

An important legal case concerning the pension rights of Armed Forces reservists is due to return to court later this year.

The **Forces Pension Society (FPS)** reports that a hearing has been fixed at the Court of Session in Edinburgh for **8 October 2026**, following the Ministry of Defence's continuing attempt to challenge the successful claim brought by former Army reservist **Major Charles Milroy**.

The case has potentially significant implications for other former and serving reservists.

## The case so far

Major Milroy joined the Territorial Army in 1982, was commissioned the following year and served until 2015.

He brought proceedings under the **Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000**, arguing that reservists had been treated less favourably than comparable regular personnel in relation to pension entitlement and the calculation of their daily rate of pay.

In August 2024 an Employment Tribunal in Glasgow found in his favour. In particular, it held that the MOD had treated him less favourably by denying him access to the **Armed Forces Pension Scheme 1975 (AFPS 75)** and by the method used to calculate his daily pay.

The tribunal subsequently reconsidered and confirmed its decision.

The MOD appealed, but in January 2026 the Employment Appeal Tribunal, presided over by Lord Fairley, rejected the appeal.

The MOD then applied directly to the Court of Session for permission to appeal further. The hearing fixed for 8 October is therefore **not yet the substantive appeal**, but a hearing to determine whether the appeal should be allowed to proceed.

## How many reservists could be affected?

Potentially, quite a few. **More than 1,000 similar claims are reported to have been stayed pending the outcome of Major Milroy's lead case.**

FPS says the decisions so far appear to indicate that non-mobilised reserve service before 1 April 2015 should have been pensionable under AFPS 75 or AFPS 05, subject to the relevant qualifying requirements.

That could make the case important to reservists whose ordinary paid service – drill nights, training weekends, annual camps and other duties – did not previously attract an Armed Forces pension.

However, some caution is essential.

The historical position is complicated. Different arrangements applied at different times to ordinary part-time reserve service, Full Time Reserve Service and periods of mobilisation. The Milroy litigation specifically concerns the less favourable treatment of **part-time reservists**, and should not be read as a simple declaration that every period of historic reserve service will now attract a pension.

Nor would we suggest that former reservists should decide for themselves, merely from their dates of service, that the case either does or does not apply to them.

The Forces Pension Society has been following the case closely and is a source of detailed guidance for their members. Individual legal or pension advice may be necessary. All should be clearer after the outcome of Charles Milroy's case.

## Credit where it is due

Whatever the eventual outcome, Major Milroy has shown considerable persistence in pursuing litigation which has now lasted several years and could have consequences for many other reservists.

He has been represented by **Amicus Law**, led by its Head of Employment **Slade de Lacey**, with **Adam Ohringer of Cloisters Chambers** acting as counsel. Amicus says that it has represented Major Milroy throughout the case.

The **Forces Pension Society** also deserves considerable credit for following the litigation, explaining its possible consequences and keeping the wider Armed Forces community informed. FPS is not conducting Major Milroy's litigation, but its work is helping other potentially affected reservists to understand a decidedly complicated issue.

The case has also attracted attention in Parliament. In February, **Gavin Robinson MP** secured a House of Commons debate on the issue, questioning the Government's decision to continue contesting the case.

The next stage is now the Court of Session hearing on **8 October**.

BAFF will continue to follow developments. In the meantime, former and serving reservists who think they may be affected would be well advised to read the detailed and regularly updated information published by the Forces Pension Society rather than assume either that they have a claim – or that they do not.

For further reading, a selection of related links will be provided in the BAFF members' area.