

fund to pay a surviving spouse's pension to his civil partner or husband on the same basis that such a pension would be payable if he were married to a woman. The respondent to the appeal had refused to pay the spouse's pension because it predated 5 December 2005, the date that civil partnerships were introduced in the UK and under the Equality Act 2010, Sch9, para 18, any discriminatory treatment in terms of rights accrued was permitted prior to the date. Mr Walker was an ex-army officer and had worked for Innospec and had been a member of the Pension Scheme from 1980 until the date of his retirement. He had retired before the Civil Partnership Act 2004 and before the Marriage (Same Sex Couples) Act 2013 had come into effect.

Innospec were prepared to pay Mr Walker's husband £500 per annum rather than £41,000 per annum that would have been paid had he been married to a woman. Mr Walker brought a discrimination claim in the Employment Tribunal which decided in his favour. On appeal the Employment Appeal Tribunal reversed that decision. The Court of Appeal unanimously upheld the decision of the Employment Appeal Tribunal holding that Mr Walker's entitlement must be judged by reference to the law in force at the time he had accrued his pension. Mr Walker then appealed to the Supreme Court.

The Supreme Court unanimously allowed Mr Walker's appeal. It made a declaration that the December 2005 exemption under UK law is incompatible with the EU framework directive and must be dis-applied. The Court said that Mr Walker's husband is entitled, on Mr Walker's death, to a spouse's pension based on his full period of pensionable service. *The Telegraph* led with the heading 'Pension schemes could face "Multi billion pound bills" following ruling giving gay couples equal rights'. The pensions industry has warned that new claimants will come forward and the industry may face huge claims. An article on the case by Simon Tyler, Legal Director for Pinsent Masons LLP, will be published in the October issue of *Family Law*.

Equal pension rights: *Walker v Innospec*

The Supreme Court gave judgment in *Walker v Innospec Ltd & Ors* [2017] UKSC 47 on 12 July 2017.

The appeal considered whether a male employee was entitled to require a pension

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