STATUTORY INSTRUMENTS

1981 No. 1800

TELECOMMUNICATIONS

The British Telecommunications (Pensions) Order 1981

Made - - - -	*14th December* 1981
Laid before Parliament	*22nd December* 1981
Coming into Operation	*15th January* 1982

The Secretary of State, in exercise of the powers conferred upon him by section 33 of the British Telecommunications Act 1981(**a**) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the British Telecommunications (Pensions) Order 1981, shall come into operation on 15th January 1982 and shall have effect from 30th September 1981.

Interpretation

2. In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"the 1969 Act" means the Post Office Act 1969(**b**);

"the 1981 Act" means the British Telecommunications Act 1981;

"the Corporation" means British Telecommunications;

"Custodian Trustee" means a person holding office as such in accordance with Clause 7(1) of the Pension Deed;

"the Fund" means all moneys from time to time held by or on account of the Trustees and any Custodian Trustee in pursuance of the Pension Deed and the investments and securities for the time being representing the same;

"the Pension Deed" means the Principal Deed as amended by the Supplemental Deeds;

"the Principal Deed" means the Deed dated 24th September 1969 and made between the Post Office of the one part and Alan Wolstencroft, Sir Richard Arthur Hayward, Kenneth Hotham Cadbury, Norman Frederick Holman, Lionel Victor Andrews, Charles Morgan and Kenneth Rowland Thomas of the other part;

"the Supplemental Deeds" means the deeds made between the Post Office and the trustees for the time being of the Pension Deed on the respective dates listed in Schedule 1 to this Order;

"the Scheme" means the Post Office Staff Superannuation Scheme established by the Post Office under section 43 of the 1969 Act by the Pension Deed and having as its primary purpose the securing of pensions and other

(**a**) 1981 c.38. (**b**) 1969 c.48.

benefits for or in respect of some or all of the employees and future employees of the Post Office in accordance with the Rules set out in the Schedules to the Pension Deed, there being included in the trusts of that Deed the trusts referred to in section 47(10) of that Act;

"the Trustees" means the trustees for the time being of the Pension Deed, being the trustees appointed by the Post Office for the purposes also of section 47 of the 1969 Act.

Extension of the trusts of the Post Office Staff Superannuation Scheme

3.—(1) The Pension Deed shall have effect as if the objects and primary purpose of the Scheme included the securing of pensions and other benefits for or in respect of some or all of the following:

(*a*) the present and future employees of the Corporation and

(*b*) the present and future members of the Corporation who immediately before they became such members were members of the Scheme,

in accordance with the Rules of the Scheme set out in the Schedules to the Pension Deed as amended by this Order.

(2) The Trustees shall stand possessed of the Fund upon trust to apply it in the manner required or permitted by, and for the objects and purposes of, the Scheme as so extended and otherwise upon the trusts referred to in section 47 of the 1969 Act as amended by this Order and Clause 11(1) of the Pension Deed shall have effect accordingly.

Statutory payments to Scheme Trustees

4. Section 47(10) of the 1969 Act shall have effect as if the trusts therein referred to included the trusts of any pension scheme established by the Post Office under section 43 of that Act as extended or amended by any order under section 33 of the 1981 Act for the time being in force and trusts the objects of which consist in the reimbursement of the Corporation of any sums paid by it under section 44 or 46 of the 1969 Act the liability to pay which is transferred to the Corporation by section 10 of the 1981 Act.

Contracts of employment of transferred employees

5. Any reference (however worded) to the Scheme in a contract governing the employment of a person by the Post Office or by the Corporation shall be construed as a reference to the Scheme as amended by this Order.

Amendment of the Pension Deed

6. The amendments of the Pension Deed contained in Schedule 2 to this Order shall have effect, being amendments which provide for the participation or continued participation in the Scheme of employees of the Corporation and those members of the Corporation who, immediately before they became such members, were participating therein and amendments supplemental or incidental thereto or consequential thereon; and the Pension Deed as so amended shall have effect as if the Corporation were a party thereto.

Kenneth Baker,
Minister of State,
Department of Industry.

14th December 1981.

SCHEDULE 1

THE SUPPLEMENTAL DEEDS

The Supplemental Deeds are the deeds made respectively on the dates specified below:—

No.	Date
1	24th June 1970
2	2nd September 1971
3	19th November 1971
4	24th November 1971
5	24th May 1972
6	27th September 1972
7	15th December 1972
8	22nd December 1972
9	29th May 1975
10	23rd September 1975
11	17th January 1978
12	18th January 1978
13	21st November 1978
14	26th January 1979
15	13th June 1980
16	9th September 1981

Article 6

SCHEDULE 2

AMENDMENTS OF THE PENSION DEED

PART I

AMENDMENTS OF THE CLAUSES OF THE PENSION DEED

Clause

1 Insert the following definitions in such places respectively as are consistent with the alphabetical order in which expressions are in this Clause defined:

"the 1981 Act" means the British Telecommunications Act 1981;

"the Corporation" (or "Corporation") means British Telecommunications;

"Corporation pensioner" means:

(*a*) a person (including trustees appointed by the Trustees pursuant to a direction given by a member of the Scheme) who is entitled under the Scheme to receive payment of any pension or other benefit referable to (or refund of contributions paid during) employment or service, being employment or service of which the whole or the last period before that pension or benefit (or refund) became payable was employment or service with the Corporation (whether in the capacity of an employee or as a member thereof) or employment with another employer on temporary transfer from employment with the Corporation; or

(*b*) a person to whom any pension or other benefit referable to (or refund of contributions paid during) such employment or service is payable under the Scheme at the discretion of the Trustees whether by virtue of a direction given by a member of the Scheme or otherwise.

"Corporation pension liabilities" means the existing and potential future liabilities of the Fund:

(*a*) to pay pensions and other benefits (and refunds of contributions) to transferred pensioners and Corporation pensioners and to or in respect of members and former members of the Scheme who are, or

immediately before they ceased to be members of the Scheme were, employees or members of the Corporation and to or in respect of former members of the Scheme who, immediately before they ceased to be members thereof, were employed by the Post Office in the part of its undertaking mentioned in section 10(1) of the 1981 Act (or were on temporary transfer to another employer from employment in that part of its undertaking) or were members of the Post Office with special responsibility for, or special executive responsibility in, that part of its undertaking; and

(*b*) to reimburse the Corporation sums paid by it under section 44 or 46 of the Act.

"Post Office pensioner" means a person (including trustees appointed by the Trustees pursuant to a direction given by a member of the Scheme) who, not being a transferred pensioner or a Corporation pensioner, is entitled to receive payment of any pension or other benefit (or refund of contributions) under the Scheme, or a person to whom any pension or other benefit (or any such refund) is payable at the discretion of the Trustees whether by virtue of a direction given by a member of the Scheme or otherwise.

"transferred pensioner" means:

(*a*) a person (including trustees appointed by the Trustees pursuant to a direction given by a member of the Scheme) who is entitled under the Scheme to receive payment of any pension or other benefit referable to (or refund of contributions paid during) employment or service, being employment or service of which the whole or the last period before that pension or benefit (or refund) became payable was employment or service in the part of the undertaking of the Post Office mentioned in section 10(1) of the 1981 Act or employment with an employer other than the Post Office on temporary transfer from employment in that part of such undertaking or was service as a member of the Post Office with special responsibility for, or special executive responsibility in, that part of such undertaking; or

(*b*) a person to whom any pension or other benefit referable to (or refund of contributions paid during) such employment or service is payable under the Scheme at the discretion of the Trustees whether by virtue of a direction given by a member of the Scheme or otherwise.

"Post Office pension liabilities" means the existing and potential future liabilities of the Fund:

(*a*) to pay pensions and other benefits (and refunds of contributions) to Post Office pensioners and to or in respect of members and former members of the Scheme, and

(*b*) to reimburse sums paid under sections 44 or 46 of the Act,

other than Corporation pension liabilities.

3(1) After "of whom four shall", insert "(subject as provided in sub-clause (1A) of this Clause)".

After sub-clause (1), insert the following new sub-clause (1A):

"(1A) Such of the Trustees as immediately before 1st October 1981 were the employer's representatives shall on that date and so long thereafter as they continue to be trustees be representatives of the Post Office and of the Corporation as shall their successors and they and their successors shall on and after that date be known as "the employers' representatives".

3(2) At the beginning of this sub-clause, insert:

"Subject as provided by sub-clause (6) of this Clause as regards any appointment of a new trustee and Chairman made on or after 1st October 1981".

3(3) At the beginning of this sub-clause, insert:

"Subject as provided by sub-clause (7A) of this Clause as regards any appointment of a new employers' representative made on or after 1st October 1981".

3(4) At the beginning of this sub-clause insert:

"Subject as provided by sub-clause (8A) of this Clause as regards any appointment of a new members' representative made on or after 1st October 1981".

3(6) Delete "in accordance with sub-clause (2) of this Clause" and at the end, add:

"Provided that any such appointment if made before 1st October 1981 shall be made in accordance with sub-clause (2) of this Clause and if made on or after that date shall be of a person chosen with the agreement of:

(*a*) the Corporation;

(*b*) such organisation or organisations representing persons employed by the Post Office as appear to the Post Office to be appropriate; and

(*c*) such organisation or organisations representing persons employed by the Corporation as appear to the Corporation to be appropriate;

and that person's period of office shall be fixed by the Post Office with the agreement of the Corporation.".

3(7) Delete this sub-clause and substitute the following sub-clauses:

"(7) The Post Office may remove an employers' representative from office as a trustee but on or after 1st October 1981 it may do so only with the agreement of the Corporation.

(7A) The Post Office shall appoint a new trustee who, in the case of an appointment made on or after 1st October 1981, shall be a person chosen with the agreement of the Corporation, in the place of an employers' representative who has died or has retired or resigned or has been removed from office.".

3(8) Delete this sub-clause and substitute the following sub-clauses:

"(8) If before 1st October 1981 any organisation or organisations consulted under sub-clause (2) of this Clause so request or if on or after that date any of such organisations as are mentioned in paragraphs (*b*) and (*c*) of the Proviso to sub-clause (6) of this Clause so requests, the Post Office shall, unless:

(*a*) in the case of a request made before that date it considers the request to be unreasonable, or

(*b*) in the case of a request made on or after that date it or the Corporation (which it shall first consult) considers the request to be unreasonable,

remove from office as a trustee a members' representative.

(8A) The Post Office shall appoint a new trustee in the place of a members' representative who has died or retired or resigned or been removed from office Provided that:

(*a*) any such appointment made before 1st October 1981 shall be made in accordance with sub-clause (4) of this Clause, and

(*b*) any trustee so appointed on or after that date shall be a person nominated by such organisations as are mentioned in paragraphs (*b*) and (*c*) of the Proviso to sub-clause (6) of this Clause."

3(9) At the end of this sub-clause add "in accordance with the foregoing provisions of this Clause."

6 After "officers or servants of the Post Office" insert "or of the Corporation".

9(2) For this sub-clause, substitute:

"(2) All other expenses of administering the Scheme shall be borne by the Post Office and the Corporation and, save as the Post Office and the Corporation may otherwise agree, such expenses so far as they are attributable to transferred pensioners, Corporation pensioners and the membership of the Scheme of persons who are employees or members of the Corporation shall be paid by the Corporation and so far as they are attributable to Post Office pensioners and the membership of the Scheme of persons who are employees or members of the Post Office they shall be paid by the Post Office."

9(3) After "the Post Office", insert "and the Corporation (by each of them to the extent mentioned in sub-clause (2))".

9(5) For this sub-clause substitute:

"With the prior approval of the Post Office given before the 1st October 1981 or given on or after that date with the concurrence of the Corporation, any one or more of the Trustees may receive remuneration for acting as Trustee at a rate determined by the Post Office before that date or so determined with the concurrence of the Corporation on or after that date and any such remuneration shall be payable as an expense of administering the Scheme and shall be borne by the Post Office and the Corporation in accordance with sub-clause (2)."

9(6) For "Corporation", wherever that word appears, substitute "body corporate".

9(7) For "and employees of the Post Office acting (on the instructions of the Post Office and of the Trustees)", substitute "and employees of the Post Office or of the Corporation acting (on the instructions of their employer and of the Trustees)".

10 For this Clause, substitute:

"10(1) The Post Office shall contribute to the Fund by monthly instalments the following contributions (not being in the nature of deficiency contributions):

(*a*) such contributions as are certified by the Actuary as needed to meet the cost of benefits under the Rules in Schedule 1 payable before the 1st October 1981, and the cost of benefits thereunder payable on or after that date to Post Office pensioners;

(*b*) sums falling due before the 1st October 1981 under Rule 13 of Schedule 2 and so much of the sums falling due thereunder on or after that date as is attributable to the membership of the contributory part of the Scheme of persons who are employees or members of the Post Office;

and also such deficiency contribution (if any) as may be payable by the Post Office by virtue of any arrangements made under Clause 12.

(2) The Corporation shall contribute to the Fund by monthly instalments the following contributions (not being in the nature of deficiency contributions):

(*a*) such contributions as are certified by the Actuary as needed to meet the cost of benefits under the Rules in Schedule 1 payable on or after 1st October 1981 to transferred pensioners and Corporation pensioners;

(*b*) so much of the sums falling due on or after that date under Rule 13 of Schedule 2 as is attributable to the membership of the contributory

part of the Scheme of persons who are employees or members of the Corporation;

and also such deficiency contribution (if any) as may be payable by the Corporation by virtue of any arrangements made under Clause 12.

(3) References in sub-clauses 1(*a*) and 2(*a*) of this Clause to the cost of benefits under the Rules in Schedule 1 are references to the balance of the cost of such benefits after taking into account members' contributions towards the cost of family and dependants' benefits.

(4) The reference in each of sub-clauses (1) and (2) of this Clause to such a deficiency contribution as may be payable by virtue of any arrangements made under Clause 12 is a reference:

(*a*) in sub-clause (1), as regards any monthly instalment falling due before 1st October 1981, to such annual deficiency contribution (if any) as may be payable pursuant to arrangements made by the Post Office in accordance with sub-clause (3) of Clause 12 or pursuant to provision made by it in accordance with paragraph (*b*) (but not a provision by deed in accordance with paragraph (*a*)) of sub-clause (3A) of that Clause;

(*b*) in sub-clauses (1) and (2), as regards any monthly instalment falling due on or after that date, to the appropriate share (if any) of the Post Office or of the Corporation (as the case may be) of any such annual deficiency contribution as is mentioned in paragraph (*a*) of this sub-clause and may for the time being be payable or any such annual deficiency contribution as may for the time being be payable by the Post Office or by the Corporation (as the case may be) pursuant to arrangements made by it in accordance with sub-clause (5) of Clause 12 or pursuant to provision made by it in accordance with paragraph (*b*) (but not a provision by deed in accordance with paragraph (*a*)) of sub-clause (3A) as applied by sub-clause (6) of that Clause."

12(1) After "the Post Office", insert "and (in the case of such a report received by them on or after 1st October 1981) the Corporation"; and for "are mentioned in Clause 3(2)", substitute "would nominate for appointment a new trustee as a members' representative".

12(2) After "Where", insert "before 1st October 1981".

12(3) After "made", insert "pursuant to sub-clause (2) before 1st October 1981".

12(3B) In paragraph (ii), after "deed", insert "executed by the Post Office before 1st October 1981"; and at the end, add "available for meeting the liabilities of the Fund generally".

12(3C) After "sub-clause (3A)(*b*)", insert "or sub-clause (5) or sub-clause(6)".

12(4) For this sub-clause substitute:

"(4) Where on or after 1st October 1981 the Actuary certifies that a deficiency in the Fund is disclosed by a valuation made pursuant to sub-clause (1) he shall state in his certificate the amount (if any) of the deficiency which in his opinion is attributable to Post Office pension liabilities ("the Post Office deficiency") and the amount (if any) thereof which in his opinion is attributable to Corporation pension liabilities ("the Corporation deficiency").

(5) Within three months after receiving the valuation and report with such a certificate made on or after 1st October 1981 as is mentioned in sub-clause (4) and the Trustees' recommendations (if any) the Post Office shall make such arrangements as may in its opinion be expedient for the making good of the Post Office deficiency (if any) and the Corporation shall

make such arrangements as may in its opinion be expedient for the making good of the Corporation deficiency (if any) and subject to the provisions of sub-clause (6) any such arrangements made by the Post Office or by the Corporation shall make provision for an annual deficiency contribution payable by it of such amount as may be certified by the Actuary to be required to make good the Post Office deficiency or the Corporation deficiency (as the case may be) over such period not exceeding forty years from the date of the valuation as the Post Office or the Corporation (whichever of them is the maker of the arrangements) may determine.

(6) The Post Office or the Corporation may instead of arrangements making provision in accordance with sub-clause (5) or in substitution at any time for any such arrangements previously made make arrangements consisting of such an undertaking by deed as is mentioned in paragraph (*a*) of sub-clause (3A) with such provision as is mentioned in paragraph (*b*) of that sub-clause (if certified by the Actuary to be required); and in relation to any arrangements made pursuant to this sub-clause sub-clauses (3A) and (3B) shall apply:

(*a*) in the case of arrangements made by the Corporation with the substitution for references to the Post Office of references to the Corporation and in every case with the substitution for references to arrangements pursuant to sub-clause (2) or arrangements in accordance with sub-clause (3) or arrangements made under sub-clause (3) of references to arrangements pursuant to sub-clause (5) or arrangements making provision in accordance with sub-clause (5) or arrangements made under sub-clause (5) respectively;

(*b*) with the omission from paragraph (ii) of sub-clause (3B) of the words added by the British Telecommunications (Pensions) Order 1981 and the addition at the end of that paragraph of the following: "but (except in the case of a provision made by deed executed by the Post Office before 1st October 1981 which shall be deemed to be an asset available for meeting liabilities of the Fund generally) such provision, if made by the Post Office, shall for the purposes of this Clause be deemed to be an asset available for meeting Post Office pension liabilities only and, if made by the Corporation, shall for such purposes be deemed to be an asset available for meeting Corporation pension liabilities only."

(7) Subject as provided in sub-clause (8), where on or after 1st October 1981 the Actuary certifies that a disposable surplus of the Fund is disclosed by a valuation made pursuant to sub-clause (1) that surplus shall be retained in the Fund but the normal contributions of either or each of them (as may in the Actuary's opinion be appropriate) the Post Office and the Corporation may be reduced to the extent certified by him to be required (in his opinion) to dispose of the surplus or its share of the surplus (as the case may be) over such period not exceeding forty years from the date of the valuation as it may determine.

(8) Where on or after 1st October 1981 on a valuation made pursuant to sub-clause (1) the Actuary certifies that, in his opinion, a disposable surplus in the Fund is disclosed in relation to either the Post Office pension liabilities or the Corporation pension liabilities and a deficiency is disclosed in relation to the other liabilities, the normal contributions of the Post Office or of the Corporation (as appropriate) may be reduced to such extent in relation to that surplus as is mentioned in sub-clause (7) and the provisions of sub-clauses (4), (5) and (6) shall apply for the making good of that deficiency.

(9) The amount of the Post Office deficiency or the Corporation deficiency or of any disposable surplus or share of such a surplus certified by the Actuary in accordance with sub-clause (4) or sub-clause (7) or (8) shall in each case be an amount adjusted to take into account the extent to which the deficiency or the surplus (as the case may be) is in his opinion attributable to pensionable employment or reckonable service in one of them the Post

Office and the Corporation of members or former members of the Scheme who at the time with reference to which the valuation was made were employed or had last been employed in the other of them otherwise than in consequence of the transfer of rights and liabilities under their contracts of employment by subsection (2) of section 10 of the 1981 Act or by virtue of an agreement under subsection (4) of that section."

13 After sub-clause (11), add:

"(12) The concurrence of the Corporation shall be requisite to the giving of any approval by the Post Office for the purposes of this Clause on or after the 1st October 1981: Provided that:

(*a*) nothing in this sub-clause shall affect the validity of anything done by the Trustees on or after that date with the approval of the Post Office given before that date; and

(*b*) the approval of any bank given by the Post Office before that date for the purposes of sub-clause (7) shall be fully effective for those purposes thereafter unless and until it is withdrawn by the Post Office with the concurrence of the Corporation."

14 For "employer's representatives", in each place where those words appear, substitute "employers' representatives".

15(1) For "(who shall be nominated and employed by the Post Office)", substitute "(who shall be nominated by the Post Office and the Corporation and employed by either of them)".

15(2) After "the Post Office" in each place where those words appear, insert "and the Corporation"; and after this sub-clause, add:

"(2A) Nothing in sub-clauses (1) and (2) shall affect the validity of any appointment of a Secretary or of an Actuary or Auditor (as the case may be) made before 1st October 1981 by the Trustees on the nomination or with the approval of the Post Office and any such appointment shall remain effective after that date in accordance with the terms thereof unless and until the person appointed is removed in accordance with sub-clause (1) or sub-clause (2) (as may be appropriate)".

16 After "the Post Office", insert "or the Corporation".

17 After "Supplemental Deed" insert "with the concurrence of the Corporation (evidenced by its joining in that Deed and executing it as a party thereto)".

In paragraph (*b*), after "the Post Office" in each place where those words appear, insert "or the Corporation".

20(1) After "the Post Office" insert "and the Corporation (or from either of them)".

20(5) After "the Post Office", where those words first appear, insert "and the Corporation (or from either of them)"; and for "shall be returned to the Post Office", substitute "shall be divided between the Post Office and the Corporation in such proportions as the Actuary shall advise and returned to them accordingly".

21 After "the Post Office" insert "or the Corporation".

PART II

AMENDMENTS OF SCHEDULE 1 TO THE PENSION DEED

(The Rules of the non-contributory part of the Scheme)

Rule

1 After "persons" where that word first appears, insert "being employees (or, subject to Rule 6, members) of the Post Office or of the Corporation".

In paragraph (*a*) (v) and paragraph (*b*), after "the Post Office" in each place where those words appear, insert "before 1st October 1981, or any arrangements approved on or after that date by the Post Office and the Corporation".

2 In paragraph (*a*), after "Post Office employment", in the first, fourth and fifth places where those words appear, insert "and Corporation employment (if any)"; in the third place where they appear, insert "or Corporation employment"; for "to other employment", substitute "to employment with an employer other than the Post Office or the Corporation"; and after "emoluments" where that word first appears, insert "therefrom".

After paragraph (*b*) add:

"(*c*) For the avoidance of doubt it is hereby declared that where in consequence of a transfer of rights and liabilities under his contract of employment by virtue of subsection (2) of section 10 of the 1981 Act or of an agreement under subsection (4) of that section a member of the non-contributory part of the Scheme leaves the employment of either of them the Post Office or the Corporation and immediately thereafter enters the employment of the other of them on terms which provide for his being a member of the Scheme he shall on his continuing to be a member of the Scheme remain a member of that part without prejudice to any right of election to the contributory part of the Scheme which a member of the non-contributory part may have under the Rules of the Scheme, and

(i) no benefit or refund of contributions shall be payable under the Scheme to or in respect of him by reason of his so leaving his employment, nor shall any transfer value be payable on his entering the employment of the other employer;

(ii) his reckonable or pensionable service or employment with the former employer shall be aggregated with such service or employment with the other employer; and

(iii) any allocation, election, choice, revocation or nomination made, option exercised, direction, notification or notice given, trust established, obligation or commitment assumed, or other thing whatsoever done under and in accordance with, or for the purposes of, the Scheme by, to, or in relation to, a member of the Scheme while he was in the employment of either of them the Post Office or the Corporation shall, subject to the Rules of the Scheme, remain effective in relation to and for the purposes of his continued membership of the Scheme as an employee of the other of them.".

4 In paragraphs (*a*) and (*b*) delete "by the Post Office" in each place where those words appear.

In paragraph (*a*), at the end add "by whichever of them the Post Office or the Corporation is for the time being his employer.".

5 After "of the Post Office", in each place where those words appear, insert "or of the Corporation"; after "if the Post Office" insert "or the Corporation (whichever he so serves)"; and after "Post Office employment", insert "or Corporation employment (as the case may be)".

6 After "Post Office" insert "or of the Corporation".

At the end, add "nor after 30th September 1981 shall a member of the Corporation (whether appointed before or after that date) be a member of that part except as so provided.".

7 In paragraphs (*b*) and (*d*) at the end of each paragraph, add "(in relation to an employee or member of the Post Office) or to the Corporation (in relation to an employee or member of the Corporation)".

8 After "the Post Office" where those words first appear, insert "if he be an employee of the Post Office or with the consent of the Corporation if he be an employee of the Corporation"; and for "the Post Office" in the second place where those words appear, substitute "the consenting body".

In paragraph (*b*), for "Post Office employment", substitute "employment with the consenting body".

In paragraph (*c*), for "the Post Office", substitute "the consenting body"; and for "Post Office", in the second place where those words appear, substitute "its".

At the end of the Rule, after "Post Office employment", add "or Corporation employment (as the case may be).".

10(1) After "by the Post Office" in each place where those words appear, insert "or the Corporation (whichever be the member's employer)".

11 In paragraph (*b*), after "the Post Office", where those words first appear, insert "or the Corporation (whichever of them is or was that member's employer)"; and after "the Post Office" where those words next appear, insert "or the Corporation (as the case may be)".

PART III

AMENDMENTS OF SCHEDULE 2 TO THE PENSION DEED

(The General Rules of the contributory part of the Scheme)

Rule

1 After "(other than special members under General Rule 3)", insert "being employees of the Post Office or of the Corporation".

In paragraph (*a*), after "the Post Office" in the third place where those words appear, insert "before 1st October 1981 or any arrangements approved on or after that date by the Post Office and the Corporation".

In paragaraph (*c*), after "the Post Office", insert "or of the Corporation".

In paragraph (*d*), after "working such hours", insert "(or so continued until they entered the employment of the Corporation and thereafter continued in that employment in the like capacity working such hours)"; and after "and so working", insert "(whether in the employment of the Post Office or of the Corporation)".

After this Rule add the following:

"1A. For the avoidance of doubt it is hereby declared that where in consequence of a transfer of rights and liabilities under his contract of employment by virtue of subsection (2) of section 10 of the 1981 Act or of an agreement under subsection (4) of that section a member of the contributory part of the Scheme leaves the employment of either of them the Post Office or the Corporation and immediately thereafter enters the employment of the other of them on terms which provide for his being a member of the Scheme he shall on his continuing to be a member of the Scheme remain a member of that part and:

(*a*) if immediately before he entered the employment of that other he was subject to the Section A Rules of that part of the Scheme he shall remain so subject, and if not he shall remain subject to the Section B Rules thereof, but without prejudice to any right of election to the Section B Rules or right to revoke such an election which a member may have under the Rules of the Scheme and to any power or duty of the Trustees under those Rules;

(*b*) no benefit or refund of contributions shall be payable under the Scheme to or in respect of him by reason of his so leaving his employment, nor shall any transfer value be payable on his entering the employment of the other employer;

(*c*) his reckonable or pensionable service or employment with the former employer shall be aggregated with such service or employment with the other employer;

(*d*) any allocation, election, choice, revocation or nomination made, option exercised, direction, notification or notice given, trust established, obligation or commitment assumed, or other thing whatsoever done under and in accordance with, or for the purposes of, the Scheme by, to, or in relation to, a member of the Scheme while he was in the employment of either of them the Post Office or the Corporation shall, subject to the Rules of the Scheme, remain effective in relation to and for the purposes of his continued membership of the Scheme as an employee of the other of them."

3 After "The following persons", insert "being members of the Post Office or of the Corporation".

In paragraph (*a*) after "approved by the Post Office" insert "before 1st October 1981, or any arrangements approved on or after that date by the Post Office and the Corporation".

For paragraph (*b*), substitute:

"(*b*) Persons appointed Members of the Post Office or of the Corporation at any time after 30th November 1971 who immediately before their appointment were members of the Scheme and if not then members of the contributory part of the Scheme have subsequently elected or subsequently elect to become members of that part in accordance with such arrangements Provided that no person so appointed shall be a special member of the Scheme if other superannuation provision (not being provision made expressly in addition to provision under the Scheme) is made for him on his appointment.".

4 For "Where any person becomes", substitute "In the case of"; after "Member of the Post Office", insert "or of the Corporation (as the case may be)"; after "Post Office employment", insert "or Corporation employment (as the case may be)"; and at the end add "Provided that in the case of a person appointed to be a member of the Corporation before 1st October 1981 his period of service as such a member before that date and the salary paid to him in respect of that period shall be treated for those purposes as service with the Post Office and Post Office employment and emoluments received in respect thereof."

7(1) After "the Post Office" where those words first appear, insert "or the Corporation"; and after "the Post Office" where they next appear, insert "before 1st October 1981 or by the Post Office and the Corporation thereafter".

7(2) After "Post Office employment", insert "or Corporation employment".

7(4) In paragraph (*a*) (ii) for "the Post Office contributions", substitute "the employer's contributions"; and for "the Post Office" in the second and third places where those words appear, substitute "his employer".

In paragraph (*b*) after "another employer" insert "(not being the Corporation or the Post Office)"; for "the Post Office contributions" in each place where those words appear, substitute "the employer's contributions"; and delete "from the Post Office".

7(8) For "Post Office employment", substitute "duty".

7(9) In paragraph (ii) for "the Post Office contributions", substitute "the employer's contributions"; and delete "from the Post Office".

7(11) Delete "Post Office".

7(12) Add at the end "or the British Telecommunications Staff Contract Manual (whichever be applicable to his pay); and "employer's contributions" in relation to a member shall mean so much of the monthly instalments payable under General Rule 13 as is attributable to his membership of the contributory part of the Scheme".

10 Delete:"(1)".

In the definition of "contributory service", after "service with the Post Office", insert "or the Corporation"; and in paragraph (*a*) of that definition after "the Post Office" add "or the Corporation".

In the definition of "reckonable service", after "with the Post Office", insert "or the Corporation"; and in paragraph (ii) after "civil servant", insert "(or having been so employed by the Post Office is so employed by the Corporation)".

In the Proviso, after "employment of the Post Office", insert "or of the Corporation"; for "re-employed by the Post Office", substitute "re-employed (or employed) by the Post Office or the Corporation"; and delete "Post Office" in the third place where those words appear.

11(7A) After "Post Office", insert "or Corporation".

11(8) After "pensionable employment", insert "(otherwise than with the Post Office or the Corporation)".

11(9) In paragraph (*b*) after "Post Office", insert "or Corporation".

11(11) After "the Post Office" where those words first appear, insert "or the Corporation"; for those words where they next appear, substitute "its"; and for "the said Post Office contributions", substitute "the last mentioned contributions".

11(12) After "the Post Office" where those words first appear, insert "or the Corporation"; and for "the Post Office contributions", substitute "its contributions".

13 For the words preceding paragraph (*a*), substitute "The Post Office as from 1st December 1971 until (and including) 30th September 1981 and thereafter each of them the Post Office and the Corporation shall contribute to the Fund by monthly instalments:".

For paragraph (*a*), substitute:

"(*a*) a monthly sum equal to 1½ times the standard contributions of all those members of the contributory part of the Scheme who are its employees or its members (excluding members of the Scheme for whom an approved employer pays its contributions);".

In paragraph (*b*), for "members' contributions", substitute "the contributions of those members of the contributory part of the Scheme".

In paragraph (*c*), for "all members' contributions", substitute "all contributions of those members".

In paragraph (*d*), for "the Post Office's sole expense", substitute "at the sole expense of the Post Office or the Corporation (as the case may be);".

In paragraphs (*e*) and (*f*), after "service" in each place where that word appears, insert "of those members".

14(6) After "the Post Office" insert "or the Corporation (as the case may be)".

15 After "the Post Office", where those words first appear, insert "or the Corporation"; and for "to the Post Office" substitute "suffered by it".

17(1) After "Members of the Post Office", insert "or of the Corporation".

17(4) In paragraph (*b*), after "the Post Office" in each place where those words appear, insert "or of the Corporation".

17(5) After "the Post Office" in the first place where those words appear, insert "and the Corporation (or in a case concerning a particular member, with whichever of them is the employer of that member)"; and for "and the Post Office", substitute "the Post Office and the Corporation (or in such a case as aforesaid the Trustees and the employer)".

17(14) After "the Post Office", add "or the Corporation (as the case may be)".

19(1) After "Post Office", insert "or Corporation".

19(3) After "The Post Office" where those words first appear, insert "or the Corporation (whichever be the employer)"; and for "in the view of the Post Office", substitute "in its view".

23(5) At the end, add "or British Telecommunications Staff Contract Manual (whichever is applicable to his pay)".

24(6) At the end add "or British Telecommunications Staff Contract Manual (whichever is applicable to his pay)".

26(1) After "Post Office", insert "or Corporation".

26(2) For "Post Office employment", substitute "duty"; and after "employment of the Post Office", insert "or the Corporation".

PART IV

AMENDMENTS OF SCHEDULE 3 TO THE PENSION DEED

(Section A Rules of the contributory part of the Scheme)

Rule

1(1) After "Post Office employment" in the first, fourth and fifth places where those words appear, insert "and Corporation employment (if any)"; for "transfer from Post Office employment to other employment", substitute "transfer from Post Office or Corporation employment to employment with an employer other than the Corporation or the Post Office"; and after "emoluments" where that word first appears, insert "therefrom".

3 In paragraphs (*a*) and (*b*), delete "by the Post Office" in each place where those words appear.

In paragraph (*a*), at the end add "by whichever of them the Post Office or the Corporation is for the time being his employer.".

4 In paragraphs (*b*) and (*d*), at the end of each paragraph add "(in relation to an employee or member of the Post Office) or to the Corporation (in relation to an employee or member of the Corporation).".

5 After "by the Post Office" in each place where those words appear, insert "or the Corporation (whichever be the member's employer)".

6(1) After "the Post Office", in the first place where those words appear, insert "or the Corporation (whichever of them is or was his employer)"; and for "as determined by the Post Office", substitute "(as determined by that employer)".

6(2) After "The Post Office" where those words first appear, insert "or the Corporation (as the case may be)"; and for "deducting it from the Post Office", substitute "deduction from its".

6(3) Delete "by the Post Office" in each place where those words appear; after "the Post Office" in the third place where those words appear, insert: "or the Corporation (as the case may be)"; and for "deducting it from the Post Office", substitute "deduction from its".

9(2) In the Proviso, after "Post Office", insert "or Corporation".

PART V

AMENDMENTS OF SCHEDULE 4 TO THE PENSION DEED

(Section B Rules of the contributory part of the Scheme)

Rule

1(1) In the definition of "Added years", at the end add "or the Corporation.".

In the definition of "Back service credit", after "employer" insert "(not being the Post Office or the Corporation)".

In the definition of "children", in paragraph (*f*)(i) at the end add "or Corporation employment".

In the definition of "pensionable salary", delete "and including the pensionable emoluments in Division I of the Staff Contract Manual".

In the definition of "qualifying service", after "aggregate of", insert "the following:"; after "with the Post Office", insert; "(if any) the reckonable service with the Corporation (if any)"; after "another employer" in both places where those words appear, insert "(not being the Post Office or the Corporation)"; for "any previous Post Office service" substitute "any previous service with the Post Office or the Corporation"; for "re-employment by the Post Office", substitute "re-employment or employment by the Post Office or the Corporation".

In the definition of "retired on ill health grounds", after "Post Office", insert "or the Corporation (whichever be the employer)".

In the definition of "salary", for "Division I of the Staff Contract Manual", substitute "Division I of the Post Office Staff Contract Manual or the corresponding provisions of the British Telecommunications Staff Contract Manual (whichever be appropriate).".

3(4) For "Post Office employment" substitute "duty with the Post Office or the Corporation (as the case may be)".

6 After "the Post Office", insert "or the Corporation (whichever be his employer)".

7(4) and (7) After "Post Office", in each place where those words appear, insert "or Corporation".

8(4) and (7) After "Post Office", in each place where those words appear, insert "or Corporation".

8A(*b*) After "Post Office" insert "or the Corporation".

9 After "the Post Office", in each place throughout this Rule (except in paragraph (8)) where those words appear, insert "or the Corporation".

In paragraph (1) after "in this Rule" insert "(which applies subject to General Rule 1A of Schedule 2)".

In paragraphs (9) and (10), for "Post Office employment" in each place where those words appear, substitute: "that previous employment".

11(1) In paragraph (*b*)(iv), after "Post Office", insert "or Corporation".

12(1) After "the Post Office", insert "or the Corporation".

12(2) After "another employer", insert "(not being the Post Office or the Corporation)"; delete "the Post Office's and"; and at the end of the paragraph add "and those of the Post Office or of the Corporation (as the case may be).".

13(1) In Proviso (*a*), after "Post Office", insert "or Corporation".

13(5) After "the Post Office" in each place where those words appear, insert "or the Corporation".

In the Proviso, after "Post Office", insert "or Corporation".

13(6) After "the Post Office" in both places where those words appear, insert "or the Corporation".

15(1) After "the Post Office", insert "or the Corporation".

17 After "the Post Office", in each place (except in the penultimate place in paragraph (6)) where those words appear, insert "or the Corporation (whichever be his employer)".

In paragraph (4), after "Post Office", insert "or Corporation".

In paragraph (6), for "the Post Office" in the penultimate place where those words appear, substitute "its".

19(4) After "the Post Office", in each place where those words appear, insert "or the Corporation (whichever be the employer)".

20(1) After "the Post Office", insert "or the Corporation"; and after "other pensionable employment", insert "(not being employment with the Post Office or the Corporation)".

21(1) After "This rule applies" insert "(subject to General Rule 1A of Schedule 2)"; and after "the Post Office", insert "or the Corporation".

21(5) After "Post Office", insert "or Corporation".

25 After "the Post Office" in each place where those words appear, insert "or the Corporation (whichever be the employer)".

PART VI

AMENDMENT OF SCHEDULE 10 TO THE PENSION DEED

(List of countries and places to which Rule 12 of the Section B Rules applies)

In the paragraph at the end, after "the Post Office", insert "or the Corporation"

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision enabling employees of British Telecommunications and those members thereof who immediately before their appointment were participating in the Post Office Staff Superannuation Scheme to participate or continue to participate in that Scheme. It further amends the deed dated 24th September 1969 which established the Scheme and amends the trusts referred to in section 47 of the Post Office Act 1969, being trusts whose objects consist in the payment, or provision for payment, of pensions and other benefits to persons engaged in the business of the Post Office, and in the reimbursement of the Post Office of sums paid by it under section 44 or 46 of that Act by way of superannuation benefits to certain former civil servants. The principal pension deed and the supplemental deeds referred to in this Order can be obtained from the Trustees of the Post Office Staff Superannuation Fund, 47 King William Street, London, EC4.

SI 1981/1800
ISBN 0-11-017800-9

