

Army Secretariat Update (as at 20 Feb 16)

Gurkha Pension Scheme

- Indexation method – Nepal Rastra Bank data for December. Increase from 1 April 2016 will be 11.6%
- The 7th Indian Central Pay Commission effective from 1 January 2016
 - Commission reported to the Gol at the end of December. Gol considering report.
 - Once the Gol accepts the recommendations the IMOD will produce directed letters and we will use those to make any necessary changes to the Gurkha Pension Scheme.
- Points:
 - The MOD has committed to ensuring that the GPS will be set at double the highest band of Indian Army pensions when changes are introduced.
 - What this means is that the rates will be compared as at 1 January 2016 and those GPS rate that are below double the Indian rate for rank and length of service will be increased to double the Indian rate.
 - What it does not mean is if the Indians bring in what they call a fitment weightage, for previous pay commissions it was 40% on the basic pension, all GPS pensions will go up as well. For 6 CPC very few pensions needed to be raised because the GPS was well above double the Indian comparator.
- Litigation. You will know that there is a case outstanding at the ECtHR. Final papers were submitted by both sides in April 2014. My understanding is that we now wait for the court to decide to either hear the case, or reject it. Unfortunately, there is no way to find out on the progress of the case, or when it is likely to be decided. We just have to wait.

GOTT

- The basis for the GOTT transfer was produced by the Government Actuary, which is part of HM Treasury. The valuation was done according to the transfer value of the Gurkha scheme to the AFPS. This is a standard approach in transferring benefits between schemes. The size of the pension pot an individual builds up is linked to their pay, and for Gurkhas this was Indian Army pay elements only. So the value transferred to the AFPS was lower to reflect this.
- For the retired GOTT some individuals received the wrong rate on transfer. These cases have been corrected. Just because a rate of pension is now lower than the GPS equivalent because of exchange rate changes and higher annual pension increases is not a reason for using the AFSP Individual Disputes Resolution Procedure.

Immigration

- An issue was raised at the last Brigade Association briefing about Gurkhas being permitted to apply for Naturalisation at the end of service, instead of having to pay twice, once for settlement, and then for Naturalisation. The matter has been raised with the Home Office and they are working on the issue. There is a problem in the way the

regulations are written to do with what is called an Immigration Breach. This refers to the status of a non-British soldier on the day after discharge, i.e. when settlement or naturalisation would be granted. For settlement there is no Immigration Breach – this would not happen until 29 days after discharge because a person has 28 days in which to submit an application to stay. For naturalisation there is no such period of grace – if you are still in the UK on the day after discharge, you have an Immigration Breach, and that would cause an application for naturalisation to fail. So, what the Home Office need to do is work out if they can get around this rule without compromising naturalisation law.

- Recently a point was raised about over 18 dependants in that many, but not all, have had their settlement visas have been endorsed At No Recourse To Public Funds. While this is the correct endorsement for normal over age dependant children, the Home Office have agreed to check if it is the correct endorsement for those given settlement under the special arrangements of 2009 for the pre 1997 Gurkhas.
- The matter of those personnel, mainly discharged from Malaysia, with less than four years service has been passed to the Home Office.

All Party Parliamentary Group on Gurkha Welfare

- The Government's response to the APPG has been implemented. To remind you the Government agreed to:
 - Provide £5m to the GWT, which has been used to increase the welfare payments to needy Gurkha veterans and widows in Nepal.
 - Set up a compensation scheme for those who did not complete a pensionable engagement on the grounds that they had married a non-Nepali. The scheme has been published on GOV.UK and in Nepal through BGN. So far there have been 12 registrations of interest and two of those have submitted applications.
 - The Home Office have published new rules for over 18 dependants who may apply if they meet certain criteria.
 - Also, as a separate measure the Government earmarked just under £1m for Gurkha Homes Limited to build 32 accommodation units in the UK for Gurkha veterans and their spouses.
- If you know of an individual who left the Brigade in the 1980s because he had married a non-Nepali please do encourage them to look at the GOV.UK website to see if they meet the criteria to claim.
- On the central point on pensions:
 - The Government's position is not to change pensions retrospectively because:
 - It is an issue of precedence
 - Other groups will want changes as well across the public sector
 - It would simply be unaffordable
 - There was no support from MPs during the debate in Parliament on changes to pensions – in fact the arguments were against doing so.
 - The Satyagraha campaign was asking for a better deal than many British personnel get. It was not realistic. For example, before 1975 British personnel only got a pension if they served for 22 years. There were no preserved pensions for periods less than that. Compare that to Gurkhas with 15 years service who got an immediate pension.
 - The APPG report itself made no recommendation on pensions.