COMMONWEALTH TELEGRAPHS

1955 No. 1893

The Commonwealth Telegraphs (Cable and Wireless Ltd. Pension) Regulations, 1955

Made - - - -	12*th December*, 1955
Laid before Parliament	19*th December*, 1955
Coming into Operation	1*st January*, 1956

I, the Right Honourable Charles Hill, M.P., 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 first day of January, 1956, 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. Pension) Regulations, 1955.

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 Cable and Wireless Pension Fund" means the pension scheme which the Company intends to establish by virtue of regulation three as soon as may be after these regulations come into operation for the payment of pensions to persons who are or have been contributors to the Superannuation Suspense Account and certain other persons;

"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;

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

"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 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);

"National Body" means any department, body or public corporation nominated or established by a Government for the time being party to the Commonwealth telegraphs agreement for the purpose of acquiring assets of the Company and of operating and maintaining the external telecommunication services of that Government;

"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 entered or enter into the permanent service of the Company on or after the first day of January, 1948, and before the date on which the Cable and Wireless Pension Fund is established;

"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 having been continuously employed by the Company during a period beginning before the first day of April, 1950, and ending on the date of transfer.

(*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

Establishment of New Pension Schemes

3.—(1) The Company may for the purposes of section six of the Act establish and administer or provide for the establishment and administration of any pension scheme which has been approved by the Postmaster-General in substitution for the Superannuation Suspense Account, for the payment of pensions to any transferee who either:

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

(*a*) under arrangements made between him or any staff association on his behalf and the Postmaster-General, elects or has elected or is deemed to have elected to remain or become a contributor to the Superannuation Suspense Account or a member of any pension scheme established as aforesaid, or

(*b*) remained or remains a contributor to the Superannuation Suspense Account, or remains a member of any pension scheme established as aforesaid, without having been given an option to become an established civil servant.

(2) For the purpose of sub-paragraph (*a*) of paragraph (1), any election which under such arrangements as aforesaid is or has been superseded by a subsequent retrospective election shall be disregarded.

(3) Nothing in these regulations shall be taken as precluding the Company from providing for the admission of any persons other than those referred to in paragraph (1) to membership of any pension scheme established by virtue of these regulations.

PART III

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 III

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

(*a*) immediately before the date of transfer was a member of any of the existing pension schemes or of the Cable and Wireless Pension Fund 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 or a member of the Cable and Wireless Pension Fund, as the case may be, or

(*c*) remains a member of one or more of the existing pension schemes or of the Cable and Wireless Pension Fund 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

5. 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 the Cable and Wireless Pension Fund (all of which are referred to in this regulation as " the said schemes "), such contributions to the said schemes 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

6.—(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 or the Cable and Wireless Pension Fund, 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, or by the trustees of any pension scheme established for that purpose, or by both the company and such trustees, 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

7. 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

8. Subject to regulation ten, 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

9. Any person to whom this part of these regulations applies who becomes a contributor to the Superannuation Suspense Account or a member of the Cable and Wireless Pension Fund 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 last mentioned Fund; and the trust deeds and rules of the last mentioned Fund shall take effect accordingly.

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 the Cable and Wireless Pension Fund 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.

(4) If, while a person to whom paragraph (1) of this regulation 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 been a member of the pension scheme of which he was a member immediately before becoming an established civil servant, 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 (5) of this regulation instead of his Superannuation Acts benefits, if any.

(5) 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 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.

(6) In paragraphs (4) and (5) of this regulation the expressions "pension scheme", "his own contributions", and "Superannuation Acts benefits" have the same meanings as they have in regulation sixteen, and paragraphs (4) and (5) of regulation sixteen shall apply to the right of election referred to in paragraph (4) of this regulation.

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 the Cable and Wireless Pension Fund 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 IV

Provisions relating to Transferred Staff of the Company who, having been Members of Pension Schemes, become Established Civil Servants

Application of Part IV

12. This part of these regulations shall apply to any transferee who immediately before the date of transfer was a member of any of the existing pension schemes or the Cable and Wireless Pension Fund 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 Cable and Wireless Pension Fund or a contributor to 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 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 the Cable and Wireless Pension Fund 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 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.

Election to receive return of pension contributions

16.—(1) In this regulation the expression " pension scheme " means any of the following pension schemes, that is to say: the existing pension schemes (other than the Cable and Wireless Widows' Fund), the Superannuation Suspense Account and the Cable and Wireless Pension Fund; 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 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.

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

(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 V

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

Application of Part V

17. This part of these regulations shall apply to any transferee, not being a person to whom Part III 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

18.—(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 seven 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

19.—(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 shall have effect in relation to him as it has in relation to persons to whom Part IV 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

20.—(1) This regulation shall apply to any transferee 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, 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; and 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.

Staff becoming members of the Superannuation Suspense Account or the Cable and Wireless Pension Fund after transfer

21. Where any person to whom this part of these regulations applies is admitted after the date of transfer as a contributor to the Superannuation Suspense Account or as a member of the Cable and Wireless Pension Fund under arrangements made between him or any staff association on his behalf and the Postmaster-General, regulations five, six, seven, eight and eleven shall apply in relation to him, and paragraphs (1) and (2) of regulation eighteen shall cease to apply to him.

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 subsequent retrospective election shall be disregarded.

PART VI

Transfer Values

Transfer values in respect of transferees to the Post Office

23.—(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 purpose of the pension scheme concerned a transfer value in respect of:

(*a*) every person to whom Part IV of these regulations applies, and

(*b*) every person to whom Part III 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,

being in either case a person who had pension rights under the pension scheme concerned in respect of service which under these regulations is to be taken into account for the purpose of the Superannuation Acts.

(2) 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 pension scheme concerned, 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.

(3) Transfer values payable by virtue of this regulation shall be discharged at such time or times and in such manner as the Treasury may direct.

Transfer values in respect of persons transferred to other National Bodies

24.—(1) The trustees or other the persons administering each of the existing pension schemes (other than the Cable and Wireless Widows' Fund) may,

with the consent of the Postmaster-General, pay to the appropriate National Body out of the pension funds held for the purposes of the pension scheme concerned a transfer value in respect of any person who:

(*a*) in consequence of the giving of effect to clause five of the Commonwealth telegraphs agreement, became employed by the National Body of Canada on the 1st day of April, 1950, by the National Body of the Commonwealth of Australia on the 1st day of April, 1950, by the National Body of the Dominion of New Zealand on the 1st day of April, 1950, by the National Body of Southern Rhodesia on the 1st day of April, 1949, or by the National Body of Ceylon on the 1st day of June, 1951;

(*b*) immediately before becoming so employed, was employed by the Company and was a member of any of the said pension schemes; and

(*c*) on or after becoming employed by such National Body,

(i) ceased or ceases to be a member of any of the said pension schemes, and

(ii) became or becomes a member of a pension scheme provided for him as an employee of such National Body, on terms that his previous pensionable service in the employment of the Company should be taken into account in whole or in part for the purpose of ascertaining his pension rights under that scheme.

(2) A statement in writing made by or on behalf of the appropriate National Body that the terms of sub-paragraph (*c*) (ii) of paragraph (1) are satisfied in any particular case shall be conclusive for the purposes of this regulation.

(3) Any transfer value paid under paragraph (1) shall be of such amount as may be agreed between the National Body concerned, the trustees or other the persons administering the pension scheme concerned, and the Company, or as may be fixed in any manner agreed between them.

Protection for trustees

25.—(1) Where by virtue of regulation twenty-three the trustees or other the persons administering a pension scheme are under an obligation to pay a transfer value in respect of any person, or where by virtue of regulation twenty-four the trustees or other the persons administering a pension scheme pay a transfer value in respect of any 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 pension scheme by way of return of contributions or otherwise on his ceasing to be a member of the pension scheme; and the pension schemes referred to in these regulations and any statutory provisions relating thereto and all trust deeds, rules and other instruments made for the purposes thereof shall take effect accordingly.

(2) 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 pension schemes.

PART VII

General

Determination of questions

26.—(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 in the circumstances mentioned in regulations six, eleven or eighteen;

(*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 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 (4) of regulation ten or paragraph (2) of regulation sixteen applies in the particular case; or

(*f*) what amount is payable to or in respect of the person concerned under paragraph (5) of regulation ten or paragraph (3) of regulation sixteen;

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:

Provided that where any person had the right under paragraph (3) of regulation twenty-three of the Commonwealth Telegraphs (Cable and Wireless Ltd. and Post Office) Pension Regulations, 1953(a), to require a matter to be referred to the tribunal therein mentioned, and did not exercise that right within the time limited by the said paragraph (3), that person shall not be entitled to refer the matter to the tribunal hereinafter mentioned by virtue of this regulation.

(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

(a) S.I. 1953/251 (1953 I, p. 344).

would have been paid to or in respect of him in the circumstances mentioned in paragraph (2) of regulation six, paragraph (2) of regulation eleven or paragraph (2) of regulation eighteen, 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 nineteen or in paragraph (2) of regulation twenty 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:

Provided that where any such statement is superseded by a later statement made as aforesaid, the foregoing provisions of this paragraph shall cease to apply to the superseded statement and shall apply to the later statement.

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

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

27.—(1) Where any person to whom Part III 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.

(2) For the purpose of the application of paragraph (1) of the said regulation four to any person who is a transferee for the purpose of these regulations, the said paragraph shall have effect subject to any arrangements made between that person or any staff association on his behalf and the Postmaster-General as to the terms or conditions on which he may elect to remain a member of any of the existing pension schemes.

Revocation

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

Dated this 6th day of December, 1955.

Charles Hill,
Her Majesty's Postmaster-General.

We consent to these Regulations.

Edward Heath,
Martin Redmayne,
Two of the Commissioners of
Her Majesty's Treasury.

12th December, 1955.

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

Regulations 10 and 14.

THE FIRST SCHEDULE

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

Pension scheme of which the person concerned was a member immediately before the date of transfer (regulation 14), or immediately before the date of establishment (regulation 10).	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), and Superannuation Suspense Account:	
(*a*) for the purpose of the application of regulation 14 to persons serving, or deemed by virtue of regulation 13 to be serving, as established civil servants on the date on which these regulations come into operation, and to persons whose date of transfer is later than that date	1
(*b*) for the purpose of the application of regulation 10 to persons becoming established civil servants on or after the date on which these regulations come into operation	1
(*c*) for the purpose of any other application of regulation 14 or regulation 10	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
Cable and Wireless Pension Fund	1

Regulations 19(3) and 20(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.)

1. These Regulations make provision with respect to the pensions of former employees of Cable and Wireless Ltd. becoming 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 revoke and replace the Commonwealth Telegraphs (Cable and Wireless Ltd. and Post Office) Regulations, 1953, (S.I. 1953/251 ; 1953 I, p. 344). They will have retrospective effect to the 31st March, 1950, by virtue of section 6 (7) of the Commonwealth Telegraphs Act, 1949, and regulation 1 (1).

The main changes are:

(1) Provision is made for the Company to establish an approved pension scheme (the Cable and Wireless Pension Fund) in substitution for the Superannuation Suspense Account (regulation 3); and where the 1953 Regulations referred to the Company's existing pension schemes, these Regulations refer to the Cable and Wireless Pension Fund in addition;

(2) The multiplier to be applied to the past pensionable service of certain former members of the Communications Superannuation Fund and contributors to the Superannuation Suspense Account, for the purpose of calculating their pension under the Superannuation Acts, is increased from ¾ to 1 (regulations 10 and 14 and First Schedule);

(3) Certain provisions of Part III (formerly Part II) are applied to transferees who become unestablished or part-time civil servants and subsequently enter the Superannuation Suspense Account or the Cable and Wireless Pension Fund (regulation 21).

2. The Regulations also empower the trustees of the Company's existing pension schemes to pay transfer values in respect of former members who were transferred to the pensionable employment of oversea National Bodies (regulation 24).