1953 No. 251

The Commonwealth Telegraphs (Cable and Wireless Ltd. and Post Office) Pension Regulations, 1953

Made - - - -	17*th February*, 1953
Laid before Parliament	20*th February*, 1953
Coming into Operation	27*th February*, 1953

I, the Right Honourable Herbrand Edward Dundonald Brassey Earl De La Warr, Her Majesty's Postmaster-General, with the consent of the Treasury, by virtue of the powers vested in me by section six of the Commonwealth Telegraphs Act 1949(a), and of all other powers enabling me in this behalf, do hereby make the following regulations:—

PART I

INTRODUCTORY

1.—(1) These regulations shall come into operation on the 27th day of February, 1953, but shall then have effect from the thirty-first day of March, 1950, and shall be construed accordingly.

(2) These regulations may be cited as the Commonwealth Telegraphs (Cable and Wireless Ltd. and Post Office) Pension Regulations 1953.

2.—(1) In these regulations, unless the context otherwise requires:—

(*a*) the following expressions have the respective meanings hereby assigned to them, that is to say:—

"the Act" means the Commonwealth Telegraphs Act 1949;

"the Commonwealth telegraphs agreement" means the agreement referred to by that name in the Act (being an agreement signed in London on the eleventh day of May, 1948, entered into between His Majesty's Government in the United Kingdom, His Majesty's Government in Canada, His Majesty's Government in the Commonwealth of Australia, His Majesty's Government in the Dominion of New Zealand, His Majesty's Government in the Union of South Africa, His Majesty's Government in India and the Government of Southern Rhodesia for the purpose of giving full effect to the recommendations of the Commonwealth telecommunications conference held in London in July, 1945);

"the Company" means Cable and Wireless Limited;

"date of transfer" in relation to any person means the date on which that person, having been employed by the Company immediately beforehand, becomes employed in the Post Office;

"established civil servant" means a person serving in an established capacity in the permanent civil service of the State;

"the existing pension schemes" means the schemes for the payment of pensions referred to in subsection (8) of section six of the Act (which are commonly known as the Eastern and Associated Telegraph Companies' Pension Fund; the Cable and Wireless Widows' Fund; the Pacific Cable Board Pension Fund; the Pacific Cable Board Provident Fund; the Eastern and Associated Telegraph Companies' Superannuation Fund; the Post Office Transferees' Pension Fund; the Communications Superannuation Fund; the Indo-European Retirement Fund; and the Marconi Companies' Staff Superannuation Fund);

(a) 12, 13 & 14 Geo. 6. c. 39.

"part-time employment" means employment (other than full-time employment) in which the person concerned gave personal service of at least eighteen hours a week;

"The Superannuation Acts" means the Superannuation Acts 1834 to 1950;

"the Superannuation Suspense Account" means the pension scheme established by the Company for the payment of pensions to or in respect of persons who have entered into the permanent service of the Company on or after the first day of January, 1948;

"transferee" means a person who on or after the first day of April, 1950, in consequence of the giving of effect to clause five of the Commonwealth telegraphs agreement, becomes employed by the Post Office;

(*b*) other expressions have the same meanings as they have in the Act.

(2) Any reference in these regulations to the provisions of any enactment or regulations shall be construed, unless the context otherwise requires, as a reference to those provisions as amended re-enacted or replaced by any subsequent enactment or regulations.

(3) The Interpretation Act, 1889(a), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II

PROVISIONS RELATING TO TRANSFERRED STAFF OF THE COMPANY WHO, HAVING BEEN MEMBERS OR PROSPECTIVE MEMBERS OF PENSION SCHEMES, RETAIN EXISTING PENSION RIGHTS.

Application of Part II

3. This part of these regulations shall apply to any transferee who:—

(*a*) immediately before the date of transfer was employed by the Company, and was a member of any of the existing pension schemes or a contributor to the Superannuation Suspense Account, or was employed in a probationary capacity with a view to being admitted into the pensionable employment of the Company, or was employed in full-time unestablished employment with the benefit of an undertaking by the Company that he would be admitted into the pensionable employment of the Company if at the end of a period of deferment of such admission he satisfied the Company that he was medically fit for such admission; and either

(*b*) under arrangements made between him or any staff association on his behalf and the Postmaster-General, elects or is deemed to have elected to remain a member of one or more of the existing pension schemes, or to remain or become a contributor to the Superannuation Suspense Account, as the case may be, or

(*c*) remains a member of one or more of the existing pension schemes or a contributor to the Superannuation Suspense Account as the case may be, without having been given an option to become an established civil servant:

Provided that for the purpose of paragraph (*b*) of this regulation any election which under such arrangements is superseded by a subsequent retrospective election shall be disregarded.

Payment of pension contributions

4. The Postmaster-General may pay from time to time, out of moneys provided by Parliament, to the trustees or other the persons administering the existing pension schemes, the Superannuation Suspense Account, and

(a) 52 & 53 Vict. c. 63.

any pension scheme which may be substituted for the said Account, such contributions to the said schemes and the said Account in respect of persons to whom this part of these regulations applies as would from time to time have been payable in respect of those persons if they had remained in the service of the Company, being contributions which, by virtue of any provision in the trust deeds or rules of the said schemes, or any agreement, arrangement, or customary practice of the Company, (whether in operation on the thirty-first day of March 1950 or coming into operation at any time after that date), would have been payable by the Company, or being other contributions which the Postmaster-General has agreed or may agree to pay as a term of those persons' employment in the Post Office, and where those contributions are paid in arrear, interest thereon calculated at such rates and in such manner as the Postmaster-General may direct.

Supplemental grants

5.—(1) The Postmaster-General may make from time to time, out of moneys provided by Parliament, grants to or in respect of persons to whom this part of these regulations applies for the purpose of supplementing pensions payable to or in respect of them by virtue of any of the existing pension schemes, in cases where the circumstances are such that grants for that purpose would have been made to or in respect of those persons by the Company, by virtue of any agreement, arrangement, or customary practice of the Company (whether in operation on the thirty-first day of March 1950 or coming into operation at any time after that date), if those persons had remained in the employment of the Company.

(2) The amount of the grant payable in any case shall be the amount which would have been paid to or in respect of the person concerned in the circumstances of that case if he had remained in the employment of the Company and had received the salary and emoluments which he actually received in respect of his service in the employment of the Post Office after the date of transfer.

Preservation of previous pension rights

6. Where immediately before the date of transfer any person to whom this part of these regulations applies was in receipt of a superannuation allowance under the Superannuation Acts in respect of a previous period of employment in the civil service of the State, or under the Asylum Officers' Superannuation Act 1909(a) in respect of a previous period of employment as an established officer or servant in a hospital, and by reason of his being employed in the civil service of the State after the date of transfer such superannuation allowance has ceased to be payable to him either in whole or in part, the Postmaster-General may pay to him out of moneys provided by Parliament, so long as he remains employed in the civil service of the State, a pension equal to the amount of such superannuation allowance which has ceased to be payable to him as aforesaid.

Exclusion of Superannuation Acts

7. Subject to regulation ten (which relates to certain staff becoming established civil servants after the date of transfer) no person to whom this part of these regulations applies, and no other person in respect of him, shall be eligible for any gratuity or other benefit under the Superannuation Acts in respect of any period of employment of his in the civil service of the State in an unestablished capacity beginning after the thirty-first day of March 1950 during which he is a participant in any pension scheme, or which is treated in whole or in part as pensionable service for the purpose of any pension scheme.

(a) 9 Edw. 7. c. 48.

Admission to Cable and Wireless Widows' Fund

8. Any person to whom this part of these regulations applies who becomes a contributor to the Superannuation Suspense Account on or after the date of transfer shall (if otherwise eligible) be qualified for admission as a subscriber to the Cable and Wireless Widows' Fund, notwithstanding that he is not and has not been an established employee of the Company for the purpose of the trust deeds and rules of the said Fund; and the trust deeds and rules of the said Fund shall take effect accordingly.

Application of regulation four of the Commonwealth Telegraphs (Pension Rights of Cable and Wireless Ltd. Staff) Regulations 1950(a)

9. Where any person to whom this part of these regulations applies elects under arrangements made between him or any staff association on his behalf and the Postmaster-General to remain a member of an existing pension scheme, and that election supersedes a previous election by him to become an established civil servant, and the trustees or other the persons administering that scheme receive the appropriate contributions to the scheme in respect of that person for the period between the date of transfer and the date of the subsequent election, then that person shall not be regarded for the purpose of regulation four of the Commonwealth Telegraphs (Pension Rights of Cable and Wireless Ltd. Staff) Regulations 1950(a) (which specifies the terms on which transferees and other persons are entitled to remain members of the existing pension schemes) as having ceased to be entitled to remain a member of the existing pension scheme, by reason only that the whole or part of such contributions were not received by the trustees or other the persons administering the scheme until after the expiration of the said period.

Staff becoming established civil servants after date of transfer

10.—(1) The following paragraphs of this regulation shall have effect in relation to any person to whom this part of these regulations applies, who becomes an established civil servant after the date of transfer otherwise than by an election which is superseded by a subsequent retrospective election.

(2) The Superannuation Acts shall have effect in relation to him notwithstanding that, although his appointment is not held directly from the Crown, he is admitted without a certificate of the Civil Service Commissioners.

(3) His past pensionable service shall be treated for the purpose of the Superannuation Acts as if it were a period of service as an established civil servant of a length calculated in accordance with the provisions of the First Schedule hereto. For the purpose of this paragraph, his past pensionable service means the total period of:

(*a*) his service in the civil service of the State in an unestablished capacity between the date of transfer and the date on which he became an established civil servant;

(*b*) his service before the date of transfer, whether in the employment of the Company or not, during which he was a member of any of the existing pension schemes or a contributor to the Superannuation Suspense Account; and

(*c*) his service previous thereto (if any) which was treated by the Company as pensionable service in the employment of the Company:

Provided that where any period of his service was treated by the Company as being pensionable service of more or less than its actual length, its length shall be similarly adjusted for the purpose of sub-paragraphs (*b*) and (*c*) of this paragraph.

(a) S.I. 1950/356; 1950 I, p. 395.

(4) Regulation sixteen (which relates to transfer values and return of contributions) shall apply in respect of him.

(5) Regulation seventeen (which confers a right of election to receive the sum referred to in paragraph (3) thereof in lieu of Superannuation Act benefits if, while a person to whom Part III of these regulations applies is serving as an established civil servant, any event happens which would have entitled him to a return of contributions to certain pension schemes if he had been a member thereof) shall apply to him:

Provided that the sum payable to or in respect of him under paragraph (3) thereof shall be a sum equal to the total of:

(i) the amount of his own contributions which could have been repaid to or in respect of him under the rules of the relative pension scheme or schemes in force on the day before he became an established civil servant in respect of the particular event if it had happened on that day, and

(ii) the interest (if any) which would have been payable under the said rules calculated at the rate applicable thereunder as if the event had happened on that day.

Women leaving pension schemes

11.—(1) Where a female transferee to whom this part of these regulations applies ceases after the date of transfer to be a member of an existing pension scheme or a contributor to the Superannuation Suspense Account (as the case may be), otherwise than on becoming an established civil servant, and subsequently she retires from or dies in the service of the Post Office in such circumstances that a retirement or death gratuity would have been made to or in respect of her by the Company by virtue of any agreement, arrangement, or customary practice of the Company (whether in operation on the thirty-first day of March 1950 or coming into operation after that date) if she had remained in the service of the Company, the Postmaster-General may pay a gratuity to or in respect of her out of moneys provided by Parliament.

(2) The amount of the gratuity payable in any case shall be the amount which would have been paid to or in respect of the person concerned in the circumstances of that case if she had remained in the employment of the Company and had received the salary and emoluments which she actually received in respect of her service in the Post Office after the date of transfer.

PART III

PROVISIONS RELATING TO TRANSFERRED STAFF OF THE COMPANY WHO, HAVING BEEN MEMBERS OF PENSION SCHEMES, BECOME ESTABLISHED CIVIL SERVANTS

Application of Part III

12. This part of these regulations shall apply to any transferee who immediately before the date of transfer was employed by the Company, and was a member of any of the existing pension schemes or a contributor to the Superannuation Suspense Account, and either

(*a*) under arrangements made between him or any staff association on his behalf and the Postmaster-General, elects to become an established civil servant as from the date of transfer, or

(*b*) becomes an established civil servant as from the date of transfer without being given an option to remain a member of any of the existing

pension schemes (except the Cable and Wireless Widows' Fund) or the Superannuation Suspense Account as the case may be:

Provided that:—

(i) for the purpose of paragraph (*a*) of this regulation any election which under such arrangements is superseded by a subsequent retrospective election shall be disregarded, and

(ii) regulation fifteen (which relates to the computation of awards for the purpose of the Superannuation Acts) shall not apply to any person to whom paragraph (*b*) of this regulation applies.

Application of Superannuation Acts

13.—(1) In relation to any person to whom this part of these regulations applies, the Superannuation Acts shall have effect notwithstanding that, although his appointment is not held directly from the Crown, he is admitted without a certificate of the Civil Service Commissioners.

(2) Where under arrangements referred to in paragraph (*a*) of regulation twelve the election of any person to whom this part of these regulations applies to become an established civil servant is retrospective to the date of transfer, the service of that person between that date and the date on which he exercises such election shall be deemed for the purpose of the Superannuation Acts to be service as an established civil servant.

Reckoning of past pensionable service

14.—(1) The past pensionable service of any person to whom this part of these regulations applies shall be treated for the purpose of the Superannuation Acts as if it were a period of service as an established civil servant of a length calculated in accordance with the provisions of the First Schedule hereto.

(2) For the purpose of this regulation, the past pensionable service of a person means his service before the date of transfer, whether in the employment of the Company or not, during which he was a member of any of the existing pension schemes or a contributor to the Superannuation Suspense Account, and his service previous thereto (if any) which was treated by the Company as pensionable service in the employment of the Company:

Provided that where any period of a person's service was treated by the Company as being pensionable service of more or less than its actual length, its length shall be similarly adjusted for the purpose of computing that person's past pensionable service before the multiplier appropriate under the provisions of the First Schedule hereto is applied.

Computation of award

15. Subject to proviso (ii) to regulation twelve, in the computation for the purpose of the Superannuation Acts of the average annual amount of the salary and emoluments of the office of any person to whom this part of these regulations applies during the last three years of his service, the annual rate of his salary and emoluments during the part of that period subsequent to the date of transfer shall be treated as being either the actual annual rate thereof, or the annual rate of salary and emoluments reckoned as pensionable for the purpose of the relevant existing pension scheme or treated by the Company as pensionable (as the case may be) which he would have been receiving on the date of transfer if he had remained in the employment of the Company, whichever is the greater.

Transfer values and return of contributions

16.—*(1)* The trustees or other the persons administering each of the existing pension schemes (other than the Cable and Wireless Widows' Fund) shall pay to the Treasury out of the pension funds held for the purposes of that scheme a transfer value in respect of every person to whom this part of these regulations applies, and who had pension rights under that scheme in respect of service which under these regulations is to be taken into account for the purpose of the Superannuation Acts. The transfer value in respect of each such person shall be of such amount as may be agreed between the Treasury and the trustees or other the persons administering the scheme, or in default of such agreement, of such amount as may be determined by the Treasury after consultation with the Government Actuary, in either case less an amount equal to any sum which those trustees or other persons may become liable to pay by way of income tax in respect of the amount transferred by way of transfer value. Transfer values payable by virtue of this paragraph shall be discharged at such time or times and in such manner as the Treasury may direct.

(2) Where by virtue of the foregoing paragraph the trustees or other the persons administering an existing pension scheme are under an obligation to pay a transfer value in respect of a person, they shall be under no obligation to pay to that person any amount which, apart from this regulation, would be due to him under the scheme by way of return of contributions or otherwise on his ceasing to be a member of the scheme; and the existing pension schemes and any statutory provisions relating thereto and all trust deeds, rules and other instruments made for the purposes thereof shall take effect accordingly, but nothing contained in or done pursuant to this regulation shall extinguish or affect the liability of the insurer under any policy of life insurance which is or was held for the purposes of any of the said schemes.

Election to receive return of pension contributions

17.—(1) In this regulation the expression "pension scheme" means any of the existing pension schemes other than the Cable and Wireless Widows' Fund, and includes the Superannuation Suspense Account; the expression "his own contributions", in relation to a person who on the day before the date of transfer was a member of the Eastern and Associated Telegraph Companies' Pension Fund or the Marconi Companies' Staff Superannuation Fund, means one-half of the total of the member's contributions and the employer's contributions made to the Fund by or in respect of him under the rules of the Fund, notwithstanding that some part or the whole of the member's contributions due to be paid by or in respect of him under the rules of the Fund has been borne by his employer; and "Superannuation Acts benefits" means any pension benefits (whether payable periodically or in a lump sum) which, apart from this regulation, would or might have been payable to or in respect of a person as an established civil servant, except a return of periodical contributions under Part I or Part II of the Superannuation Act 1949(a).

(2) If, while a person to whom this part of these regulations applies is serving as an established civil servant:

(*a*) any event happens which, if that person had been employed by the Company on the date on which the event happens and had then been a member of the pension scheme of which he was a member immediately

(a) 12, 13 & 14 Geo. 6. c. 44.

before the date of transfer, would have entitled him or his legal personal representatives either absolutely or at his or their option to the return of the whole or part of his own contributions to the pension scheme, or

(*b*) any event happens which, in the circumstances aforesaid, would have entitled him or his legal personal representatives to a return of the whole or part of such contributions subject to the discretion of the trustees of the pension scheme or the Company, as the case may be, and the Postmaster-General after consultation with the said trustees or the Company is satisfied that the said trustees or the Company would have so exercised their discretion as to make such return of contributions,

that person or his legal personal representatives (as the case may be) may at his or their option elect, within the time and in the manner hereinafter provided, to receive the sum referred to in paragraph (3) of this regulation instead of his Superannuation Acts benefits, if any.

(3) In any case in which such right of election is duly exercised no Superannuation Acts benefits shall be payable, but the Postmaster-General may pay to or in respect of the person concerned, out of moneys provided by Parliament, a sum equal to the total of:

(i) the amount of his own contributions which could have been repaid to or in respect of him under the rules of the relative pension scheme or schemes in force on the day before the date of transfer in respect of the particular event if it had happened on that day, and

(ii) the interest (if any) which would have been payable under the said rules calculated at the rate applicable thereunder as if the event had happened on that day.

(4) The right of election referred to in paragraph (2) of this regulation shall not be exercisable in relation to any event if it has been exercisable by the person concerned in relation to a previous event, whether or not it was in fact exercised in relation to that previous event.

(5) The said right of election shall be exercisable by notice in writing to the Postmaster-General given within three months of the happening of the event which gives rise to such right, or, in any case in which the Postmaster-General is satisfied that it was not reasonably practicable for notice to be given within that period, within such extended period as the Postmaster-General may allow.

PART IV

PROVISIONS RELATING TO TRANSFERRED UNESTABLISHED STAFF OF THE COMPANY (FULL-TIME AND PART-TIME)

Application of Part IV

18. This part of these regulations shall apply to any transferee, not being a person to whom Part II of these regulations applies, who immediately before the date of transfer was employed by the Company either in full-time unestablished employment (including employment in a probationary capacity) or in part-time employment.

Staff retaining Company pension rights

19.—(1) The Postmaster-General may pay from time to time, out of moneys provided by Parliament, retirement and death gratuities and other pensions to or in respect of persons to whom this part of these regulations

applies, being persons who, under arrangements made between them or any staff associations on their behalf and the Postmaster-General, elect or are deemed to have elected to retain the pension rights to which they were entitled by virtue of their employment with the Company, in cases where the circumstances are such that retirement or death gratuities or other pensions would have been paid to or in respect of those persons by the Company by virtue of any agreement, arrangement, or customary practice of the Company (whether in operation on the thirty-first day of March 1950 or coming into operation after that date) if those persons had remained in the employment of the Company.

(2) The amount of the gratuity or other pension payable in any case shall be the amount which would have been paid to or in respect of the person concerned if he had remained in the employment of the Company and had received the salary and emoluments which he actually received in respect of his service in the Post Office after the date of transfer.

(3) Regulation six (which preserves certain previous pension rights) shall apply in relation to persons referred to in paragraph (1) of this regulation.

(4) No person referred to in paragraph (1) of this regulation, and no other person in respect of him, shall be eligible for any gratuity or other benefit under the Superannuation Acts in respect of any period of employment of his in the civil service of the State in an unestablished capacity beginning after the thirty-first day of March 1950, which is taken into account for the purpose of determining whether a gratuity or pension is payable under the said paragraph (1), whether it is determined that a gratuity or pension is or is not so payable.

Staff becoming established civil servants

20.—(1) Where any person to whom this part of these regulations applies was in the full-time unestablished employment of the Company immediately before the date of transfer and under arrangements made between him or any staff association on his behalf and the Postmaster-General he elects to become an established civil servant as from the date of transfer, regulation thirteen (which provides for admission without a certificate of the Civil Service Commissioners and for the treatment of certain service before the date of the election as established service) shall have effect in relation to him as it has in relation to persons to whom Part III of these regulations applies.

(2) Where any person to whom this part of these regulations applies was employed by the Company immediately before the date of transfer

(*a*) in a probationary capacity with a view to being admitted into the pensionable employment of the Company, or

(*b*) in full-time unestablished employment with the benefit of an undertaking by the Company that he would be admitted into the pensionable employment of the Company if at the end of a period of deferment of such admission he satisfied the Company that he was medically fit for such admission,

and under such arrangements as aforesaid he elects to become an established civil servant on satisfying the Postmaster-General in case (*a*) that his health, conduct and efficiency, or in case (*b*) that his health, are or is such as would have been regarded by the Company as satisfactory for the purpose of his admission into the pensionable employment of the Company, the Superannuation Acts shall have effect in relation to him on his admission as

an established civil servant notwithstanding that, although his appointment is not held directly from the Crown, he is admitted without a certificate of the Civil Service Commissioners; and if under the said arrangements his election to become an established civil servant is retrospective to the date on which the Postmaster-General was satisfied as aforesaid, his service between that date and the date on which he exercises such election shall be deemed for the purpose of the Superannuation Acts to be service as an established civil servant.

(3) The service of any person to whom paragraph (1) or paragraph (2) of this regulation applies in the employment of the Company, and the service of any such person in the employment of any of the Companies mentioned in the Second Schedule hereto, being in either case service which, by virtue of any agreement, arrangement, or customary practice of the Company, was reckonable by the Company for the purpose of retiring or death gratuity or other pension, shall, for the purposes of the provisions of the Superannuation Acts which relate to the reckoning of unestablished service for the purpose of an award to an established civil servant, be treated as if it had been employment in the civil service of the State in an unestablished capacity, the whole of which had been served before the passing of the Superannuation Act 1949.

Staff becoming unestablished or part-time civil servants

21.—(1) This Regulation shall apply to any person who, under arrangements made between him or a staff association on his behalf and the Postmaster-General, elects to become eligible for the pension rights of a person employed in the civil service of the State in an unestablished capacity or in part-time service, instead of retaining the pension rights to which he was entitled by virtue of his employment with the Company.

(2) The service of any person to whom this regulation applies in the full-time or part-time employment of the Company, and the service of any such person in the full-time or part-time employment of any of the Companies mentioned in the Second Schedule hereto, being in either case service which, by virtue of any agreement, arrangement, or customary practice of the Company, was reckonable by the Company for the purpose of retiring or death gratuity or other pension, shall, for the purposes of the provisions of the Superannuation Acts which relate to the payment of death and retirement gratuities in respect of unestablished civil servants, be treated as if it had been service in the civil service of the State in an unestablished capacity or part-time service in the civil service of the State, as the case may be.

(3) If any such person subsequently becomes an established civil servant, any such service of his as is mentioned in paragraph (2) of this regulation shall, for the purposes of the provisions of the Superannuation Acts which relate to the reckoning of unestablished or part-time service for the purpose of an award to an established civil servant, be treated as if it had been employment in the civil service of the State in an unestablished capacity or in part-time service as the case may be, the whole of which had been served before the passing of the Superannuation Act 1949.

General

22. For the purpose of this part of these regulations, any election by a person which, under arrangements made between him or any staff association on his behalf and the Postmaster-General, is superseded by a retrospective election shall be disregarded.

PART V

DETERMINATION OF QUESTIONS

23.—(1) Subject to the provisions of these regulations, any question arising under these regulations shall be decided by the Postmaster-General.

(2) Before deciding any question to which the existence, scope or other terms of any agreement, arrangement, or customary practice of the Company are material, the Postmaster-General shall consult with the Company.

(3) A person claiming any rights under these regulations who is dissatisfied with a decision of the Postmaster-General on any of the following matters, that is to say:—

(*a*) whether a grant, gratuity, or other pension would have been paid to or in respect of the person concerned by the Company in the circumstances mentioned in regulations five, eleven, or nineteen;

(*b*) the amount of any grant, gratuity, or other pension which would have been so paid;

(*c*) the length of any period of service of the person concerned before the date of transfer;

(*d*) the annual rate of salary and emoluments reckoned as pensionable for the purpose of the relevant existing pension scheme or treated by the Company as pensionable (as the case may be) which the person concerned would have been receiving in the circumstances mentioned in regulation fifteen;

(*e*) whether paragraph (2) of regulation seventeen (including that regulation as applied by paragraph (5) of regulation ten) applies in the particular case; or

(*f*) what amount is payable to or in respect of the person concerned under paragraph (3) of regulation seventeen (including that paragraph as applied by paragraph (5) of regulation ten);

may, within three months after the date on which he was notified of the decision, or within three months after the date on which these regulations come into operation (whichever is the later), require the matter to be referred to the tribunal hereinafter mentioned; and the matter shall be referred accordingly.

(4) The Postmaster-General, when notifying any decision in respect of any of the matters referred to in paragraph (3) of this regulation to the person concerned after the date on which these regulations come into operation, shall inform him in writing of his right to require the matter to be referred to the tribunal.

(5) The tribunal shall be a referee or board of referees appointed by the Minister of Labour and National Service after consultation:—

(*a*) where the proceedings are to be held in England, with the Lord Chancellor;

(*b*) where the proceedings are to be held in Scotland, with the Lord President of the Court of Session; and

(*c*) where the proceedings are to be held in Northern Ireland, with the Secretary of State.

(6) The tribunal shall consider any matter so referred as aforesaid, and shall determine whether the decision of the Postmaster-General shall be confirmed, reversed, or varied. Such determination shall be final, and the Postmaster-General shall give effect to it accordingly.

(7) Any statement of the length of a person's service before the date of transfer which has been made to him in writing under arrangements made between him or any staff association on his behalf and the Postmaster-General shall, unless the contrary is proved, be deemed to be a correct statement of the length of:—

(*a*) that person's service before the date of transfer which is reckonable for the purpose of calculating the amount of the grant or gratuity which would have been paid to or in respect of him in the circumstances mentioned in paragraph (2) of regulation five, paragraph (2) of regulation eleven or paragraph (2) of regulation nineteen, or

(*b*) the periods of his service referred to in sub-paragraphs (*b*) and (*c*) of paragraph (3) of regulation ten, or

(*c*) his past pensionable service for the purpose of regulation fourteen, or

(*d*) his service referred to in paragraph (3) of regulation twenty or in paragraph (2) of regulation twenty-one as being service which was reckonable by the Company for the purpose of retiring or death gratuity or other pension,

as the case may be ; and any such statement shall be deemed to be a notification to that person of a decision by the Postmaster-General as to such length for the purpose of this regulation.

(8) Nothing in these regulations shall affect the discretion of the Treasury in making awards under the Superannuation Acts.

Dated this 13th day of February, 1953.

De La Warr,
Her Majesty's Postmaster-General.

We consent to these Regulations.

Herbert Butcher,
Edward Hearn,
Two of the Commissioners of
Her Majesty's Treasury.

17th February, 1953.

Regulations 10 and 14

THE FIRST SCHEDULE

RECKONING OF PAST PENSIONABLE SERVICE FOR THE PURPOSE OF THE SUPERANNUATION ACTS

Pension Scheme	Multiplier to be applied to the length of the past pensionable service of a member of the scheme, in order to ascertain the length of service to be treated for the purpose of the Superannuation Acts as his established service before the date of transfer (regulation 14) or before the date of establishment (regulation 10)
Eastern and Associated Telegraph Companies' Pension Fund	1
Pacific Cable Board Pension and Provident Funds	1
Post Office Transferees' Pension Fund	1
Communications Superannuation Fund (as respects any person who became a member thereof before the 1st January, 1938)	1
Communications Superannuation Fund (as respects any person who became a member thereof on or after the 1st January, 1938) ...	¾
Superannuation Suspense Account	¾
Indo-European Retirement Fund	1¼
Marconi Companies' Staff Superannuation Fund (as respects any person who accepted the modification of pension rights offered by the Company's letter of 23rd November, 1949) ...	1
Marconi Companies' Staff Superannuation Fund (as respects any other person)	¾

Regulations 20 (3) and 21 (2)

THE SECOND SCHEDULE

Eastern Telegraph Company Limited.
Western Telegraph Company Limited.
Eastern Extension Australasia and China Telegraph Company Limited.
Marconi's Wireless Telegraph Company Limited.
Marconi International Marine Communication Company Limited.
Pacific Cable Board.
Indo European Telegraph Company Limited.
Halifax and Bermudas Cable Company Limited.
Cuba Submarine Telegraph Company Limited.
Direct West India Cable Company Limited.
West India and Panama Telegraph Company Limited.
Direct Spanish Telegraph Company Limited.
Electra House Limited.
Globe Telegraph and Trust Company Limited.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations make provision with respect to the pensions of former employees of Cable and Wireless Ltd., who became employed in the Post Office as a result of the transfer of the United Kingdom assets of the Company into public ownership on the 1st April, 1950. They will have effect from the 31st of March, 1950. They have retrospective effect by virtue of section 6 (7) of the Commonwealth Telegraphs Act 1949 (regulation 1 (1)).

Part II applies to employees who were formerly members or prospective members of the Company's pension schemes, and who elected or elect to retain their pension rights under those schemes. The main provisions of this Part empower the Postmaster-General to pay contributions into the pension funds in respect of these employees, and to supplement their pensions and pay them gratuities where the Company would have done so. The position of these employees under regulation 4 of the Commonwealth Telegraphs (Pension Rights of Cable and Wireless Ltd. Staff) Regulations 1950 (S.I. 1950 No. 356) (by which certain persons may remain members of the Company's pension schemes after leaving the Company's service) is made secure in cases where pension contributions in respect of them were not paid when due because of an election by them, afterwards superseded, to become established civil servants. Provision is made with respect to the pension rights which employees to whom Part II applies will have if they become established civil servants after their transfer to the Post Office.

Part III applies to employees who were formerly members of the Company's pension schemes, and who elected or elect to become established civil servants as from the date of their transfer. The main provisions of this Part are that these employees may count their previous service (subject to the application of the appropriate multiplier) for the purpose of civil service superannuation rights, and that the trustees of the pension funds, which are relieved of liability to these employees, are to pay transfer values to the Treasury in respect of them. There is a provision to enable these employees to take a sum equal to their own contributions to their previous pension scheme instead of civil service superannuation benefits, if they so choose.

Part IV applies to employees who were not members of any of the Company's pension schemes. The Postmaster-General is enabled to pay gratuities (where the Company would have done so) to those who elected or elect to retain their accrued rights. Those who elected or elect to become established civil servants as from the date of their transfer may count half of certain previous service of theirs for the purpose of civil service superannuation rights. Those who elected or elect to become unestablished or part-time civil servants, and remain unestablished, may count the whole of certain previous service of theirs for the purpose of civil service death or retirement gratuity.

Part V gives the right to appeal from the Postmaster-General's decision on certain matters to a referee or board of referees appointed by the Minister of Labour and National Service.