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Dear Mr Hepburn

SCOTTISH PARLIAMENTARY QUESTION S4W-01143 – PENSION OMBUDSMAN APPEALS AT THE COURT OF SESSION

The Cabinet Secretary in his response to the above PQ indicated that it related to operational matters being the responsibility of the Scottish Court Service corporate body. I am now writing to you regarding the matter you have raised.

PQ S4W-01143 asks *how many appeals of a determination by the Pensions Ombudsman have been heard by the Court of Session?*

The Pensions Ombudsman was established in 1991. Determinations made by the Ombudsman on complaints about the administration of pension schemes under the Pension Schemes Act 1993 may be appealed to the Court of Session on a point of law. An equivalent right of appeal exists to the High Court in England and Wales.

Appeals to the Court of Session under this legislation are rare and are not therefore registered under a particular category. Such appeals are registered as 'other appeals' along with a miscellany of other appeals under various statutes. A search of 'other appeals' has identified the pension appeals set out in the table below. However, the Court of Session's current register does not extend back beyond the year 2000 and older records are not available. A check with the office of the Pensions Ombudsman in London did not result in any further information being obtained. The number of appeals across the UK is recorded in some of the annual reports of the Pensions Ombudsman, but Scottish appeals are not recorded separately.

Court of Session ref	Name of case	Outcome
XA72/00	Twemlow v Pensions Ombudsman	Not proceeded with
XA10/01	Mitre Pensions v Pensions Ombudsman	Not proceeded with
XA51/01	City of Edinburgh Council v Pensions Ombudsman	Appeal allowed
XA34/04	Donaldson v Pensions Ombudsman	Appeal dismissed
XA52/08	Kinsman v Pensions Ombudsman	Not proceeded with

Summary

Records are available going back only as far as 2000, since when five appeals have been made to the Court of Session. Three of these appeals were not proceeded with, one was granted and one was dismissed.

Yours sincerely



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