory Instrument which lists which types of pensions which *shall* be deducted; looks at the *percentage of the disability* and then *deducts this percentage from each deductible DWP Benefit paid* and then deducts *the total* deductions from the FSV's Injury Award, normally leaving a positive balance in the Injury Award (pension).
- The Statutory intent of this procedure is to prevent 'double payment'; the FSV being paid twice, once by the DWP and once by the LCFA for the same Injury. Should conflict arise in the amount to be finally paid under '92 Scheme Rule L4(3), the higher amount is always paid.

65. It is difficult to establish the erroneous practices into which LCC/LCFA pension administrators actually fell because of their cover up secrecy but we can be sure they simply did not understand the Law, nor its application and when in doubt they just 'deducted' thus enriching the LCFA at the expense of the trusting disabled FSVs.

66. As the LCFA cover up crises grew they were forced to have recourse to an Actuarial Scientist who produced, in my case out of the blue £10,000 underpayment without the slightest explanation, of which we will hear more later and in the case of 17 alleged others, one disabled FSV who received £45,000 to his complete astonishment and unease.

67. At one point and in one case I was heavily involved with disabled FSV~RT, a London Fire Brigade Leading Firefighter, former Royal Marine, who had sustained 5 '*qualifying injuries*' all properly logged by him and the LFB in his PRF.

68. The issue in contention was which one of these injuries, each with its specific percentage, was to be declared by the LFB to be attributable to a specific injury and the basis for their decision to compulsory discharge him and thus which would be deductible, "*so much of any... (the DWP disability percentage)... as relates to the qualifying injury*", from his Injury Award which their Doctor had decided.

Thus the LFB attempted to deduct the largest deductible Benefit from the Injury Award even though the DWP Benefit was not attributable to the injury which they were relying on to compulsory discharge him. Their purpose was to leave disabled FSV~RT with a taxable Benefit and a smaller Tax Free Injury Award. They did not succeed.

69. To explain another complexity. If the Injury was to hearing and a Doctor decided that there was at childhood underlying evidence of illness, with subsequent adult overlying mechanical damage then that percentage 'so much as it relates to'... namely the disease would not be deductible because it would form a part of the ill health pension which is not deductible.
70. To do all this the pension administrators needed to know what the law was and its intent was in the first place.
71. Disabled FSV~RT was also accused of not informing his Brigade of changes to his DWP Benefits to the value of £120,000 which by supplying his contemporaneous records was also defeated.
72. On the 16th July 2012 in an official report (FEP 1927) the LFB wrote off £2.3million of pension errors declared in a published document.
73. Clearly the minutiae of all these legal points were completely lost on Lister/Wisdom and their colleagues at the LCFA who simply insisted that *all* 100% of every DWP Benefit should be deducted from Injury Awards (whilst ignoring percentages of disability and thus enriching the LCFA) using the ill-founded excuse that the Member of the '92 Scheme failed to inform them of changes. For which the FSVs had no legal liability.
74. I legally hold 24 files of those I personally represent including FSV~DW and other FSVs, their Widows/Partners and Beneficiaries. These files confirm that the 'stone walling' of access to their PRFs was endemic and when acquired usually by time and the force of law almost all lacked any records of changes to DWP Benefit the FSV had received. Information which had been supplied by FSVs which the individual also held in their own records as having been supplied to the LCFA/LCC.
75. So disabled FSV~DW, being ignorant of working minutiae of Pension Law and a trusting Member of the LCFA Pension Scheme, FSV~DW felt he was left with no other option than to assume that all these 'experts' surely must know what they were doing and thus he would have to reimburse the money.
76. He asked, in view of his deteriorating health, that this reimbursement should be amortised against his continuing pension payments and this was refused even though these three agencies were by now fully aware that he was terminally ill with cancer and had but a short time to live.
77. Finally, after much undignified and distasteful struggling with the issue, as his life ebbed away and having repeatedly asked for a copy of his PRF, he was informed by email from LCFA Hutchinson who stated she had his PRF and asked where she should send it to? Then in an immediate follow up email she stated his PRF 'had been lost' and when queried, she then stated it had been 'found' again and then finally and yet again it had been 'lost' which it remains to this day...when you first practice to deceive...
78. Nevertheless disabled FSV~DW continued to insist, supported by his contemporaneous notes, that throughout his compulsory retirement the LCFA/LCC had been regularly informed by letters about his changing DWP Benefits, letters which all these 'experts' finally claimed they had never received.

79. This 'loss' in 2007 of a PRF was the first recorded mendacious criminal act of cover up fraud by the LCFA/LCC in a 14 year long series of hostile, bullying acts of criminality and duplicity; continuing.
80. So after much quite deplorable public rancour (including an FBU threatened full local strike) and with no other option the LCFA/LCC finally agreed that disabled FSV~DW could pay back 50% of the amount for which he took out a personal loan to protect his wife from complete destitution and following his death she receives her 'Widows Half' which amounts to £230 a month.
81. Sadly what deceased FSV~DW and his wife C [highly respected figures by all ranks] were unaware of was that later in early 2009 I began to investigate more fully this 'stone walling' corruption, with in late 2012, the substantial pro bono help of a retired Barrister(JCB) in which we identified the fact that since 1992 all the retiring disabled FSV their Widow/Partners, Beneficiaries and estates were being underpaid 50% of their pensions due which ought to have been correctly calculated and paid under Rule B3 ill-Health pension and Rule B4 Injury Awards(pensions).
82. Before leaving this scandalous situation it had *formerly* been common ground that there was no contention within lawfully prescribed limits ~The Limitations Act 1998 ~, that any FRS had the right to recover its 'overpayments' even though created by their own ineptitude, maladministration and malfeasance.
But that presumption at law was overturned by a decision of the Court of Appeal reinforced by the Supreme Court on the 8th December 2010 which stated that Government/FRS had no legal authority to reclaim 'overpayments',('government' is taken in its broadest sense).
83. It must be borne in mind in the final judgment that deceased FSV~DW in taking the honest actions he did, precipitated and then exposed this entire LCFA/LCC scandalous fraud.

Chapter 7.00.

The Pension Carbuncle Bursts.

84. In 2007 the LCFA (Warren) distastefully commented publicly on the FSV~DW case that they had been 'far too generous' and with the criminal 'loss of the PRF' well behind them the LCFA then launched into what can best be described as a pogrom against their disabled FSVs in Lancashire claiming publicly that most, if not all, disabled Firefighters were allegedly DWP Benefit 'fraudsters'. Attack being the best form of defence.
85. In the scandalous criminal corruption and fraud which followed, the origination of the entire scandal involving the DWP/LCC/LCFA including the Judiciary can, without equivocation, be laid squarely at the feet of this unholy and unhappy 'alliance' of complicit pension 'experts' and delegated administrators, who became by default, the FRS pension law legal 'experts' to be quoted not only by an erroneous Deputy Pensions Ombudsman's in-house non-practising barrister, but later equally erroneously by High Court Judges at the Courts of Chancery and Appeal whose pension law knowledge was equally abysmal.
86. Maladministration and malfeasance always accompanied by mendacity became inevitably the order of the day but when this carbuncle of lawless corrupt incompetence erupted the

immediate 'knee jerk' reaction of the LCFA was to cover it all up with the written encouragement and assistance of the CLG/Home Office 'Firefighters Pension Team'.

87. This cover up developed into a local policy which the LCFA in secret external/internal emails (yet to be published) referred to as the "Hardship Route" which was imposed on rebellious recalcitrant Firefighters, subsequently developing into 'Disdainful Stonewalling' taken up and advanced by Pension Ministers and their civil servants; the Pensions Regulator; the Pension Ombudsman and the DWP Select Committee; thence through the Judicature all the way to the Supreme Court where it legally rests unanswered today.
88. But presently under the control of and with the active 'encouragement' of, the current Pensions Minister Cabinet Minister Dr.Coffey who as we know, has her own Master.

Chapter 8.00.

The Pension Pogrom.

89. In 2007 under the direction of the Chair of the LCFA Cllr. R. Wilkinson (and claiming to be a close friend of the deceased FSV~DW) who was himself a compulsory ill-health pension discharged Firefighter, who denied he was in receipt of this pension, but when put to the test by FSVs known to him, failed.
90. Wilkinson then decided to carry out a 'Review' which naturally he skewed away from ill-health pensions towards Injury Award Pensions at secret LCFA meetings at which he failed to declare an 'interest' and so began not only the pogrom but a huge cover up described as "Betrayed" in a headline in the local press.
91. Interestingly, Coffey recently downloaded 8 pages of correspondence 'featuring' Wilkinson's duplicity with Lancashire Firefighters from the Archives on my Website 'www.TheMorningBugler.com' the clear intent of which is to provide a future defence for her own corrupt actions by citing Wilkinson as the lead Labour Councillor running all this scandal which until his rejection by the electorate, he did.
92. In 1998 the Data Protection Act was enacted but no one seemed to have told either the DWP, the LCFA, or LCC Pension Providers because without hesitation the local DWP were prepared, for pogrom purposes, to illegally release all the 'subject data' belonging to 2000+ FSVs directly to the LCFA/LCC without their written permission which was not forthcoming after seeing what happened to FSV~DW.
93. I remonstrated against this proposed unlawful act and after extensive correspondence the DWP Permanent Secretary(PermSec) he refused to release any further 'subject data' without the categorical individual written permissions of FSVs, as the law required, *before* the data was released to the LCFA/LCC.
94. Lister wrote directly to me on 'my case' as she put it in a long tome which actually focused on her inability to obtain FSV's 'subject data' legally, making the point that it was not meant to work this way, or words to that effect. I replied simply drawing her attention once more to the letter she was copied into by the DWP PermSec who said the actual solution was to take the '92 Scheme legislation back to the Minister (If he had the Powers), or

Parliament and have the Statutory Instrument amended but she seem to regard this as all rather tiresome and not fair. Well the law is the law.

95. It is probable that at this point the DWP Minister of State Sir George Ian Duncan Smith M.P.(2010-2016) first became aware of this fraud by feedback from his Permanent Secretary and later its huge financial implications in the estimated restitution of £4Billion+.
96. It was not a question whether FSVs were being honest or not but about the increasingly hostile bullying atmosphere imposed by the LCFA who were obviously covering up their maladministration. All this took place in an atmosphere where the last vestiges of trust were entirely destroyed in a totally soured atmosphere.
97. Nevertheless LCFA/LCC continued with their 'Review' identifying 167+/- DWP Benefit alleged 'fraudsters' who they said had not informed them of changes to their DWP Benefits.
98. The question then was how would the LCFA/LCC know that?
If they did then they had continued to receive unlawful 'subject data' from the local DWP contrary to the DWP Perm Sec lawful directive to them not to release this data.
It seems the corruption cover up was contagious in this joint venture to defend the reputations of the local DWP, the LCFA and the consecutive Pensions Ministers whom the PermSec would have continued to brief.
99. When reporting this debacle as a 'success' in September 2007 to the LCFA Committee an ever mendacious Warren claimed that the LCFA would recover in excess of £1million which they never even remotely achieved.
100. No explanation was ever forthcoming how an individual's alleged liability for 'over payment' or 'under payment' was actually calculated or how the percentage of an Injury could be calculated and thus deducted from the Injury Pension if they had not kept the PRF records up dated?
It seems the final determination was simply left to the whimsy of the DWP/LCC/LCFA the joint maladministrators of this complete chaos.
101. Naturally the 167+/- wished to access their PRFs to compare their own records with the records which ought to have been recorded in their PRFs and it was not until 5 years later of 'disdainful stonewalling' and only then with the intervention of the Courts and the Information Commissioner who sent a team of 3 to inspect the filing and recording system which the LCFA claimed was exempt from the Act and which the IC declared was not exempt, which allied with a threat of an Order for Contempt of Court by the ICO and a Court Order of Disclosure, that I was able to see my own PRF or else the proposed Court case raised against me by the LCFA could not proceed. Proceedings having been commenced in 2010.
102. In the meantime because the LCFA appeared to hold the whip hand, the denial of Pensions, or so they thought, forgetting that no Pension can be withheld unless a person has been convicted of an offence against the State, that they found they had yet another self-generated problem.
103. To identify these alleged 'fraudsters' including myself, this triumvirate DWP/LCFA/ LCC,

desperately grasping at straws who were not only receiving surreptitious local DWP assistance but who then collectively and unlawfully misused a highly confidential and sensitive DWP National Fraud Initiative (NFI) Report which atypically identified 'mismatches' in their collective records (thus in their minds proving the FSVs 'failure to inform' and thus fraud) but which actually simply confirmed once more this triumvirates' corporate maladministration and that they would stop at nothing primarily to defend their jobs by 'catching' these disabled FSV 'fraudsters. Desperate situations require desperate measures from desperate criminals.

104. In the original data return to the NFI for this audit Lister/Wisdom counted 700+ LCFA dead pensioners.
105. In the interim as they stumbled from crisis to self-created crisis the LFRS/LCC had by now carried out 6 'trawls' to accumulate these 167+/- defaulters, but this immediately raised another problem because in their alacrity to catch these FSVs they scooped up (recorded in their own documentation) a large number of their Freemason chums. Documentation which was subsequently inadvertently released to me by the then, LCFA Solicitor called Harold (a Holland boy since gone to pastures new) who had a propensity for parking in Salford Town Hall disabled parking (where he was an unlawful ward councillor) and when ticketed attempted unsuccessfully to brow beat the boss of the Warden in the basement of the Town Hall into disposing of the ticket, all of which was published in headlines in the Manchester Evening News.
106. These scooped up 'felon' Freemasons easily identified in these un-redacted records erupted in to an almighty slanging match at their Temples and when it came to enforced payback time they were naturally more equal than the others. In fact they paid nothing whilst the others were placed on the "Hardship Route". A secret policy highlighted in these unpublished emails using those exact words which was a policy developed and encouraged in secret correspondence at the DCLG/Home Office Fire Pension Team within the DCLG/Home Office Fire Department under a Mr A. Mooney and then implemented by the Local DWP/LCFA/LCC.
107. A policy which in Court Warren attempted to explain away that he was doing all these 'felons' a favour by helping them to make repayments whilst under duress, unequal and in contravention of the Supreme Court case law in 2010 ?
108. Unfortunately yet another problem arose which was well know but is now confirmed by these secret records in which it was reported to the LCFA Committee by a persistently mendacious Warren that 6 or 7 'underpayments' had been identified. The fact was 17 (all Freemasons) the highest underpayment which was in fact an unexplained £45,000 not as these records report £30,000 and when a cheque arrived out of the blue and an uneasy query was raised by a Freemason colleague and friend of mine with a Mr.Keith Mackie (Freemason and clerk with Lister at the Pension Providers) he was told to... "stop asking stupid questions and just go ahead and spend the money !".
109. The intriguing question which was never declared by Warren was how many other *non-Freemasons were identified as being underpaid* but who presumably were never paid a penny?

110. Of course as Arter the Pension Ombudsman was to comment on another non-related case, the presence of 'overpayments' and 'underpayments' is simply symptomatic of the presence of maladministration in a Pension Scheme.
111. Finally there were two cases on record concerning the total stoppage of pensions in which one disabled FSV~WH (suffering from Arkansas Penitentiary administered transfused blood following a serious operational injury which all led to his early death) was left destitute without income for 2 months because *he said* the LCFA wanted to punish him for being an outspoken rebel and then in the secret emails the Chair of the LCFA Councillor O'Toole asked Warren could my pensions be entirely stopped to which Warren replied that he had already looked into this but unfortunately he could not.

Chapter 9.00.

The Rebel Leader ~ Kangaroo Court.

112. In June 2007 my wife Jill, of 37 years and a Lancashire Lass passed away in our home under the most awful and tragic of circumstances in my presence which need not concern us here. Jill died of cancer.
Jill had been a middle ranking Officer of the LCFB and thus in her own right, she was entitled to and received, a full Fire Service Funeral and Requiem Mass at our local Catholic Church.
113. Subsequently following the funeral I was approached by numerous FSVs and Widows who had attended the funeral all asking for my help with this inchoate pension dispute, including ironically, a large number of Freemason friends I had served with.
114. In early 2008 I was identified by the LCFA as the 'leader' of this incipient 'rebellion' whether under my personal circumstances I wanted to be or not.
115. In 2010 in what was clearly a vindictive act the LCFA decided that I was to be taken before a 'Kangaroo' County Court (in the Preston Jamie Bulger Courtroom) adjudicated, unusually by the local Head of the Family Division, the most senior Circuit Court Judge for Lancashire and Cumbria, Justice Philip Butler a Papal Knight of the Holy Sepulchre, a Roman Catholic and a leading Freemason (?) for a 3 day Hearing, to be made an example of, for others.
116. Although I had considerable Court experience from my work, including Coroner Court 'time', my capability as Litigant-in-Person was poor.
Litigants-in-Person (LiP) are generally abhorred by the Judiciary as tiresome because with the increasing use of Human Rights legislation and the rise in general educational standards and it should be said, grounded on increasing disrespect for the Judiciary, LiPs are more inclined to stand their ground and say their piece which the Judiciary find most disquieting.
117. However, as the times change, the Judiciary have now been instructed that LiPs are to have their right to 'audience' protected indeed Justices in practice are required to assist LiPs, not with their case, but in procedural matters and in defending LiPs in fending off

attempts of intimidation by their professional opponents and while all this was fine and dandy until, as in my case, I ran up against someone like Butler, who was totally corrupt.

118. One useful feature of being a LiP is that LiPs have little regard or knowledge of Court Procedure and Rules (CPR). The 'Game of Rules' by which Justices control career solicitors and barristers and thus events.

119. Firefighters are famous for, whatever the cost, of going directly to heart of the issue brushing all other tedious rules aside. This is the nature of their work which saves lives and so I also learned early to exploit the advantages of being a LiP.

I could act in apparent ignorance of many rules which careerist rule based solicitors and barristers could not.

In fact surprisingly, rule bound Justices exhibit little intuitive intellectual capacity outside their Rules for any originality of thought, which ultimately leads them into corruption when they become rule stalled, as I shall relate.

120. All my life I have had a strange 'hobby' interest in Law, Judicial proceedings and Judgements and oddly for an Irish Citizen I had, until this point, great admiration for the English Judicature regularly reading the Judgements in the Times whilst watching the skilled and detailed application of the Law but all that was to be progressively destroyed with my increasing exposure in the real Courts and with increasing dismay watching up close seeing their corrupt machinations of the 'Game of Rules' which they habitually play in Court, or its corridors. Distance had indeed painted the picture of false enchantment.

121. The nub of the LCFA case against me which I will deal with at length in an enhanced Chapter 2 of the 'Journey of Truth' on my website with full exposé of Butler in the foreseeable future was that I had failed to inform (which was untrue) the LCFA of the receipt of a DWP Benefit which I receive which no one, including the DWP, seem able to grasp from their own guidance documents, is that it is not a disablement Benefit per se, even though it is by convention administered by the Disablement Benefit Department. It is an obscure 'Allowance' which is used directly for the purpose contained in its title ... "Reduced Earnings Income Allowance" (REA). It is a very modest means and annually tested 'allowance' which attempts to bridge the income gap caused by the loss of an allegedly well-paid occupation...nothing more and nothing less.

122. However, it is named in the '92 Scheme as deductible from the Injury Award but only "*so much of any...(the DWP disability percentage)...as relates to the qualifying injury*" which can be attributed by a Doctor to the Injury which in my case was 5%. Thus 5% can be deducted from my REA . My reflection is that presumably the Doctor had reduced my Disability down to 5% because of an underlying childhood ailment which he reported in his medical findings.

123. This meant in monetary terms that when it commenced payment in 1999 after I successfully applied for it to the DWP, the LCFA could deduct 5% from the £40pw...£2.0...which could be deducted from the Injury Award.

124. I had informed Drinkall, as she asked me to, with a very brief telephone call that I had been successful in being approved for this REA 'bounty' and I made a contemporaneous note of the call... "*Called Joan told her, yes*" ... which though Butler had before him a copy

of the note he completely dismissed as a figment of my imagination. Such is the abuse of power.

125. Prior to the Hearing it was agreed it would take 3 days though for the life of me I could not contemplate what we were going to argue about for 3 days and that I would be given a full opportunity to present my Defence. In the event Butler ignored this fundamental.

126. A smart and experienced man would have known in the 'Game of Rules' that are endemically played in Court this was to 'pad' out the Hearing costs to punish me. But naivety ruled my roost, but not for long.

127. In the event the Hearing took 4 days and I was never allowed to present my Defence.

128. It was by and large a thoroughly unpleasant experience, not the attendance at Court, but Butler's repeated insistence on informing me he was part Irish to which in exasperation I finally responded that the Irish in Kilkenny knew all about the Butlers and the Ormonds and then his insistence on how knowledgeable a Catholic he was, playing on my Christian names and his plans for the forth coming Easter Tide, this and more. Though what this had to do with justice escaped me.

Perhaps he thought in his arrogance with all this ingratiating he was dealing with a bare footed Irishman, like his forebears?

129. To continue, midway through the Hearing whilst I was acting as a Litigant-in-Person and examining Drinkall in the Witness Box on her statement, which started off as a two page sole author and then progressed to 4 pages with 3 authors, when completely without my knowledge six Witnesses came forward at a lunch interval headed by 2 Court Users to complain to Butler that whilst I was questioning Drinkall on her Evidence in Chief her fellow 'experts' in the well of the Court were unlawfully using banned mobiles to communicate with Warren and were also coaching and gesticulating to Drinkall behind my back whilst she was answering my questions.

130. Later on reflection this explained her very odd long pauses in response to my questions, which I repeated, assuming perhaps she had a hearing impediment but I had simply moved which obstructed her view...

131. The Court Ushers apparently took the Witnesses to the Manager of the Court a Mrs Kelly where they made sworn Statements.

132. The following morning Butler stormed in waving some papers shouting at me ... "and now I have this"... accusing me of concocting all these activities in which, by imputation, I had also bribed his Ushers and of which I had not the faintest knowledge.

I asked him rather shortly what he was talking about and if he explained I might know which only seemed to increase his fury. He refused to pass me the documents and then chose to ignore in its entirety this criminality in his own Court.

133. Weeks later when I asked for copies of the Witness Statements he invited me for a cosy chat in his chambers which I simply ignored. There was another interesting occasion when he tried to meet me in a Catholic Church but that will keep for another day.

134. When people like this are upended from their 'thrones' they become just like all the rest of us, ordinary. But at 03:00hrs in the morning hanging from a window ledge they seem to become consummately grateful.

135. This corrupt and rather unintelligent Butler was, as I was to find later, not an exceptional rogue, he had lots of judicial colleagues.

136. At the end of the Hearing Butler had a long whispered conversation with the LCFA's barrister to which I was not privy indicating that all would be revealed when he 'handed down' his Judgement and in the interim indicating, rather triumphantly I thought, that he found for the LCFA and that I was required to pay back £19,000 in alleged DWP overpayments with costs totalling £45,468.0; asking me did I need time to pay? I asked if he required a cheque right then which reduced his pomposity somewhat.

137. When the Judgment was 'handed down' and the section dealing with how the accountancy was arrived at the (rough) figure for my DWP/LCFA 'overpayment' was stated as £22,000.

The DWP/LCFA also made a statement in their submission that they had made a mistake in their joint calculations and had revisited them and that, without any form of explanation, they stated that they had *underpaid* me £10,000.

Butler in his Judgement, also without comment, reduced the DWP/LCFA 'overpayment to £12,000. But without explanation, using VAT and Court costs ramped the final figure back up to £45,468.0.

138. Now older and wiser after almost 10 years of daily expert barrister pupillage I make the following observations.

Butler knew that the DWP/LCFA had recorded this error in my favour in their deposited CPR 'Discovery' which they jointly and corruptly kept me in ignorance of. He could not plead ignorance yet he and the DWP/LCFA barrister in complicity never acknowledged nor revealed its existence throughout the entire 4 days of Hearings.

The knowledge of the existence of this 'error' from my perspective would have shed an entirely new light on my Defence (if that had been allowed) of my case because it immediately confirmed maladministration in the most dramatic fashion which allied with the suborning by the DWP/LCFA of their primary Witness, Drinkall, would have allowed me to called for a mistrial on the basis of a complete miscarriage of justice.

139. This was to be my first experience of a corrupt senior Justice, but not my last. During the Hearing Butler (Head of Family Courts) came in one other morning incensed and ranting once more. This time it was a case he also handled which involving excreta covered children referred to as the "Zombie Children" in my old Station 'patch' of Leyland whom previously he had denied a 'place of safety' but I will set this aside for another day.

140. The LCFA instituted proceeding against me in 2010 and on the 8th of December 2010 the following Supreme Court case law was reported in the Telegraph... "The Government cannot reclaim overpayment". Supreme Court Judgement [2010] UKSC 54.

The Supreme Court has upheld a legal victory by a children's charity concerning overpaid

benefits.

The Child Poverty Action Group originally went to Court after the Department of Works and Pensions sent 65,000 letters to benefits claimants saying they could face legal action if the overpayments were not returned.

The Court of Appeal ruled in 2009 that the Government had no power to recover overpaid benefits from claimants who had done nothing wrong [Government being interpreted in its widest sense].

The Secretary of State took the case to the Supreme Court for a final decision. The Government had written to claimants telling them it could sue them if they did not pay back overpayments.

Three Judges at the Court of Appeal agreed there was no power of recovery where the overpayments were the result of a mistake and not of misrepresentation, or fraud.”.

141. It is clear that when my case finally went to Court in 2013 that the LCFA, their Barrister and Justice Butler could not have been unaware of this Supreme Court (SC) Judgement [2010] UKSC 54] (Just a year after the SC creation) and yet they chose corruptly to proceed confirming that this ‘Trial’ was not about the Law or Justice but about punishing me and sending a firm ‘message’ to rebelling disabled Firefighters.

142. In my opinion my corrupt ‘Trial’ led to Butler taking an ‘early shower’ and he was dismissed into retirement very early indeed, aged 53.

Butler was unaware that whilst all this rampant corruption was in full flight I had ‘informants’ within his Court who had painted a less than flattering picture of his persona, *before the ‘joust’ commenced*. They alleged that he was an abrasive thug and bully, indeed they were correct.

Chapter 10.00.

The Positive.

143. The only other positive to emerge from this exercise was that the LCFA/LCC were ordered to open a dialogue with me in respect of an Application I had lodged at the High Court even though I was not allowed to present a formal Defence which identified that according to my Barrister I was being underpaid 50% of my due pensions since 1997 because the LCFA/LCC had failed to read, understand and apply the law. Or to seek out and implement an Opinion from which they would have inevitably found the law to be correct and in my favour. All simply ignored by the LCFA/LCC ‘experts’.

144. This discovery which affects around 11,000 disabled FSVs and their 30k Beneficiaries was that we were all being paid a Rule B1 Standard Pension, *initially in legal error*, as though I/we had completed the Statutory 30 years of Service ending fit and well, or had left early voluntarily, which patently we did not. Senior ranks could serve to 40 years Service, or aged 60.

145. This is about 50% underpayment which these compulsorily discharged disabled FSVs ought to have been paid since 1992 (The enactment of the ‘92 Scheme) a position which

both the DWP (Ministers of State) and the government are fully and individually aware of and which they refuse to acknowledge and which the Judiciary under their corrupt control and direction, refuse (Disdainful Silence) to bring to trial; to date.

146. In addition to this direct loss, in the event of the death of the primary pension holder, a surviving Widow/Partners will not receive their full 'Widows Half' (Calculated on the original wrong pension) but in effect will only receive 50% of 50% hence most are existing on £230 a month in their solitary old age.
147. Prior to the March 2013 Court Hearing and rather late I lodged a counterclaim at the High Court for £2.5million for my pension arrears and exemplary damages; but for reasons no one seemed capable of disclosing (the Judiciary love to keep their secrets) this was sent down to Butler at the County Court who stated he would not deal with the submission, promptly sending it back to the High Court where I found the quality of the 'Game of Rules' was much less abrupt, but just as corrupt.

Chapter 11.00.

The Pension Ombudsman's ~ Round One

148. In the light of the self-evident corruption and collusion at County Court a clear pattern of corrupt institutionalised cover up and denial started to emerge which I then took forward to The Pensions Ombudsman (TPO) called King who was himself just a clerk with no legal qualifications whatsoever, even though he claimed that the Ombudsman acts as a Court of Law which the Judiciary seem to think was fatuous nonsense. On one occasion sending the same Complaint back to TPO three times to get it legally right.
149. The government suddenly sacked this embarrassment and as expected he sought sanctuary back in a grateful pension 'industry' but not before rejecting my case, as he was directed to, after the usual 'disdainful stonewalling', obfuscation, delaying tactics, etc,...
150. The Nolan Principles simply did not rule with a corrupt King his staff and Civil Servants in general and has been totally abandoned but he had the brass neck to attempt to castigate my Barrister for having the temerity to encourage me to take this scandal to TPO.
151. King, who clearly had a well-developed dialogue with Warren at the LCFA, left to go back to the 'pension and financial sector' where he remains today. But it was also the point at which if the Pension Ministers were not aware of the implications of the large disabled Firefighters restitutorial bills to follow then King had not been doing his job of reporting back to his controlling Pension Minister and perhaps that was the actual reason for his abrupt sacking as they set about their defensive ground by installing *their man* called Arthur Arter (Jewish Chronicle) an ex pension holding Special (Irish) Branch constable who was also a solicitor with a Pensions background in the industry.
152. Whilst Arter (still retained in post ~ he has to be) held his first Metropolitan Police pension this would not prevent him from holding another as a Civil Servant who in partiality also held shares in 28+ pension schemes. According to him his organisation is 'independent' even from Parliament. An organisation which cares deeply about pensioners ?

153. The reality is that this expensive corrupt £8.6million organisation is just a sop to the Pension saving Taxpayers proffering faux hopes in matters pension, for example, to ladies who have been short changed by successive governments via the government's controlling DWP whilst massaging the income of the government and the pension industry.

Chapter 12.00.

Fire & Rescue Service Bankruptcies

154. **On Wednesday the 13th August 2014** the Essex Gazette reported that the Essex County Fire & Rescue Service (ECFRS) had 'discovered' a black hole in its pension accounts amounting to a deficit of £15million which had been accumulating unnoticed since 2006.

H.M. Treasury required immediate repayment of this huge deficit (with interest) to the Taxpayers.

Civil Servants in the then DCLG Fire & Resilience Directorate, in particular the Firefighters' Pension Team, are nationally responsible for the health of Fire Service Pension Schemes and for the Statutory reporting of such failures to The Pension Regulator (TPR). Which was the parallel Statutory duty of the ECFRS, but no reports were made.

155. It was immediately clear that Staffordshire FRS and Cheshire FRS found themselves in a similar position but once more no Statutory reports to TPR were made. It was reasonable speculation to conclude that if this recurring 'error' has afflicted 3 Fire Authorities beginning in 2006, then it is likely to have affected all 49 other Fire & Rescue Authorities over the following 4+ year period.

156. **On the 12th October 2018** it was discovered that the LCFA had also gone into Bankruptcy because it had since 2010 surreptitiously decided not to pay both Firefighters and the Employers pension contributions into the Lancashire Firefighters' Pension Scheme from which disabled FSVs and their Beneficiaries also draw down.

157. Warren the LCFA delegated Firefighters Pension Scheme manager claimed that he had an agreement with the FBU not to pay *pensionable* salaries to 150+ Day Crew Manning Firefighters but was unable to produce the claimed 'document'.

158. The deficit amounted to £7million and with my help and the help of our Barrister the LCFA was legally forced to pay the arrears back to 2010 with interest and the LCFA, although coy about the source of its funding for these repayments, it is clear it comes from the DWP authorised by Secretary of State Coffey.

159. Soon if the Law and Justice (if allowed to prevail) Secretary of State Coffey will be required to pay back to the 11,000 disabled FSVs and their Beneficiaries £4Billion+ in remuneration and interest.

Chapter 13.00.

Time to Re-Think & Re-Group & Climb the Hill Again.

160. So in 2015 after this first 'baptism by the Judiciary and their associated corrupt servants TPO, a'la King, it was time to regroup, rethink and climb the hill again.

161. In the meantime I had been invited into tutelage to become a Barrister and 10 years later I now have a standing invitation to become a Member of the Inns of Court at the Inner Temple Bar.

162. This time my efforts would be supplemented with an additional fresh Senior Rank, an experienced Assistant Divisional Officer called Francis.M.Galpin MIFireE, as a 'Stalking Horse' (FSV~FMG). Both of us, determined like Sisyphus, to carry the boulder to the top of the hill the Supreme Court and if unrequited, to the European Court of Human Rights [ECHR] at Strasburg.

Frank was to act as Litigant-in-Person and I was to act as McKenzie Man to him when the need arose. Nothing beats hard won experience.

163. Frank and I had not served together in the LCFB which in 1968 had 61 stations extending east to the Pennines and west to the Irish Sea and from Liverpool and Manchester right up into the Lake District most of which I had served around. It was the second largest Brigade in the UK outside London.

164. When we were both middle Ranking Station Commanders we would meet occasionally 'on the job' at very large incidents (120+Firefighters) and occasionally on the moors because although we were stationed in different Divisions our Station operational boundaries abutted one another.

Frank is a typical doughty good humoured warm hearted Lancastrian. Unlike myself a very civilised Englishman, but not to be underestimated, because he also is an Agincourt, Yeoman-of-Oak and 'takes no prisoners' either.

165. The plan as LiPs was simple, we would exhaust every legal step, testing and evaluating the credibility and honesty of every single person and evaluating, for the future, the 'Rule of Games' which an organisation would play to obstruct our quest for Justice.

In contra effect we would use the law to its full extent and any legitimate tactic to force the issue to lawful resolution no matter how long it took.

166. Administration and the archiving of all documents would remain to the highest standard for an envisaged UK Public Enquiry to come, or before the ECHR in Europe.

167. Only this time using the acquired experience with the complete knowledge of the venal criminality, corrupt trickery and mendacious obfuscation we would be up against commencing with the LCFA. Once more TPO and initially the Northern Ireland Judicature (I had returned to Ireland) and then the English Judicature which was by this time under the personal control and direction of Cabinet Minister Dr.Coffey PhD,PC Minister of State for the DWP with her involved associated Junior Minister for Pensions G.Opperman MP and the Minister for the Disabled J.Tomlinson MP (who does absolutely nothing for the disabled).

168. We anticipated that attempts would be made to ‘time out’ the various legal ‘Applications’ and so all our actions were predicated against various Statutory time frameworks on a ‘back to back’ basis. Indeed as events were to confirm as predicted ‘timing out’ was a favoured weapon of the Judiciary and their administrators and where delays occurred it was always the deliberate delays of the Courts and/or their administrators which we did not hesitate to remind them of.
169. Clearly any notion that the PM’s ‘Declaration of Expectations’ in his Cabinet colleagues within the spirit of the ‘Nolan Principles’ which would be complied with and exercised in rectitude by Ministers of State, or Elected Members of Parliament, or Local Authorities, or by any Civil Servant both national and local, was all a pipedream.
170. So we commenced in late 2015 paradoxically at a time when the Fire Brigades Union (FBU) had joined with the Judiciary to take the government to Employment Tribunals on the cases of McCloud and Sergeant and the LGPS where changes to their respective Pension Schemes were adduced to be age discrimination and which the government attempted to Appeal.
171. The Supreme Court (Minimum of 5 sitting Justices) determined in the case of McCloud (Judge) and separately Sergeant (FRS) that the Employment Tribunal decisions stand and that the government must correct this age discrimination for members not covered by “transitional protection” and who as a consequence had been required to move to the new Schemes. However as they say ‘eaten bread is soon forgotten’.
172. Amusingly this ‘new’ FBU, who are supposed to represent *all* their Membership, including ‘Out of Trade Members’(OOT) like ourselves, have consistently failed to do so bringing the comment that the new FBU is a ‘spent force’ compared with the old FBU.
173. In passing, we both remain paid up OOT, FBU Members but the FBU after initially representing myself and 13 others via Thompsons Solicitors who used a clerk masquerading as a solicitor (The Zumba Dancer)and following my challenge to her bona fides promptly and unceremoniously dumped her and all of us. This was allied with a local sell out by the Lancashire FBU HonSec called Harman who was reported to be and demonstrably was, in league with Warren at the LCFA.
174. In spite of two individual letters of appeal from me to Matt Wrack, General Secretary of the FBU and to every single individual member of the Executive Council (14) citing hardship to their Members and their Beneficiaries, not a single acknowledgement, or reply, was ever received.
It seems common good manners do not ‘Maketh a ‘Man’ driving this to the reasonable conclusion that the FBU Executive are also ‘pliable’ when it suits.

Chapter 14.00.

Testing the Staircase Steps.

175. In that which follows although as a convention I have where possible written it in the third person this was in fact a daily joint venture with FSV~FMG and remains so, as no doubt

my telephone and email tappers will confirm.

176. Legally speaking three years from an incident/issue arising, or acquired knowledge of an incident/issue, is the Jurisdictional time limit set in English jurisprudence for taking legal action, though there are exceptions.
177. I had this very much in mind, right from the outset, because it would be a major tactic which I anticipated would be deployed against us called 'time barring' the raison d'être and basis for a DWP/governmental policy supporting "Withering on the Vine" and "Winnowing by Death".
178. Before the implementation of Exercise 'Stalking Horse' initially FSV~FMG probed the 'legal' position with Wisdom 'on the record' to establish her current legal knowledge of the 'The Firemen's Pension Scheme Order 1992 Statutory Instrument No:129 and its accompanying 394 page plain English 'Home Office Commentary' written specifically for Firefighters (it states so) but whose existence was kept secret from them nationwide until I published it in full on my website.
179. It was an encouraging exercise because Wisdom's knowledge and capability coupled with LCFA/LCC declared position was promisingly weak and unlawful and thus this became the LCFA's position 'on the record', which was that the LCFA were and had been paying, the correct pensions.
180. This developed into the defensive mantra of 'Wisdom's Law' which she and they chanted for years only to be varied with 'Warren's Law' and which from the outset was adopted by TPO on two visits and bizarrely, initially, at the High Court of Chancery as we shall see...
181. I also presented an opportunity for the LCFA to make a simple statement that they had in fact, unlike ourselves (I had published 6 Opinions) obtained an 'Opinion' on their legal position but they never made such a claim, or even alluded to one. Even though the details of that 'Opinion' would have remained 'privileged', its existence would not.
182. Indeed, throughout the years that followed the LCFA have never affirmed that they had such an Opinion(s) especially when I placed them in the repetitive position of the opportunity to support this position under the Internal Dispute Resolution Procedure (IDRP); at TPO; at the High Court In Belfast; at the High Court of Chancery; at the Court of Appeal and at the Supreme Court.

Chapter 15.00.

The Stalking Horse Runs ~ Time Benchmark Dates.

183. **On the 18th December 2015**, disabled FSV~MFG initiated exercise 'Stalking Horse' by using the LCFA Statutory Internal Dispute Resolution Procedure (IDRP). The Statutory origin of this mechanism lies in the 1995 Pensions Act (as amended) with a special amendment for the FRS where the Procedure is not a single Stage (I) procedure but a two Stage (II) Procedure.
184. Stage I, allows a time frame of two months for completion, giving the Chief Fire Officer

(CFO) an opportunity to review the Complaint ~ the material facts ~ as stated by the Applicant on the Standard Forms used and to review the actions his subordinates' have taken, particularly in respect of the correct application of the relevant Law. Then to ameliorate the Complaint and to work jointly towards a Resolution.

185. The material facts were that FSV~MFG was being wrongly paid in contravention of Statutory Instrument No:129 Regulations, a Rule B1 'Ordinary' pension (30 years' Service completed fit and well) instead of the Rule B3 ~ ill-Health and Rule B4 Injury Award which the LCFA had Statutorily awarded when he was compulsorily retired.

186. In the event the CFO, within the Statutory time framework, replied elucidating and adopting 'Wisdoms Law', with no reference to any Opinion, asserting that the correct pensions were being paid.

187. The Statute allows a response (if any) time up to 6 months and on the 16th June 2016 FSV~MFG rejected the CFO's decision.

188. **On the 16th June 2016** FSV~MFG initiated IDRPs Stage II. This Stage (2 Months) requires that an Application be placed directly before the 25 Elected Members of the LCFA or a sub-Committee elected by them. The Stage II Application, a comprehensive 20 page document was hand delivered to the Chair of the LCFA CClr F. DeMolfetta (Lab).

189. **On the 20th June 2016** Warren (LFRS) acknowledged receipt in a letter drafted for him by Howells the LFRS in-house solicitor in which Warren unilaterally declared he was acting on behalf of the Fire Authority (ultra vires) ending with the legal 'gibberish' that he had "placed your Application in abeyance" whilst the matter was dealt with by the Police(?) their Freemason chums at Police Headquarters.

There is no such provision within the Statutory IDRPs in the real law.

190. This was a classic example of 'Warren's Law' which he frequently used when his ship of state was 'on the rocks' including the use of an 'instant dismissal' regime in place should anyone be tempted to 'step out of line'.

191. Next this Application with a new cover letter was hand delivered to Molfetta pointing out to him that he was in breach of the Statutory IDRPs with his personal criminal liability and that he had a Statutory duty to place the Application before the Elected Members of the LCFA.

192. Once more this letter was rebuffed in another mendacious letter from Warren in which he again implied that the Stage II Application had indeed been placed before the LCFA and that the Committee's position remained unchanged.

Of course an immediate 'sampling exercise' with the Councillors drew a host of blank looks that firstly no Stage II Application had been placed before them and, secondly, that some had not the vaguest notion what this was all about or so they said.

On the 17th August 2016 the Statutory time frame *having expired* on that day the actual LCFA having never given a formal answer this Stage II imbroglio was 'Placed on the Record' and in the hands of Molfetta.

193. Later an extensive evidential Letter of Impeachment was presented to Molfetta

identifying his acts of corruption which would form the basis of criminal charges of Corrupt Practice in Public Office. A criminal action has no Statute of Limitations.

194. The Debrief produced the following used and useful tactics:

- If there is a Statutory time frame opponents must be forced to adhere to it ;
- If there is a Statutory Law use it , find the loop holes and exploit them;
- Identify legal Achilles Heels exploit and enforce them;
- Probing letters targeted at specific persons placing them 'on the record' at a specific time;
- Exploit ignorance of Pension Law especially with the Judiciary who are surprisingly ill informed;
- Stall the 'Stone Walling' with the attrition of brute force of mass correspondence causing the opponents to lose man hours, the frustration and distraction of having to reply and overwhelming and clogging their normal work system.
- Aim for impasse and their loss of 'control' (The "Withering on the Vine" ~ "Winnowing by Death") policies then bypass to the next level or agency of State.

Chapter 16.00.

The Pension Ombudsman ~ Round Two ~ Time Benchmark ~ 5th October 2017.

195. Time barring is incorporated in the Statutory Instrument, 'The Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1996', the Regulations upon which TPO was created and is required to operate.

Most significantly these Regulations include the Statute that every Applicant has *the legal right* to have their Complaint placed before either the Ombudsman or his Deputy for a 'Determination', regardless of any other divisionary tactic they might care to employ.

196. **On the 5th October 2017** disabled FSV~FG formally lodged his 'Complaint' at TPO.

197. From this point until allegedly a 'Determination' was issued by the Deputy Ombudsman Ms.K.Johnson a non-practising barrister on the **10th September 2019** it took almost 2 years. What was odd about this 'Determination' was that it purported to come from the hand of Ms.Johnson who left the employ of TPO in late June 2019 when her Contract was not renewed? More criminality.

198. This whole charade took almost 2 years and was a prime example of the government's policies of 'Withering on the Vine' and 'Winnowing by Death'. Ruthless policies which those Ladies who have been denied their pensions will have been exposed to and their hopes dashed, or died in this iniquitous 'Winnowing by Death' process, as is intended...

199. The Architect of this policy can only have been Sir George Iain Duncan Smith M.P., the

author of ... 'innovative policies for tackling poverty' (2004)... who served in spite of 'Betsygate' as DWP Minister of State from May 2010 until March 2016.

200. TPO Arter (May 2015 ~ an IDS man) with his inner circle can only have acted with complete impunity in the clear knowledge that by doing so their corrupt actions will have received, at the very least, the tacit approval of successive Pensions Ministers including the current G.Opperman MP(June 2017) and the current Minister of State Dr. Coffey PhD.PC.(July 2019 ~ an IDS woman).

201. Should one doubt all this and remain to be convinced can I direct you to the analyses in Chapter 16 'The Journey of Truth' where evidentially bullet by truthful bullet I expose this expensive (£8.6million) sham of an organisation working directly for the government and controlled by it.

<https://www.themorningbugler.com/corruption/lancashire-fire-rescue-service-pension-scandal/the-policy-and-management-of-corruption/a-journey-of-truth-vol04/a-journey-of-truth-chapter-16/>

202. At his request I supplied Mr.F. Field MP Chair DWP Select Committee a 'bundle' of 550 pages of information about the malevolence of this organisation for which he was responsible and about which he simply did nothing.

Can I with respect suggest it is better to call forward Mr. Arter and Mr. S. Timms M.P. the current Chair of the DWP Pensions Select Committee, Field's replacement, responsible for the Pension Ombudsman to ask them to give an accounting of this organisation set against these Public criticisms?

Chapter 17.00.

To Belfast in the Green.

203. This TPO 'Determination' precipitated an immediate Appeal and the TPO foolishly offered three jurisdictions in which an Appeal could be lodged, including Northern Ireland.

204. Belfast offered a Direct to Appeal Court procedure unlike England which had placed, contrary to the Human Right to Justice, an initial artificial pre-trial judicial hurdle which has to be overcome before access to the Court of Appeal is granted. An extraordinary Denial of Justice process in which access is only granted on the basis that success is guaranteed? More Kangaroo 'justice'.

205. **On the 23rd September 2019** I lodged, on behalf of FSV~FMG [acting as his Court approved, locally based, McKenzie Man], an Appeal at the Royal Courts of Justice, High Court, Queens Bench Division against the DTPO's 'Determination' accompanied by a 132 page bundle.

206. Judgement was issued on the 6th November 2019, a mere 45 days after lodgement.

207. This time frame included 3 visits to the High Court Registry for collection of Forms and LiP advice which was immediately forthcoming and generous. Nothing was too much trouble.

There followed 3 High Court appearances, two of an administrative nature and a final hearing of two hours before the most Senior Judge of the High Court, Sir Paul Maguire LJ at which myself and FSV~FMG attended as McKenzie Man and LiP.

208. The Defendant made no appearance at the first Hearing and was represented at the second and final hearing by a junior Barrister.

209. The Clerk to the Court was punctilious in his human care of us in particular providing drinking water and acoustic aids for myself.

210. At the outset the Maguire LJ stated he had had the papers for 6 weeks and had read them twice in their entirety. He laid out the pension law including the NI law and became a little side tracked. He graciously allowed me to help the Court which I did and at his continuing frequent requests throughout the Hearing.

211. Counsel for the Defendant made her jurisdictional case and the LJ informed her that he had read all the available books on the subject, and then some, and could not find confirmation whether his Court did not have jurisdiction, or conversely whether it did.

212. During the working dialogue which then ensued a rather irate Counsel objected that I was being granted excessive 'audience' and that I had no legal qualifications to be there and was actually... "*nothing*".

The LJ asked her pointedly if she really did wish him to rule on this and she declined to proceed.

213. The LJ indicated that he was disinclined to rule on the Pension issue other than to say that in his opinion it was "winnable".

214. In the event the LJ decided it was best that the case be taken forward to the Court of Appeal in England where his decision included fact that he had already granted Leave to Appeal and several times that we had 'a perfect right to Appeal', all of which the English Court of Appeal promptly ignored.

215. Maguire LJ commented that it was not necessary for us to seek leave to Appeal because the case was neither frivolous nor vexatious, that we were entitled to Appeal ... "a perfect right to Appeal" and extraordinarily stating that in his opinion, several times, that the case was "winnable".

In his Summary Sir Paul Maguire repeated his gratitude for the assistance that both Plaintiffs had provided to the Court and once more he expressed his view that the case was "winnable". He refused to grant costs to the LCFA. Maguire LJ set a very high bar on professional decency.

216. Though no direction was ordered on a time scale to take this action following consultation with the Registry at the Civil Appeals Office FSV~FMG resubmitted his Appeal **on the 3rd December 2019** including an Application, as advised by the Registry, for a further extension of time *should it be required*.

217. Civil Appeals Office Registry in their first 'Rule of Games' misdirected this Appeal Application to the Court of Appeal instead of to the Chancery Division and the CoA returned it to FSV~FMG on the 13th January 2020 further advising that he attach a copy

of the Belfast Judgement to confirm the above proceedings and resubmit directly to the Chancery Division which FSV~FMG did.

Chapter 18.00.

To the Court of Chancery.

218. **On the 4th of February 2020** FSV~FMG lodged at Civil Appeals Office Registry of the High Court of Chancery(Pensions) his Appeal against the 'Determination' of the DTPO on Points-of-Law including the Belfast Judgment by Sir Paul Maguire's which included, within his decisions, granting Leave to Appeal.

219. At the Civil Appeals Office Registry the Application fee was cashed (thus a common law Contract for Judicial Service had been established) and the Application was correctly lodged, stamped and issued on the 4th February 2020 as Fancourt LJ was to record in his Judgement later.

220. However from the outset this Civil Appeals Office Registry, in the person of Mr.Cobourn, repeatedly attempted to reject this Appeal Application by drip feeding 'around the Mulberry bush' administrative obstacles which were simply ignored. The Appeal had been issued.

Mr. Cobourn gave the impression that he was the Registrar when in fact it was a Mr. Choudhury to whom Mr.Cobourn was allegedly subordinate.

221. Mrs Justice S. Falk DBE, the Jewish Chronicle informs, was only one of 3 solicitors historically chosen, a short time before, to address the gender imbalance within the Judiciary at large.

Formerly she had worked within the 'Magic Circle', a reference to 5 or 6 very expensive commercial Solicitors in London specialising in finance and international tax avoidance and her first senior Judicial posting was as a High Court Justice in the Court of Chancery under the tutelage of the then Master of the Rolls Lord Etherton QC PC who it may be recalled made the headlines in the same Chronicle when he married his male partner in a London Synagogue. The first openly gay Justice.

222. Unfortunately when this debacle unfolded in the High Court of Chancery; the Court of Appeal; and the Supreme Court, Lord Etherton had developed a long term illness. His increasingly long sick leave absences was a fortuitous factor for those who intended that FSV~FMG case would not succeed at any price. But like Circuit Court Justice Butler they would require a corrupt Justice or Justices, who were to be found.

223. From the beginning it became clear that Falk LJ had not only been allocated FSV~FMG's case but with the tacit understanding that it was not to succeed. Or perhaps those observing her prior competence including some of the civil servants at the Civil Appeals Office Registry felt that she could be relied upon to 'toe the old boys line', or just make a negative mess of it. Their evaluation was extremely poor and they were to be disappointed on all counts.

224. Falk LJ had the Judicial choice to just 'Refuse Leave to Appeal' and leave it at that and/or

to deal with the case in its entirety. In the actualite she chose to do both!

225. **On the 2nd of April 2020** in a muddled Judgment she Ordered that the Appeal would be allowed out of time, when in fact the Application for an extension of time had not actually been activated, nor was it required. Any delays that there were being directly attributable to Civil Appeals Office Registry's administrative 'Game of Rules'.
226. Next, Falk LJ refused Leave to Appeal simply ignoring the already granted Leave to Appeal by Sir Paul Maguire the Senior High Court Judge at the Belfast Royal Courts of Justice a vastly more experienced and competent senior High Court Judge than herself. However for those opponents both Political and Judicial the required result had been achieved, albeit briefly.
227. In continuing with her Judgement Falk LJ simply confirmed her complete lack knowledge of and experience with Pension Law. In fact, as the basis for her Judgement, she relied on The Deputy Pension Ombudsman's (DPTO) 'Determination' by non-practising Barrister Johnson who had herself posited 'Wisdom's Law'. The blind leading the incompetent.
228. Falk LJ, conscious of her prior errors then allowed FSV~FMG to apply for another Hearing renewing his Appeal Application primarily because in error she had dismissed the Application without hearing the Respondent and ordering that an Appeal copy be sent to the Respondent which it already had been by FSV~FMG.
229. Then in further confusion she stated ... "In my view this appeal has no real prospect of success and there is no other compelling reason for it to be heard"...how about the Human Right to Justice?
230. In the event an older head and shoulders prevailed, presumably her mentor Lord Etherton PC from his sick bed and she decided to review not only her decision but to identify the actual 'Points of Law' that had been brought before her by Mr. John Merlin Coplestone Bruce [Inner Temple], (JCB).
231. In the interim in an extraordinary intervention in an unsolicited letter to Falk LJ from TPO a Mr.D.Craddock addresses himself as "counsel" drawing the inference that he is a barrister when in fact he is a new low time served solicitor attempting to unsuccessfully muddy the judicial waters to no avail, though it was difficult to see through them already. More dirty work at the TPO crossroads.
232. **On the 6th of May 2020** Falk LJ then decided that she would have an Oral Renewal Hearing which was scheduled for the 1st of July then rescheduled to the 3rd of July 2020 and in the interim in a further decision she Ordered both Parties to identify 'common ground' and their relevant positions in Points-of-Law which as you might expect the LCFA had extreme difficulty with in a lamentable display of pension law ignorance, unlike Barrister JCB.
233. On the eve of the 3rd of July 2020 Falk LJ was uniquely and peremptorily, in a 'never known before' public act had the case papers removed from her thus cancelling her Appeal Hearing without any explanation.

234. Disabled FSV~FMG was abruptly informed at the 11th hour by a clearly annoyed Ms. S. Saleem Clerk, to Falk LJ, that she had been replaced by a 'parachuted in' Sir Timothy Fancourt QC., a High Court Justice also at the Court of Chancery.

235. Fancourt LJ is a Lands Upper Tribunal Justice specialising in real property, landlord and tenant law and by no stretch of the imagination would his 'speciality' include Pension Law, as his execrable performance was to confirm.

236. After this vox Hearing which took 50 minutes with FSV~FMG, the first 21 minutes of the Hearing having been fortuitously 'lost', Fancourt LJ handed down his 6 page Judgement 3 months later. An extraordinarily brief judgement given the complex background to this case but, as was expected, Leave to Appeal was denied which he had been sent to do.

Chapter 19.00.

To the Court of Appeal.

237. **On the 1st October 2020** FSV~FMG lodged his *first and only* Appeal at the Court of Appeal against Fancourt LJ's Judgment.

The Appeal consisted of 19 pages, principally by Barrister JCB incisively analysing Fancourt LJ Judgment, set against the actual Pension Law of this case and Point-of-Law, by Point-of-Law, painfully demonstrating precisely where this corrupt Fancourt LJ had got it all wrong from beginning to end. The adverb excoriating would not be inappropriate.

238. **On the 6th January 2021** hearing nothing from the Court of Appeal FSV~FMG wrote a probing letter to the new Master of the Rolls Sir Geoffrey Vos (post holder 11th January 2021 receiving the following reply from Mr. Andrew Caton, Assistant Private Secretary to the Master of the Rolls:

"On Friday, 15 January 2021, Catonandrew
JudicialOffice) <Andrew.Caton2@judiciary.uk> wrote:
Dear Mr Galpin,

Thank you for your letter dated 6th January 2021 which was received by this Office on 14th January 2021.

I am sorry to hear of your frustrations to date and I fear that this reply is not going to help in that regard, but I'm afraid that the Master of the Rolls is unable to comment or intervene in relation to your proposed (*sic*) application to the Court of Appeal.

I have investigated the current position with the Court of Appeal Office and it appears that they are currently seized of your proposed application and it has the reference 2020/PI/10670. If you have any queries or questions in relation to the progress of this application then they have to be referred to the Civil Appeals Office, rather than the Master of the Rolls or this office directly. Their contact details are:

General enquiries
Civil Appeals Office

Room E307
Royal Courts of Justice
The Strand
London
WC2A 2LL
United Kingdom

239. This is an example of a targeted probing letter which confirmed that the MoR Vos knew exactly what was happening in his Civil Appeals Office which he was directing, but thought he would keep his accountability at arm's length as though this would absolve him from legal and moral responsibility.
240. This Appeal presented an insuperable problem for this corrupt Political/Judicial cartel. The vicious opponents to the success of this case, who had placed themselves well above the law, regardless of its consequences.
241. Until this moment this cartel of Coffey, via Burnett (LCJ), to Vos/Fancourt had been able to corruptly manipulate the use a single 'pliable' Justice to deny the Human Right to Justice. However, the cartel had boxed themselves into an invidious position that should this case be allowed to progress to the Court of Appeal, procedurally would it have to be heard before a minimum of 3 Justices and clearly the Judicial leaders of this cartel, Burnett and Vos, could not guarantee to Coffey that they would be able to produce 3 'pliable' Court of Appeal Justices.
242. In desperation the cartel's final line of defence was twofold. Firstly to attempt to 'logjam' *this* Appeal like the previous Appeals at the Civil Appeals Office because Caton had confirmed that they had received the Appeal and secondly by corruptly burying it administratively by the unlawful maladroitness manipulation of judicially directed unqualified corrupt civil servants and in a rerun *this* Application was re-visited by none other than Andrew Caton acting on behalf of MoR Vos; Mr.Cobourn (Civil Servant); and Mr Choudhury (Registrar).
243. This next corrupt operation had once more to be at arm's length because it was criminal, perverting the course of Justice and the denial of the Human Right to Justice, by the members of this cartel acting severally and individually, criminal actions, which had to be untraceable back to its originators.
244. This exhibited over confidence because it was proposed to use criminal deception and administrative deceit which they routinely practised on an almost daily basis, by which Cobourn/Choudhury et al convinced Appellants that their Appeals had been placed before a Master (a Justice) when in fact they had not.
In its amusing arrogance it exhibited a breath taking degree of naivety and lack of street nous the latter which Firefighters' live and breathe, daily.
245. The pragmatic collective defence (clearly some of it by 'press-ganged' Registry juniors) included a blizzard of returned documents; fee cheques (amounting to £2000+) which had been cashed (a Contract in Common Law) then reissued and returned but unfortunately all this subterfuge came unglued by the intervention of a young honest, alert and career courageous Lady Justice Rimmer-Bancroft.

246. Lady Justice Rimmer-Bancroft, who has a feisty reputation, clearly had been the victim of the misuse of her Judicial name by Cobourn/Choudhury et al before, insisted that her name be removed and disassociated from this corrupt criminal activity and that Cobourn/Choudhury write a letter doing so to disabled FSV~FMG in which Cobourn stated that he had been in error when he previously claimed that disabled FSV~FMG Appeal had been placed before Lady Justice Rimmer-Bancroft.
247. An Appeal which he had stated had been denied by Rimmer-Bancroft LJ when in fact it had not and neither had it been placed before her. Both criminal acts.
248. However not to be undone Cobourn/Choudhury et al then initiated their last criminal subterfuge in which they stated once more that the Appeal had finally been placed before Justice Newey confirmed by a single line of 'cut and paste' in which they stated that Justice Newey stated that his decision was final and that the Court of Appeal would not enter into any further correspondence. Such stupidity is hard to credit.
249. Given the circumstances which arose with Lady Justice Rimmer-Bancroft it is unlikely, though not impossible, that Justice Newey was unaware of these actions involving his Judicial name, but the truth will out.

Chapter 20.00.

The Assassination of Lady Justice Falk's Career.

250. I cannot leave this point in the narrative without addressing what actually happened to Lady Justice Falk DBE? Who gave the orders? Why it was necessary?
251. It has never been explained why Justice Falk was given this reasonably complex Pension Law case in the first place because a glance at her legal background provides no answer. She simply had no experience whatsoever with Pension Law cases.
252. Perhaps the expectation was the Falk LJ would follow the line she had been 'encouraged' to take but there were other forces at work namely Falk LJ's mentor the still in post MoR Lord Etherton who, after Falk LJ's initial denial, may have suggested that it would be propitious to look at this case again and her decisions.
253. Given the judicial experiences of disabled Firefighters and their LiPs it does not require a bounding leap of faith to conclude that Falk LJ was removed from the 1st July 2020 Hearing, which was immediately rescheduled to the 3rd July 2020 Hearing to suit, not only Fancourts's LJ's diary, but to ensure that Falk LJ was prevented from making the mistake of changing her original decision by granting Leave to Appeal to the Court of Appeal and/or dealing with the entire Appeal as she had the Judicial right to do, if she chose to.

Either way she was unceremoniously publicly dumped from the case, a unique and cruel act even in British Judicial history.

Chapter 21.00.

Those who in complicity ~ Conspired

254. **On the 8th September 2019**, Rt.Hon. Dr.T.Coffey PhD.,PC was appointed Minister of State at the DWP. She will have been briefed, on appointment, by the in post Pensions Minister Mr.G.Opperman M.P., and the Permanent Secretary who were fully aware (including a Letter from Mr.Tim Farron M.P. ~ Appendix 'A') in respect of the emerging and developing Public scandal concerning the 50% pension underpayments to 11,000 disabled Firefighters, their 30,000 Widows and Beneficiaries, and estates.

255. **On the 1st of February 2020** Sir Geoffrey Vos QC, the existing Chancellor of the High Court, was elevated to the post of Master of the Rolls which it was intended, in looking ahead, that he should occupy from the 11th January 2021.

In the meantime he was expected to, 'cover for' an increasingly absent existing Master of the Rolls Lord Etherton QC who was on extended and repetitious sick leave; Vos was to be supported by an ambitious *acting* Head of Civil Justice Sir Peter Coulson QC.,PC an acquaintance of Guy Opperman MP Pensions Minister the former from his days on the North East Circuit within Opperman's Constituency.

Vos was the Judicial prime mover in all that transpired.

256. Naturally the collective expectation would be that this test case would develop into a legal challenge to the government and naturally it would be expected to resist this challenge and to decide, one assumes, lawfully how that might be achieved.

257. But in fact the problem was resolved by 'perverting the course of Justice' and suborning an already 'bought', but allegedly 'independent' Judiciary, at the highest level.

258. Given the subsequent recorded actions taken to 'pervert the course of Justice' there can be little doubt that at the instigation of Cabinet Minister Rt.Hon.Coffey that Rt.Hon Sir Peter Coulson PC (acting) head of Civil Justice; Rt.Hon Master of the Rolls Sir Geoffrey Vos; Rt.Hon Lord Chief Justice Baron Burnett ; and President of the Supreme Court Rt.Hon Baron Reed were all fully and corruptly engaged in the collective knowledge of what was taking place and lest there be doubt in the three weeks that this narrative was being written they were all digitally logged into and recorded as visiting my website and its libraries.

259. Now we are aware who gave the orders and who took the actions not only to 'pervert the course of Justice', but at three important levels of Justice; the Court of Chancery; the Court of Appeal; and the Supreme Court to *deny all* the Human Right to Justice.

260. It is not difficult to follow the chain of authority/communication in its gross abuse of State authority, nor to identify those who gave the orders for the career assassination of Lady Justice Falk and though it may be difficult to contemplate or comprehend, caused incalculable and irrevocable harm to Sarah Falk's dignity as a person.

261. It also caused her profession humiliation and inestimable detriment to Falk LJ's burgeoning professional career in the High Court (Chancery) but when set against the

expenditure in restitution of £4billion+ to disabled Firefighters, their Widows and Beneficiaries, Lady Justice Falk DBE was a trifling matter as far as the likes of Coffey, Reed, Burnett, Vos and Coulson were concerned.

Chapter 22.00.

To the Supreme Court.

262. **On the 1st April 2021** after a short period of time to allow Cabinet Minister Coffey and her 'gang' to reflect, disabled FSV~FMG lodged an entitled 'Extraordinary Appeal' consisting of 203 pages for which he paid the Court fee of £1,000.0.

263. **On the 11th May 2021** he received a first note, because it could hardly be described as a letter in a curious choice of words, not even indirectly from the Baron Reed President of the Supreme Court, but from the Supreme Court Registrar Mrs Louise di Mambro as follows:

"I have been asked to reply to the letter you sent to Lord Reed I am sorry but from the information you have provided it seems that this Court will be unable to help you."

264. **On the 19th May 2021** he received a second note to a second letter he had sent to Lord Reed once more from the Registrar Mrs Louise di Mambro using more curious choices of words:

"I have been asked to acknowledge receipt of your letter to Lord Reed".

It seems in similar practice Mrs Louise di Mambro a'ka the Civil Appeals Office Registry regularly quotes in her correspondence the following:

"I have shown your papers to Lord Lodge one of our Scottish Justices who has confirmed that this Court does not have jurisdiction".

Disabled FSV~FMG provides his impressions of these responses in Appendix 'D'.

265. This "Extraordinary Appeal" procedure was created by the Supreme Court to deal with 'extraordinary circumstances' arising in the lower Courts, for example, a prima facie case of the Denial of the Human Right to Justice; a blatant mistrial; or that self-evidently a sitting Justice had got the law entirely wrong.

266. The submitted 'bundle' of 203 documents not only cited the Denial of the Human Right to Justice but in a prefix I presented my detailed researched Case Law supporting the contention the Fancourt LJ got his Judgment entirely wrong.

267. This was a prelude to the re-presented core of this 'Extraordinary Appeal' by pro bono Mr. John M. Copplestone Bruce in which, in detail, he eloquently and expertly prayed that the law did indeed find for us.

268. All of those documents remained unread and were rejected by a non-Judicial Registrar Mrs. Louise, di Mambro who is also rather interesting person. In the olden days the Monarch's Messengers carried a badge of office, a Silver Greyhound. Perhaps di Mambro

sees this as her role?

269. Mrs Louise di Mambro is also the Registrar of the Privy Council and at its monthly meetings with the Monarch she will meet and greet Privy Councillors, entitled Right Honourable (Rt Hon) including Rt.Hon Cabinet Minister Coffey PC; Rt.Hon Baron Reed; Rt.Hon Lord Burnett; Rt.Hon Sir Geoffrey Vos; Rt.Hon Sir Peter Coulson PC.

270. It is a reasonable speculation that Mrs Louise di Mambro (The Greyhound) provided the 'arms length' key two way conduit between the PM, Cabinet Minister Coffey PC and those she wished to 'influence' in the higher echelons within this 'independent' Judiciary in between such monthly Privy Council meetings.

Chapter 23.00.

A 'Bought Woman'

271. It is essential that in contrast to this record of enforced penury, poverty and death I should illuminate this interesting 'bought woman' Coffey and her coven who is actually responsible, on our behalf, for bringing to these victims the compassion they are entitled to and deserve.

Coffey, sadly of Irish heritage, was educated at a 'private' fee paying Convent School St. Mary's in Crosby Merseyside where I served in the immediate vicinity, before her time.

As a former 'old girl' of a Convent myself from the age of 3-7 I know the harsh Catholic regime and its ethos and at the age she attended I know that she will already have been taught about the moral compass of life and the 8 Beatitudes:

- Blessed are the poor in spirit: for theirs is the Kingdom of Heaven.
- Blessed are the meek: for they shall possess the land.
- Blessed are they who mourn: for they shall be comforted.
- Blessed are the merciful: for they shall obtain mercy.
- Blessed are the clean of heart: for they shall see God.
- Blessed are the peacemakers: for they shall be called the children of God.
- Blessed are they that suffer persecution for justice' sake, for theirs is the Kingdom of Heaven.
- Blessed are they that hunger and thirst after justice: for they shall have their fill.

272. But an adult Coffey somewhere along the highway of life sold her Soul; a vicious bile filled, selfish, self-serving, lazy creature, who works as little as she possibly can, except, as the street people might say, when she is busy 'screwing' them.

273. Coffey is interested in expensive horses another unfortunate Irish trait; I just milked cows but, speaking of which, Coffey is an expert milker of the 'system' since 2010 when she was first elected and 'noticed' by IDS. It takes one to know one...

274. Because of her horseracing interests, she owns a commercial stables with some Arab pals in Warwickshire which she fails to declare in her almost 100 parliamentary

declarations of 'gifts' and declared 'interests'. One wonders about those remaining 'interests' she does not declare.

During the working day her whereabouts during the racing season is easily found using the racing calendar when she is accompanied by sister Clare, also on the gravy train. A train which annually includes Royal Ascot, the Grand National, Chester and all her usual favourite Horse Racing haunts.

275. There, whilst smoking her donated cigars (Gallagher) and quaffing her donated Champagne (ITV) in her VIP boxes (Channel 4) and playing those addictive gambling machines she votes for (Ladbrokes et al) she will meet another horse loving investor, her long time served Pensions Minister, Gary Opperman MP, a former barrister and amateur jockey (Jewish Chronicle).

276. No doubt from time to time they will both meet Sir Geoffrey Vos a faux 'farmer' in the Malverns who runs his holiday hospitality lodges in between his jaunts offshore to check on his 'investments' in the Caribbean and Jersey Islands whilst on Judicial duty (which the Taxpayers pay for); and occasionally in his Judicature position as Master of the Rolls meeting with his bosses, the insatiable golf player, the President of the Supreme Court Baron Reed (Reed is not a Lady Hale DBE PC QC FBA.) and the Lord Chief Justice Burnett to do IDS and Coffey's bidding. Three 'bought men', but as we have seen there were quite a few others.

All of these criminals have done inestimable damage to the Public trust and international reputation of an 'independent' English Judiciary.

277. One wonders if 'townie' Vos and his loss leader faux farm (tax avoidance) is claiming that these hospitality homes are part of his Community Charge exempt agricultural holding where, according to the Jewish Chronicle, he breeds horses and bulls (though looking at the farm surely they mean bullocks, not to turn a pun) because they are not exempt.

278. Vos surely must share his landlordly concerns with Coffey who has had her own little local landlord difficulties in Suffolk where it was difficult for the parliamentary expenses accounting staff to determine where she actually did live, or rent out. The conundrum was, was it a 'house', or was it a flat', though some seemed to think it was a caravan, but was that in Suffolk, or was it in Hampshire?

279. Not for her the food banks with her snout well into the Tax Payers trough...

One presumes that currently whilst living with Clare at Billinge in Lancashire the same staff will have no difficulty determining what Coffey's claimed allowances should be contrary to what she might be claiming, for example, on two or was it three occasions the Catholic Church regularly paid £15k a year for an 'intern' in Coffey's office.

Now was that in London or at Billinge Lancashire and was that in addition to claiming for her 'employee' sister Clare, or in substitution?

280. It is little wonder then that Coffey and her sister Clare are more than regular visitors to my website 'www.TheMorningBugler.com' indeed at times they are frantic visitors visiting some 3-4 time daily using different 'proxies', or so the very clever automatic digital locator system records.

There are some smart men around you just have to find them...they have pensions also.

281. Presumably Coffey is a little concerned about the exposure of her 'activities' as indeed are Reed, Burnett, Vos and other Tory party apparatchiks including their active supporters at the LCC/LCFA who all cleverly think that by using proxy locations, the real experts in clandestine operations who help me would be unable to identify them and their true locations. Once more they demonstrate that they are not as clever as they think they are.

Indeed Coffey loves intrigue and phone tapping and votes for its use and true to her 'form' is having my phone hacked whilst attempting to interfere with my emails and website which may bring her some comfort but she would be unwise to believe all she hears and reads...

282. Coffey, this unsavoury creature, is a UK Cabinet Minister no less, who is actually rather stupid and an erratic sociopath who swims in shark filled waters where the dangerous game is, who is the hunter and who is the hunted? That is what the Internet in warfare was all about originally and still is.

283. And just in case I might have missed a point or two this is how journalist David Hencke accurately saw Theresa in July 2019 when she was appointed Cabinet Minister...

"Just before Parliament was suspended, Boris Johnson appointed one of the most hard-line and divisive women to replace Amber Rudd as Secretary of State for Work and Pensions.

Her voting record reveals a tranche of reactionary views, likely to be offensive to the gay community, women, pensioners and non-smokers. She would also like millions of Europeans who live in the UK to have no right to stay here.

Cigar-smoking Therese Coffey, MP for Suffolk Coastal, would like to lift the ban on smoking in public places, bring back limitless betting odds on addictive gambling machines and is an opponent of gay marriage.

As a former member of the Commons' Culture, Media and Sport Committee, in the past she has defended Rupert Murdoch over the phone hacking inquiry and was a staunch supporter of Rebekah Brooks, the former News of the World editor and the current CEO of News UK, who she claimed was a victim of "a witch hunt".

The MP, who was appointed to the £154,000 job after Amber Rudd resigned over Boris Johnson's 'no deal' Brexit stance, confirms that the Prime Minister now has one of the most right-wing Conservative cabinets since the latter period of Margaret Thatcher's Government.

Coffey opposed gay marriage in Britain in 2013, following up this year by voting against a Commons measure to extend the right of gay marriage to Northern Ireland. She also supports parents who want to withdraw their children from sex education in schools.

On human rights, she voted both to repeal the EU Fundamental Charter of Rights and the Human Rights Act. She is in favour of allowing discrimination against Indians of lower caste and also wants the human rights watchdog, the Equality and Human Rights Commission, to lose some of its powers.

On Europe, although she voted Remain, she has since been hostile to Europeans from both the EU and the European Economic Area (EEA) living here after a 'no deal' Brexit. She voted against giving them and their families residential rights, but made an exception for the Irish.

On benefits and pensions, she is a firm supporter of the so-called bedroom tax, under which disabled people have to fund for themselves any extra bedroom for a carer. She does not believe that people who are long-term disabled need higher benefits, wants pensioners in work to pay National Insurance and supports cutting the welfare bill.

A landlord herself, she voted against changing the law to prevent landlords letting property that was unfit for human habitation.

Her declarations in the House of Commons' Register of Interests reveal that she has a penchant for going to major racing events at other people's expense. Both Ladbrokes – which campaigned against the limit on fixed-odds betting terminals – and ITV have paid for her and two of her staff to go to Royal Ascot. Her last visit in June was worth £2,318. She has also enjoyed free trips to Chester, Doncaster (paid for by Ladbrokes) and regularly to the Grand National at Aintree (for herself and a guest costing anything between £640 to £1,125).

She has employed her sister, Clare Coffey, on a casual basis on the parliamentary pay roll since 2015 and takes interns from the Roman Catholic Bishops Conference, which pay for interns and provides them with accommodation (X3 £43482).

Boris Johnson has, rather unsurprisingly, not given her Amber Rudd's former role as Minister for Women and Equalities – given her views on the subject.”.

One hopes that the relevant RC congregation donors are all happy about where their donations went?

Sadly, David Hencke forgot the football matches tickets; the Channel 4 BAFTAS; the Chelsea Flower shows and anything else she, accompanied by Clare, can dip her grubby fingers into while her pensioners all went without...

284. This Coffey and her 'gang' ought to be in jail where they all belong for criminal corruption and Gross Misconduct in Public Office.

285. I have exposed her criminal activities with a complicit senior Judiciary whereby in a gross abuse and imposition of oppressive State power she has deliberately incited, authorised and approved the perversion of lawful 'due process' and the denial of Human Right to Justice which is pure 'Contempt of Court'. Though I have a full measure of that myself.

This will put her and her 'bought men and women' in jail but not before she sings like a canary which her type always do. A fact of experience I learned on the Parole Board.

286. Incidentally, Mr.S.Bailey MP who sits on this Select Committee also sits on the DWP Select Committee. He cannot deny knowledge of the disabled Firefighters' case because since his appointment there in 2019 he has been on my *individual* circulation list...

287. My exceptional personal regrets in all this was watching a resolute and courageous Brenda Marjorie Hale, Baroness Hale of Richmond, DBE, PC, FBA stand firm over the three years of her tenure as the first Lady President of the Supreme Court whilst she built and expanded the Public reputation of the Supreme Court against all comers.

288. The nation watched enthralled as this Yorkshire Lass took on, held the ground and defeated the IDS and Johnson's of this world as they attempted in their first coup d'état to

overthrow our Parliamentary Democracy.

This Nation's Firefighters recognise her virtues and salute her.

289. But later, like the thieves in the night they are, these predators of Democracy were to return installing their new 'bought' man Baron Reed who in a short few months was to demonstrate what 30 pieces of silver can do.

290. The Presidency is more than a titular head. This person embodies the Soul of Democracy built on the moral compass of a Nation which is compassion for the downtrodden with the virtues of fair play and decency reflected in the Statue of Justitia standing on the Orb of the World on the Cupola at the Old Bailey.

291. Reed betrayed all that democratic vision, his truly independent colleagues and his Oaths of Office. He was given the power of office to correct all the corruption he was well aware of and failed to do so. In fact he perversely built on it.

292. Reed sits on an ad hoc Committee at the European Court of Human Rights the very Human Right to Justice he has denied us. That makes him a hypocrite.

288. Reed is a member of the Irish Bar of my Nation. They have poor judgement and even poorer taste and his presence should be rejected.

Yours Sincerely,



Divisional Fire Officer (Rtd) Grad I Fire E.



Order
of
Excellent Firefighter



Soviet Union

PB00321

LSGCM
Exemplary Fire Service



United Kingdom

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Oklahoma Medal of Valour
&
Honorary Citizenship



Oklahoma USA

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Appendix 'A'

From:

Tim Farron M.P. former UK Lib/Dem Leader (unabridged) originally to the Pensions Minister Mr.Guy Opperman M.P in 2019.

“ From: tim@timfarron.co.uk

Sent 29 October 2019 08:48

Subject: (Case Ref: TF111169)

Sent 29 October 2019 08:49

FOR THE PERSONAL ATTENTION OF THE MINISTER, GUY OPPERMAN MP

Dear Guy

I write to represent my constituents who have approached me with regard to their concerns over a “black hole” in the Lancashire fire-fighters pension scheme and potential massive underpayment involving thousands of disabled Firefighters and their Pension Beneficiaries, which amounts to millions and will potentially bankrupt the Lancashire Fire and Rescue Service, even though the firefighters are entitled to this money.

From what I understand, this matter has been raised with you previously and to date I am unaware of what action the Government propose to take to right this obvious injustice? In summary, the principal scheme in payment from 1992 was the Fireman’s Pension Scheme until closure to new entrants in 2004. Members paid 11% per month into this scheme deducted at source. Historically, every Fire Authority Pension fund was “underfunded”. This meant that the 49 Fire Authorities routinely started every financial year with their pension pot empty and concluded the year with a substantial deficit, after having paid the Statutory pensions due to their retired Fire Service Veterans of whom a substantial number are disabled through service injury; to their Widows (Half-50%) and Beneficiaries. Simply put, if the pension is miscalculated or wrong, then everyone suffers.

At the end of the financial year the Fire Authorities would then routinely reclaim all this pension expenditure (in arrears) as part of the grant aid which they would receive from central government via the Home Office (The Fire Service Department) by reclaiming 100% of their total pension expenditure the previous financial year. Problems came to light in August 2014 when the Essex Gazette headlined an article that the Essex County Fire and Rescue Service (ECFRS) has “discovered” a black hole in its pension accounts amounting to a deficit of £15 million which had been accumulating unnoticed since 2006.

HM Treasury required immediate repayment of this huge deficit (with interest) to them and to the taxpayers, or face further commercial compound interest penalties. Bankruptcy loomed and the money had to be found from the Essex reserves.

It soon became clear that Staffordshire and Cheshire FRS found themselves in a similar position and it was a reasonable speculation that if this recurring “error” had afflicted 3 Fire Authorities beginning in 2006, then it is likely to have affected all 49 Fire Authorities over the following 8 year period. It seems likely, but still uncertain at this stage that, when the first year

of change came around in 2006, Fire Authorities made the usual 100% annual reimbursement claim.

At this point Fire Authorities, in the complex pension accountancy procedures which were mandated, were required to pay back 20% of this annual grant by the DCLG/H.M.Treasury after discharging their statutory duty to pay disabled Fire Service Veterans their injury pensions but they either failed to make this payback to the correct value or simply failed to pay it back at all. Fire Authorities simply cannot claim ignorance because they are in daily communication, via their behind the scenes 'Fire Finance Network'. It is a reasonable assumption that, when one Fire Authority 'discovered' that they had failed to reimburse the DCLG/H.M.Treasury properly and because they assumed DCLG Firefighters' Pension Team would not 'police' their own rules effectively, what happened it would appear is that false accounting was not picked up. Did Fire Authorities take an extra 20% grant aid 'bonus' to which they knew they were not entitled?

At Governmental level there are, I understand, 4 civil servants in the DCLG Fire and Resilience Directorate, in particular, the Firefighters' Pension Team (which now resides at the Home Office), who are nationally responsible for managing Fire Service Pension Schemes, which includes annual reviews. This begs the question, were these annual checks ever made and if not, why not? It certainly seems that they either failed in their statutory duty to report all of this to the Pension Regulator.

In 2007 the Lancashire Fire Rescue Service "discovered", it alleged, that Fire Service Veterans had not been kept informed (which they had) of deductible DWP benefits resulting in alleged overpayments, which amounts to gross maladministration. It also appears that Lancashire have not been paying retired firefighters correctly, as set out in pension regulation, for example, if a firefighter retired on genuine ill health grounds, replacing illegally the B3 compensatory pension, due to that person 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.

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. When firefighters have applied to the service to have this error resolved, they have been rebuffed and, as I understand it, 11,000 firemen retired on grounds of ill health under 1992 SI 192, until superseded in 2006. Given the scale of the problem, where many men may have been awarded an ordinary pension, when in fact they had a qualifying injury and as such, should have been entitled to payment of an enhanced ill health pension and compensatory injury award. They should not be suffering financial hardship through no fault of their own and mistakes in the administration of the pension scheme appear to continue to this day with, it is alleged, no appeals procedure with Lancashire to have their cases heard?

Can I ask you to investigate, with a degree of urgency, what is happening within the Lancashire Fire and Rescue Service pension scheme, which is affecting some of my constituents. From all I have seen, there appears to be LCFA some £4.5mil to reimburse the Lancashire Fire Pension Service Fund which appears to have been 'borrowed' by senior officials commencing a decade ago whereby In-Service Firefighters were short changed on their future pensions. If this money is paid back in full, which should surely be the case, the service goes bust. However, Lancashire Combined Fire Authority Chair have offered a settlement to the Firefighters in which the LCFA will decide the date when the pay back will go back to, instead of 2010 which should be the only moral and correct date and will make the payment of a final settlement of £0.5mil in to the Pension Fund. Next the LCFA are going to have to find underpaid pension reimbursements for at least 167+disabled Fire Service

Veterans, their Widows and Beneficiaries when, not if, the LCFA are forced by law to pay back, with compound interest, over some extremely extended times of pension underpayment -two decades and more- the correct pensions which once more should have been picked up by the Pension Scheme Manager. This ought to have been reviewed and corrected many years ago and calls into question why a serious investigation into how this pension scheme has been so woefully mismanaged has not been ordered to date?

One of my constituents who is affected has suggested on a guesstimate calculation of his own underpayment and based on a median figure of say £250k overdue per Beneficiary, the LCFA are going to have to scrape up around £41.8million, in addition to £4.5million, making around £46.3million out of a budget of around £55million leaving an unworkable balance of £8.7million. Should LCFA go cap in hand to HM Treasury for support, I have little doubt that HMT will reply ...' well this fault is down to the Scheme manager who had a legal duty to pay the correct pensions in the first place and run the Pension Scheme according to the law and you will have to pay the bills due from your own reserves.

If the first bill for £4.5million does not lead to LCFA bankruptcy, the second for £41.8million certainly will, resulting in the massive closures of many Lancashire Fire and Rescue Stations and an equally massive reduction in the uniformed establishment of crews (85% of running cost of the FRS are salaries), with a commensurate reduction of 'fire and emergency cover' over all of Lancashire.

If this dramatic and alarming unfolding story does not capture your attention I doubt what else will and I therefore ask for an urgent review to be undertaken. I am more than happy to put you in touch with affected firefighters. Seeing through their eyes how they have been poorly treated and deprived of what is rightfully theirs is worrying and the suggested criminality which is alleged, of knowingly covering these matters up, even more shocking.

Thank you for your time and assistance in this matter.

With best wishes

Yours sincerely

TIM FARRON MP."

Appendix 'B'.

30 Broadway,
Fulwood,
Preston
PR2 9TH
Lancashire.
+44 (0) 1772 712857
jmcbruce@btinternet.com
14th December 2017

Lesley Titcomb
Chief Executive, The Pensions Regulator
Napier House,
Trafalgar Place,
Brighton.
BN1 4DW.

Anthony Arter
The Pensions Ombudsman,
11 Belgrave Road,
London.
SW1V 1RB.

Conspiracy to Defraud

Dear Regulator and Ombudsman,

With respect, may I alert you both, personally as the responsible individual, to what would seem to be a most serious and systemic conspiracy to defraud former firefighters who, though compulsorily retired on ill-health, are being paid a basic time served pension, denying them compensation provided by common law and legislation.

Mr. Galpin, et al (amongst cases in your offices) has stated the whole of it:

" 4. SI 129 1992 specifies a B3 'Ill-health' pension as compensation for loss of future rank, salary and a higher pension denied those forced into early retirement by reason of ill health."

The Lancashire Chief Fire Officer replied on 19th Feb 2016 (IDRP/2015/FMG):

"Appendix 1 is an extract of SI 129 1992 Part B Personal Awards (pages 16 and 17). I am unable to see any reference in the Statutory Instrument to this being compensation for loss of future rank, salary and a higher pension denied those forced into early retirement by reasons of ill health".

Mr. Kenny, a layman, construes the law to mean that Mr. Galpin, on being required to retire on being injured in our service so suffering financial loss, be paid the same B1 pension which would have been his entitlement on choosing, when fit, to go early to become a well paid plumber.

A priori, legislation requires congruity between its parts. SI 192 Rule K (1) (b) enables the fire authority to reduce an ill-health pension by up to 50% on contributory negligence, which presupposes a compensatory pension. Congruity requires that where wording departs from formulaic provision, an ill-health pension is intended to be compensatory.

De facto, Mr Galpin is receiving the irreducible sum of a basic time served entitlement - due, injured or not. Since it cannot be reduced it does not in law qualify as an ill-health pension.

More widely, pensions administrators owe a fiduciary duty to those to whom their fund pays pension to know the law and apply it.

There is an over-arching legal presumption in construction of all documents that wording is given its ordinary (SOED) meaning and, in legislation, all words used have meaning and different words denote different meanings.

The law is consistent, so construction of an SI, as in contract, requires wording to be strictly construed against the interest of any party relying on wording to gain self-interest, or to deny another's interest - here a pension provider to avoid payment.

The ill-health pension provision is set out in SI 129 at Schedule II, Personal Awards, Part II, Rule B3. At the same time as it promulgated its SI 192, the Home Office issued its 1992 Commentary. The Commentary does not make law but in plain language sets out, for lawyers and laymen alike, how the State, HMG, requires its parliamentary language of provision to be construed. By giving unambiguously, in the plainest of plain English, HMG's intended meaning of wording used in the SI to lay administrators, the Commentary avoids different interpretations in different places, to ensure a common, shared and legally correct, universal interpretation. Unless the Commentary mis-states the law, payment of any pension not in accordance with the Commentary's interpretation of the meaning of wording in the SI is maladministration. Ill-health provision in SI 192 is set out at B3. Paragraphs 2, 3, 4 and 5 all make provision. Whilst paragraphs 2, 3 and 4 are premised on and limited by, what pay 'is' being paid, paragraph 5 is premised on 'by reference to' actual pay, so limiting calculation to being based on the scale of ranks and pay rates in force at time of enforced retirement, within which the actual pay is specified. As a matter of legal construction, the 'is' in SI 192, Rule B3 cannot lawfully be conflated with, or be taken to mean the same thing as 'by reference to', as Mr. Kenny has taken it to mean for the purposes of his reply to avoid any legal duty on the pension fund to compensate for lost career. The use, meaning and legal effect of 'is' in the Rule B3 formulaic provision is unmistakable. To avoid mistake on more difficult language, the Commentary construes into plain English the non-formulaic legal effect to be given to the meaning of 'by reference to' in paragraph 5. The Commentary specifically tells, states the law, to pension administrators (third person) that they are to give legal effect to the words 'by reference to' by awarding pensions sums under B3 as formulated, "or what could have been earned by compulsory retirement age". To the pensioner, to whom access of the Home Office Commentary was to be made freely available, the Home Office speaks to each personally (second person), your pension is as formulated "or what you could have earned by your compulsory retirement age". The intention of legislation was inescapably to grant flexibility to calculate future loss within a paragraph 5 award of a notional pension by allowing it to become – *what could have been earned* – including by promotion or, with passage of time, the top pay rate for the rank he or she could have enjoyed. In practice, to arrive at "*What could have been earned by compulsory retirement age*" the first step is to decide what final rank or pay level full service 'could' [not probably but a more generous possibly], have yielded the fireman; then, to calculate the notional pension for someone retiring that day in that rank or at that pay point. By specifying calculation 'by reference to' to his current pay, the SI is avoiding speculation on the sum of future earnings by limiting calculation of notional pensions to the pay scales in force at the time of the enforced retirement, To avoid an ill-health pension yielding more than possible actual loss, where the paragraph 3 or 4 figures are higher than the notional pension, the lower notional pension is paid. This is to avoid any ill health B3 pension doing more than compensate for loss of earnings a full successful career could have yielded - that is "*What could have been earned by compulsory retirement age*". Thus, to compensate for financial loss, SI 192 Rule B3 (5) provides as the ill health pension the sum of a notional B1 of a full and successful career. Being a notional B1 the sum is limited to 40/60th of final notional putative pay calculated on the pay scale in force at the date of being required to take ill health retirement. It was not and is not, parliamentary intention that its legislation provides injured firemen or women with less compensation than under common law. Before material legislation firemen who lost their careers and prospects through injury had to go to Court to seek damages for both their injury and financial loss. Legislation replaced that. It replaced uncertainty by certainty. What was good for firemen (whose Unions approved) was good for the taxpayer who avoided having to pay future financial loss up front in damages and the heavy legal costs of endless litigation. Damages were replaced with an 'injury award', in effect a lump sum in compensation, as in damages, for pain, suffering and loss of amenity and a separate 'ill health pension', as compensation, as in damages, for loss of future career earnings. By not following government guidance, so misconstruing, so denying compensation for financial loss in his awards of notional pension, Mr. Kenny denies paragraph 5 of Rule B3 any legal effect. He also

avoids underlying common law entitlement, the 1947 enabling Act and the 1992 Home Office Commentary, specifically issued to him to ensure a proper legal construction of the provisions of SI 192 1992 – none of which could have come to pass but for the unlawful suppression of the 1992 Commentary (continuing).

You may care to note in your investigation that Mr. Warren, administrator, misled the former ombudsman Mr. King in writing by quoting him the 2008 Commentary well knowing that it had no application to Mr Burns' pension, to which the 1992 Commentary applied.

Of course, in absence of the Commentary, in ordinary life, the SI would only ever mean what, in breach of his fiduciary duty, the trusted pension provider told the pensioner it meant.

I write to you personally because I am concerned by the way something which, by any yardstick can only be a national disgrace and is scandalous, is still not being dealt with.

It is, is it not, unfair, disreputable and despicable and should have no place in the UK – justice denied and corruption prevailing in systematic theft by those in a fiduciary relationship, of entitlement, so cash, from disadvantaged old civil servants, hurt in helping us who, in their 70's and more, some are without means of redress. I trust Mr Arter will now personally and most urgently, review the decision taken after his lay predecessor was misled by Mr. Warren.

I trust that Mr Burns may now be given the help and support due to any whistle blower seeking justice not just for himself but others from an adverse system. Though I have only looked at Mr. Burns' pension commencing in 1997, it suggests a policy of maladministration.

I trust you will agree that Mr. Burns (Galpin, or any fireman) should not have been 'short-changed' in this way and instruct Mr. Kenny to rectify with immediate effect.

If I can assist you further please don't hesitate to call on me.

I would be grateful to be kept informed.

With best wishes,

John Bruce.

Inner Temple.

PS. Mr Burns has my permission to circulate as he wishes:

Compilation and Circulation by Mr. Paul P. Burns GIFireE:

Rt. Hon Mr. Frank Field DL M.P., Chair and Members of the Parliamentary Select Committee Work & Pensions:

Ms. Heidi Allen M.P.,

Mr. Andrew Bowie M.P.,

Mr. Jack Brereton M.P.,

Mr. Alex Burghart M.P.,

Mr. Neil Coyle M.P.,

Ms. Emma Dent Coad M.P.,

Ms. Ruth George M.P.,

Mr. Chris Green M.P.,

Mr. Steve McCabe M.P.,

Mr. Chris Stephens M.P.

The (Fire) Minister for Policing, Fire and Criminal Justice and Victims:

Mr. Nick Hurd M.P:

Firefighters Pension Team (Civil servants):

Mr. A. Mooney; Mr. M. Sherratt; Mr. P. Perry

Minister of State for the Disabled People, Work and Health:

Mrs. Sarah Newton M.P.

Parliamentary Under-Secretary of State DWP (Pensions Minister):

Mr. Guy Opperman M.P.

Members of Parliament; Mrs. Louise Ellman M.P.;Mr. Jim Fitzpatrick M.P.;Mr. Nigel Evans M.P.

The Pension Regulator (Civil Servants):
Executive Director of Finance & Operations: Ms. H. Ashton;
Head of Complaints & Information Disclosure: Ms. T. Tyrrell;
Technical Adviser: Mr. T. Hulbert; Ms.C. Burton.

The Pensions Ombudsman (Civil servant):
Casework Director, Ms. Shona F. Nicol.

London Fire Brigade:
Director of Finance and Contractual Services & Delegated London Fire Brigade Pension Scheme manager: Ms.S.Budden.

Lancashire County Council:
Conservative Leader:
CC. Mr. G. Driver CBE.
Labour Leader:
CC. Mr. Azhar Ali.

Lancashire Pension Services (Local Authority civil servants):
Head ~ Mrs D. Lister; Performance Manager ; Ms. J. Wisdom-Senior Caseworker ~ Mr. K. Mackie.

Lancashire Combined Fire Authority:
Chairman:
CC F. DeMolfetta.
Vice Chairman:
CC M. Parkinson.
All Elected Members Pension Scheme manager(including ~ Local Pension Board Members):
CC L. Beavers; CC P. Britcliffe; CC I. Brown; CC S. Clarke; Cllr D. Coleman; CC J. Eaton;
CC N. Hennessy; CC S. Holgate; CC D. Howarth; Cllr F. Jackson; CC A. Kay; Cllr M. Khan;
Cllr Z. Khan; CC A. Martin; CC D. O'Toole; CC E. Oades; CC M. Perks; CC J. Shedwick; Cllr
D. Smith; CC D. Stansfield; CC M. Tomlinson; CC G. Wilkins; Cllr A. Williams.
Clerk (Part time) to the Fire Authority Mr. M. Nolan.

Lancashire Fire & Rescue Service:
Delegated Lancashire Firefighters Pension Scheme manager:
Chief Fire Officer Mr. C. Kenny QFSM.
Lancashire Firefighters Pension Scheme Fund manager:
Mr. K. Keith Mattinson.
Delegated Deputy Lancashire Firefighters Pension Scheme manager:
Mr. R. Warren.
Delegated Pension Scheme HR manager:
Ms. J. Hutchinson.

Appendix 'C'

John Bruce
30 Broadway
PR 2 9 TH

jmcbuce@btinternet.com

01772 712857

5th June 2019.

Private and Confidential.

Mr. Anthony Arter, Ms. Karen Johnston,
The Pensions Ombudsman, Deputy Pensions Ombudsman

10 South Colonnade, Canary Wharf
London. E14 4PU.

Dear Mr.Arter and Ms. Johnston,

I last wrote to you on 14th December 2017 to alert you and the Chief Executive of the Pensions Regulator (since gone) to evidence that suggested fraud. You did not reply but I understood, mistakenly it seems, that you were making changes, so I held my hand.

However, with the advent of Mr Coutts' opinion it rather seems that either you never got my e-mail; or that a member of your senior staff intercepted it, which I rather hope to be so because the unconscionable alternative is that what is happening is being orchestrated by you.

Since that has to be taken to be inconceivable, no doubt you will be as keen as I am to avoid malfeasance and put matters right. If so, then if I can assist you in any way in this, I will.

I understand a recent advice of mine saw the Lancashire 'day crewing' pension dispute under settlement and you will find past Opinions of mine in Mr Burns's and Mr N's cases.

What worries me, apart from the callous Windrush like way these old pensioners have casually been deprived for years what is their due, is that - as matters stand - unless you sort this out there are likely to be a number of criminal prosecutions and I would expect a Court to award exemplary damages to each defrauded pensioner, maybe in a class action. The paper trail in this matter should alarm you.

To ensure you both get this it will be hard copied to you personally. A copy will also go to Mr Coutts who also stands in the way of indictment.

Whilst it is perfectly reasonable and in the public interest for the State or an industry to minimise its legal costs by Ombudsmen applying the law in alternative dispute resolution it becomes a criminal enterprise when, to avoid cost to the State, resolution is passed to unqualified laymen to adjudicate on their subjective 'common sense' to the exclusion of legal provision and the common law of England and Wales.

It is, as I am sure you will agree, your personal duty to avoid malfeasance at the hands of those in your offices and it is your personal duty to ensure the unbiased, fair application of the law by those acting under your delegated authority.

An example of failure is the case of Mr. Paul Burns whose pension dispute was adjudicated by Mr. King, an unqualified layman civil servant, now retired. On your appointment to replace Mr. King, Mr. Burns had hoped that under your aegis you would have reviewed and revised his case to give him his due.

I confess that I find it troubling that you have not taken it upon yourself to reverse Mr. King's adjudication whose patent misdirection of himself and avoidance of the law, though indefensible, was pursued on a whim under perceived immunity from redress at the hands of an elderly, long deprived firefighter pensioner layman, with no legal aid.

I trust you will now personally review Mr. Burns's and Mr N's cases. May I also suggest that for the public to accept that you are fair and transparently impartial, where a pensioner wishes to appeal on the law, your service pays the pensioner's costs. Less and you have a Windrush system denying justice without redress.

I attach the 'Adjudication' given by your office in the case of Mr N.

Mr Coutts, whose adjudication it is, is also an unqualified layman who, being unversed in the law of construction of documents and feeling no need to seek legal advice, found no more difficulty than Mr King in allowing his 'common sense' to decide on a whim and on an arbitrary basis, what pension should be paid.

One might as well ask a plumber to do brain surgery.

A further cause for concern is that in having Mr Coutts adjudicate you are acting in breach of Section 145 (4C) of the Pensions Act 1993(as amended) which enables your staff to perform any function of yours 'other than determination' of a matter referred to you.

I am sure that under your aegis the law would have been given proper consideration and these cases settled long ago.

In each case, if only in accordance with the Nolan Principles, Mr. King and latterly Mr. Coutts, were both under a duty to inform themselves, as unqualified laymen, of the way they were required to interpret the law. One would have thought from you and your deputy as the in-house lawyers, but if not, then, at least, as all laymen were required to do, to take guidance on how to give legal effect to the provision by reference to the 1992 SI 192 Home Office Commentary (placed in your office by Mr Burns); 394 pages drafted and promulgated precisely to guide such non-lawyers on interpretation of the legal provision to avoid misfeasance, or malfeasantly, if deliberately misconceiving the SI provisions to defraud the pensioner.

It is not in dispute that Mr. N (and Mr Burns) are both entitled to Rule B3 ill-health pensions under the 1992, SI 192 Firemen's pension provisions nor, that there was a 1992 Home Office 'Commentary' to explain the law basing their ill-health Rule B3 entitlement simply as what "they/you" [there is more than one reference] "could have earned until required to retire by reason of age'. This does not in any way seek to make law – just interpret what the words used in the Statute mean.

The SI specifically excludes a Rule B3 pension due to anyone retiring early of his or her own volition, whose entitlement is a Rule B1 pension (without liability for any future loss). But it is a specific within the SI that a Rule B3 pension is payable to compensate for future financial loss suffered by those forced to retire early due to ill health.

But Mr Coutts knows better. His 'common sense' tells him as he put it at his paragraph 14, all Rule B3 pensions are 'capped at the same level as the Rule B1 Ordinary pension'.

As Mr King and Mr Coutts would have it there is no compensation for loss of earnings, none is due. All that is ever due as an ill health pension is the basic Rule B1 Ordinary pension in all cases.

They take the view that all Rule B3 provision is entirely tethered to the least pension falling due to any retiree who - by choice - is taking early retirement; to use Mr Coutts' word, all Rule B3 provision is 'capped' at that Rule B1 minimum.

It follows that whatever the wording of the 1992 SI 129 Rule B3 it can never mean other than an Ordinary Rule B1 provision; in which case Rule B3, in its entirety, is superfluous, redundant and without meaning, or effect.

It hardly needs saying that such a *reductio ad absurdum* is patently wrong. But what has – if not deliberately to defraud - so led Mr. King and Mr Coutts astray?

Lord Justice Evershed in *Rookes v Barnard* (1964) AC held 'There are only two cases in which it is permissible to depart from the ordinary and natural sense of the words of an enactment. It must be shown either that the words taken in their natural sense lead to some absurdity or that there is some other clause in the body of the Act inconsistent with, or repugnant to, the enactment in question construed in the ordinary sense of the language in which it is expressed.'

In Rule B3 the language is plain. For the purpose of a Para 2 – 4 calculation, the 'A' in the formula 'is the actual Pay [APP], but calculation of the notional pension under Rule B3-5 (2) is by reference to APP.

The error into which Mr King and Mr, Coutts fell, was to depart from the ordinary and natural sense, the meaning of words to allow them to take 'by reference to' to also mean 'is'. If the legislation had intended 'by reference to', to mean 'is', it would have used the word 'is'. Since it did not, 'is' has to be distinguished from 'by reference to'.

To give the legislation its proper meaning requires no speculation on future earnings but simply to follow the Rules to arrive at a notional pension 'by reference to' the current APP. That does not mean to calculate on the retiree's current APP, as for a current Rule B1, but on applying the meaning of 'by reference to' (Courts tend to rely on the SOED), the calculation of the notional pension come to be on an APP taken from the current pay scale, within which the retirees current APP is to be found, no less that are the APPs being paid at the time, from trainee to Chief Fire Officer.

The notional pension is then calculated, not on the retiree's current pay, but on the current APP of the present rank and seniority that the retiree '*could*' have achieved, had they served until required to retire on account of age and would have earned but for curtailment of career due to injury.

One may illustrate the correct application and appreciate the subtlety of the provision by looking at pensions falling due to a fireman taking retirement:

- One of his own volition
- On grounds of ill health but at the top of his scale and who could not have expected promotion,
- On grounds of ill health but of one who could have expected promotion;

All on £30,000 APP after 25 years' service at time of curtailment of career.

The standard Rule B1 calculation is $30 \times \text{APP}/60 + 2 \times \text{APP} \times \text{a figure of up to 5 (years served above 25)}/60$. So a man leaving of his own volition goes with a pension of $30 \times 30,000/60 + 2 \times 30,000 \times 0/60 = £15,000 + £1,000 = £16,000$ pa.

The Rule B3 ill health apposite formula (paragraph 4) is $7 \times \text{APP}/60 + \text{APP} \times 20/60 + 2 \times \text{APP} \times \text{years served above 20}/60$. So this ill health retiree has a pension due of $£3,500 + £10,000 + £5,000 = £18,500$ pa. (Denied by King and Co).

However, Rule B3. 5 specifies that where the formulaic B3 pension 'exceeds' the *notional pension*, it is the sum of *the notional pension* that is paid.

Rule B3. 5 (1) (a) specifies precisely that such a pension is not the Ordinary £16,500, Rule B1, supra, but a Rule B1 arrived at on the basis of what the fireman '*would have become entitled to*' had he '*continued to serve until he could be required to retire on account of age*'.

Calculation of a notional pension requires a consideration by the Chief Fire Officer, or his delegate, to decide, not on probability but more generously, on what 'could' that fireman's career have achieved, but for being cut short.

If the Chief Fire Officer, the retiree concurring, concluded that at he was at the top of his scale and he could not have been promoted but could have served at least another 5 years (as most can on 25 years' service and/or above a certain rank), the *notional pension* he could have earned would have been calculated as a full term Rule B1 pension, making due $£15,000 + £5,000$, so the Rule B3 ill health pension would be £20,000 pa. (Denied by King and Co).

But if the Chief Fire Office had concluded that the retiree, but for curtailment, could have been promoted to a rank with a current salary of £40,000 pa then the *notional pension* would be $£20,000 + £6,666.66 = £26,666.66$ pa. [Denied by King and Co].

Rule 5 finally provides that 'the amount of the ill health pension [that is what is actually paid] is that of the 'notional pension' which accords with 1992 SI 192, Rule L4 (3) that specifies where two sums may appear to be payable "unequal in amount, the one to be paid is the largest of them.", [Denied by King and Co].

The purpose of Rule B3-5 is not as Mr. King and Mr. Coutts would have it, to be of no purpose, since all Rule B3's are Ordinary Rule B1s, but actually to limit pension on enforced early ill health retirement to the most an injured fireman could have earned but for injury, but it also ensures that he/she gets no less: so no high flyer, cut down in mid-flight, is denied full compensation for loss of future earnings of a glittering career, lost to them on being required to retire early on ill health, injured in our service.

HMG and the Fire Service Unions arrived at the primary legislation giving rise to 1992 SI 192 to save HMG legal costs of cases that could eclipse damages, the quid pro quo, being acceptance in all, but rare cases, of liability for those retired on grounds of ill health (retirement at 50 meant most would remain fit if not injured on duty) and provision being made in place of common law damages sufficient for the Unions to recommend to their members; in place of continuing to seek damages in Court. The losers were the lawyers!

What was never in question was that any head of damages awardable under common law was being abandoned, yet that is precisely the effect of Mr King's and Mr Coutts's adjudications.

It is not for any Ombudsman, as Mr Coutts expresses himself, to conclude that the applicant has got enough compensation from the other monies paid to him. If a scheme becomes too generous then it is a matter for the legislature to change its terms.

Further, to so find on a whim, knowing of the impossibility for many by reason of age, infirmity or poverty, to challenge such an opinion in the High Court and to do so perhaps to save a local pension fund embarrassment, enquiry and the expense of meeting legislative provision, could well persuade a court to award aggravated damages.

Under another head, Mr. King's and Mr. Coutts's replacement of law by their personal opinion is clearly arbitrary and oppressive. Should this go to trial it may well attract punitive or exemplary damages, considered by Devlin LJ, in *Rookes v Barnard*.

It is also, in absence of legislation, unlawful for the Ombudsman to set an arbitrary interest rate since the rate is well established where public money is withheld to the damage of the individual.

There is also the question of criminality.

Unless a reasoned legal and sufficient argument with authority can be adduced to validate a contention that 'is' and 'by reference to' are to be taken mean the same in legislation and that all Rule B3 pensions are capped in sum as Ordinary Rule B1 pensions, then Mr. King's and Mr. Coutts's adjudications are arbitrary and fraudulent.

I have laid this matter with you in full so that, in so far as I can help you to remedy it as a stitch in time, then that is done without fuss. If not then you adopt the illegality in which case I very much regret to have to point out to you in clear terms that you, your servants or agents, are acting dishonestly in public service and engaging in a conspiracy to defraud men and women injured in our service and are in most serious breach of public trust and you will have institutionalised the criminality.

I do so hope that you render further action on my part, or anyone's, unnecessary.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John M. Copplestone-Bruce', written over a horizontal line.

John M. Copplestone-Bruce.

Inner Temple - June 2019.

Circulation by Mr. Paul P. Burns GIFireE as in Appendix 'B':

Appendix 'D.'

42 Fountains Avenue

Simonstone

BURNLEY

BB12 7PY

23rd July, 2021.

Private and Personal To:

The Rt Hon Lord Reed of Allermuir,
President of the Supreme Court of the United Kingdom.
Parliament Square,
London SW1P 3BD .

My Ref: FG131 Reed; G-v-LCFA.

Your Ref:

Francis Michael Galpin
~V~
Lancashire Fire & Rescue Authority

My Lord President,

I regret that this is the third occasion I have had to trouble you with this matter which now involves the curious behaviour of your Registrar Mrs di Mambro but in any event I have to say that curiosity has got the better of me which results in further correspondence. From the outset my dealings with the Court of Appeal have been deliberately tortuous, disappointing and surprisingly disquieting considering their alleged Judicial standing.

Firstly, I will take a step back to the dealings which I have had with the Court of Appeal, where following my last submission to it I received a letter dated 8th April 2021 from a Registry layperson clerk who presumably has no judicial authority.

In that letter I was informed that correspondence with this Court had now ceased even though it had been properly issued by the Court of Appeal on the 4th February 2020 and that my papers would be returned to me together with a refund of Court fees which I had paid and submitted with my original Application and bundle of 203 pages (then issued).

Finally after a further unexplained extraordinary delay the Court fees, amounting to £1199, appeared on my bank statement on 9th April 2021; cashed by the Court of Appeal.

As your Lordship well knows encashment of my cheque brings with it a common law duty of Contract which requires the Court of Appeal (and to avoid more confusion), to duly process my *first and only* Appeal issued at the Court of Appeal.

The consequence of my lack of trust and its failure in the person of the Master of the Rolls Vos to dispense justice then brought me to the Supreme Court and to your door.

In respect of the Supreme Court although I have received my uncashed cheque for £1000.0 returned, to date I have yet to receive back my Application and bundles from the Supreme Court Registry during which, to avoid anticipated interference, I sent a total of four copies to your Lordship by various routes.

In order to ensure that my trust in the judiciary was to be restored I sent a bundle twice comprising 203 pages to the Supreme Court marked 'Personal & Private' and a copy bundle to the Scottish Crown Office, for your Lordship's attention, out of which I am led to believe you also work from time to time.

The bundle comprised an introductory letter, the official Application form, a cheque for Court fees and an Appeal bundle based on Extraordinary Circumstances, all comprising legal and official documentation of 203 pages. Most of the work having been written by an eminent Inner Temple barrister who I am sure your Lordship will by now be aware of.

Curiously I subsequently received a short letter purporting to come from you but authored by your Registrar Mrs di Mambro in which she states, in a curious choice of language for a barrister that ... "*I have been asked to reply to the letter you sent to Lord Reed*"....but she fails to elucidate who actually 'asked her', was it in fact your Lordship?

One would assume that she would use the phrase ... "*I have been instructed by Lord Reed to*"...or something similar confirming that it was coming directly with your authority; when in fact the 'letter' that I had sent to you Lordship, four times in fact was an official legal submission comprising 203 pages.

Mrs di Mambro stated in one line that the Court, presumably your Lordship, could not help me and she returned my original uncashed cheque.

Clearly that statement was very disappointing and might I say 'extraordinary' because Mrs di Mambro was fully aware that every Application has to follow the Supreme Court administrative regime which she directs and furthermore which ironically she is the recognised official author of?

In response to the second set of papers Mrs.de Mambro stated... "*I have been asked to acknowledge receipt of your letter to Lord Reed*"...AND...but there was nothing else, no courtesy, no explanation, no nothing, so with respect, what am I supposed to make of all this?

I believe that as an attempt to dispense British justice the Extraordinary Appeal should have been given special consideration at least and then sound reasons given as to the future of the formerly and carefully worded 203 page bundle.

Proceeding from there after I received nothing from the Scottish Crown office where over more time two copy bundles were also sent. I find it odd that I did not have any acknowledgement from there either however cursory that might have been?

As your Lordship will know, by now, because it has been published at large, a considerable amount of professional work went into the preparation of the original bundle and I would like all these copies to be sent back to me together with the copy bundle from the Scottish Crown office and perhaps you would be kind enough to bring this about?

I trust that all these bundles remain intact and were indeed so when at least two, I was lead to believe twice by Mrs. di Mambro had been placed before your Lordship for your scrutiny?

Unfortunately in my recent jousting with the Court of Appeal this has left me rather sceptical. I found that seeking plain and simple straight forward “justice” to be a convoluted process in which obstacles, real and invented, can be and are, put in one’s way as a result of indiscretion or as a pernicious act by those who should know better.

The law on my case has been meticulously demonstrated in the Appeal papers referred to and repeated in the Extraordinary Application to the Supreme Court. What more is to be done in the UK jurisdiction?

The judiciary have proved themselves good at sending submissions back unread. Now is the time to subject the Appeal to the Supreme Court judicial procedure and scrutiny. There are no favours sought, only courteous respect for those seeking justice, British justice, as it is written.

Now in the event that Mrs.de Mambro took it upon herself, or at the inducement of a third non judicial person, to obstruct my Applicant by destroying all of these copies it is not unreasonable on my part and in the transparency your Lordship espouses, to demand an explanation personally from Mrs.di Mambo on whose authority she carried out these perverse actions and to give me an accounting of herself, actions which we must remember amounts to perverting the course of justice...

Unfortunately, to prevent this latest letter being interfered with, I have decided to have this letter hand served at your home address; such is the direct responsibility Mrs.di Mambro bears for this extraordinary state of affairs which brings the Supreme Court and your Lordship into grave disrepute.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'F. Galpin', written on a light-colored background.

Francis M Galpin M.I.Fire E.

Litigant-in-Person.