

Discretionary increase litigation – settlement proposal

Delay to High Court hearing regarding approval of the proposed settlement

Since our [May 2019 update](#) regarding the expected High Court hearing date, we have been preparing the application and supporting documentation that the Court will need to consider at the hearing when deciding whether to give its approval of the proposed settlement.

As part of this approval process, this documentation also needs to be reviewed by the Representative Beneficiary (a member appointed to consider and take any arguments that may be raised by members of the Scheme against the Trustee's decision to enter into the proposed settlement). Now that review has been completed, further information is required on some technical aspects of the terms set out in the [proposed settlement](#). It has become apparent that, in order for the matter to be fully considered by the Judge, a slightly longer hearing will be required.

This means that it will not be possible for the application to be heard on the original hearing date and we are applying for a new hearing date. Finding a vacancy in the Court's diary for this will result in a delay, which we reluctantly accept to be necessary. We have asked the Court for the earliest available hearing date. The High Court breaks for the summer during the months of August and September so this will not be before October.

Despite this delay, if the proposed settlement is approved, we expect to be able to make the 2019 Discretionary Increase (DI) payments this year. We would like to reassure members that the 1.7% "catch-up" DI and the 0.7% 2019 DI will still be awarded with effect from 8 April 2019, as set out in the [proposed settlement agreement](#).

We will continue to keep members updated on developments as soon as we are able to do so.

This communication has been agreed with BA and the Representative Beneficiary and is issued by the Trustee of the Airways Pension Scheme on 27 June 2019.