

## **Discretionary increase litigation – Appeal to the Supreme Court**

### **Update to Members**

APS Members will be aware that, in July 2018, the Court of Appeal gave a judgment in favour of British Airways in relation to the APS discretionary increase litigation, but also granted us permission to appeal that judgment.

We agreed at a meeting on 31 July 2018 to instruct our advisors to serve and file a 'Notice of Appeal' with the Supreme Court. This is the first procedural step in the process of bringing an appeal before the Supreme Court.

We will meet again on a date to be arranged in the first 2 weeks of September 2018, together with our professional advisers, to make the decision about whether or not to continue with an appeal. We may decide to ask the Court to confirm whether or not our decision is appropriate, including (if we decide to continue with an appeal) whether Scheme assets could be used to fund an appeal and to meet BA's costs should an appeal be unsuccessful.

We are aware of the strength of feeling about this matter from a number of Members and will keep Members updated on developments as soon as we are able to do so.

**From the Trustee of the Airways Pension Scheme**

Date: 14 August 2018