



Ministry
of Defence

Ministry of Defence
Defence Business Services
Secretariat Team
Room 6303
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Blackpool
Lancashire
FY5 3WP

Ref: FOI2015/06923

E-mail: DBSRES-Secretariat@mod.uk

24 August 2015

Dear [REDACTED]

Thank you for your email of 1 August, addressed to the Minister of State for the Armed Forces, requesting the following information:

"Under the Freedom of Information please show how my salary sacrifice has been spent. I served prior to 1975 and signed up as a minor with no Adult present to confirm what I was told."

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

The Ministry of Defence requires further information to determine whether it holds any information within the scope of your request. Unfortunately, it is unclear as to what you are referring to your "salary sacrifice". Once I have received your clarification, I will be pleased to consider your request again.

However, under Section 16 of the Act (Advice and Assistance) it may be helpful if I explain that The Armed Forces Pension Scheme has always been non-contributory for members. The costs of the scheme are wholly met by funds made available to the Ministry of Defence, as approved each year by Parliament.

In March 2003, the High Court struck out a claim brought by a large group of servicemen, who alleged that the Ministry of Defence had been unjustly enriched at their expense because of a notional deduction from their pay to fund the pension scheme, which they did not become entitled to the benefits from (since they did not have the required amount of reckonable Service).

The High Court found that the claimants had never had any contractual, equitable, or other right to any amount other than the pay set out in the pay regulations, regardless of any adjustment which had occurred or been taken into account before the pay rates were set. The claims were struck out on the basis that as a matter of law they were bound to fail.

The claimants appealed the strike out of their claims to the Court of Appeal. The appeal was heard on 4 November 2003, and was dismissed by the Appeal Lords, who agreed

with the High Court's decision. The House of Lords has refused to hear a further appeal, stating that there was no arguable point of law.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <https://ico.org.uk/>.

Yours sincerely,

A large black rectangular redaction box covering the signature area.A black rectangular redaction box covering contact information, likely a name and title.