

# **Joanna Cherry to represent petitioners in Winter Fuel Payment case this week**

## **Former MP will represent petitioners in Winter Fuel Payment case on Thursday**

Former Edinburgh South West MP, Joanna Cherry, KC, is representing Peter and Florence Fanning in a Judicial Review they have brought at the Court of Session, and which will be heard this week before the Hon Lady Hood.

The case initiated by the Govan Law Centre, seeks a review of the decisions by the Secretary of State for Work and Pensions and Scottish Ministers to cut the Winter Fuel Payment. Mr & Mrs Fanning are supported by legal aid and assistance from the Equality and Human Rights Commission (EHRC) and the trade unions, RMT and RMT Scotland.

Part of their challenge relates to the governments' decisions being unreasonable as they knew that it would "cause excess winter deaths and jeopardise the health and lives of vulnerable pensioners".

The case is scheduled to last over two days this week and begins on Thursday morning at 10am at the Court of Session and will continue until Friday afternoon if required.

Joanna Cherry KC and Mike Dailly, Solicitor Advocate, appear on behalf of the petitioners. The instructing solicitor for the petitioners is Rachel Moon, Partner at GLC, with Laura McDonagh, Partner at Drummond Miller LLP acting as Edinburgh

agents.

Andrew Webster KC and Graeme MacIver, Advocate appear for the first respondent instructed by the Office of the Advocate General for Scotland. James Mure KC and David Welsh, Advocate appear for the second respondent instructed by The Scottish Government's Legal Directorate.

[Details of the Winter Fuel Payment scheme are here](#) where it is made clear that Scottish pensioners are not eligible for the payment from the UK Government – although they might be able to claim a similar payment from the Scottish Government called the [Winter Heating Payment](#).



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