COMMONWEALTH TELEGRAPHS

The Commonwealth Telegraphs (Pension Rights of Cable and Wireless Ltd. Staff) Regulations, 1950

1950 No. 356

Made - - - -	13*th March*, 1950
Laid before Parliament	16*th March*, 1950
Coming into Operation	31*st March*, 1950

I, the Right Honourable Ness Edwards, M.P., His Majesty's Postmaster-General, with the consent of the Treasury, by virtue of the powers vested in me by section 6 of the Commonwealth Telegraphs Act, 1949(a), and of all other powers enabling me in this behalf, do hereby make the following Regulations, that is to say :—

1.—(1) These Regulations shall come into operation on the 31st day of March, 1950, and may be cited as the Commonwealth Telegraphs (Pension Rights of Cable and Wireless Ltd. Staff) Regulations, 1950.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them, that is to say :—

" the Act " means the Commonwealth Telegraphs Act, 1949 ;

" 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 by a new employer ;

" 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 ;

" new employer " in relation to any person means the Post Office (which is the National Body of the United Kingdom), or a National Body other than that of the United Kingdom, or Cable and Wireless (Holding) Ltd., as the case may be ;

" 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, Nineteen hundred and forty-eight, 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 existing pension schemes " means the schemes for the payment of pensions referred to in subsection (8) of section 6 of the Act (which are commonly known as the Eastern and Associated Telegraph Companies'

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

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).

Other expressions have the same meanings as they have in the Act.

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

2. These Regulations apply:—

(1) to each of the existing pension schemes;

(2) to any person who on or after the 1st day of April, 1950, in consequence of the giving of effect to clause 5 of the Commonwealth telegraphs agreement, whether by His Majesty's Government in the United Kingdom or by any other Government for the time being a party thereto, becomes employed by the Post Office or by any National Body other than that of the United Kingdom, and who immediately before the date of transfer was employed by the Company and was a member of any of the existing pension schemes, and

(3) to any person who on or after the 1st day of April, 1950, in consequence of the giving of effect to clause 5 of the Commonwealth telegraphs agreement as aforesaid, becomes employed by Cable and Wireless (Holding) Ltd., and who immediately before the date of transfer was employed by the Company and was a member of any of the existing pension schemes, but is not entitled to remain a member of such scheme on and after the date of transfer apart from these Regulations.

3. The subsequent provisions of these Regulations shall be terms of each of the existing pension schemes, and notwithstanding anything to the contrary therein contained every such scheme and any statutory provisions relating thereto and all trust deeds, rules, and other instruments made for the purposes thereof shall take effect accordingly.

4.—(1) Without prejudice to the provisions of Regulation 6 hereof, every person to whom these Regulations apply shall be entitled, upon transfer to the employment of a new employer, to remain a member of any of the existing pension schemes in his capacity as an employee of the new employer, so long as he remains in such employment and so long as the trustees or other the persons administering the scheme receive (*a*) the contributions (if any) which he is from time to time liable to make to the scheme, and (*b*) contributions in respect of him in accordance with Regulation 5 hereof if that Regulation is applicable to the scheme.

(2) Without prejudice to the provisions of Regulation 6 hereof, every person to whom these Regulations apply who is not a member of Cable and Wireless Widows' Fund immediately before the date of transfer shall, with the consent of the new employer, be entitled (if otherwise eligible) to become a member of that Fund, and to remain a member thereof so long as he remains a member of another of the existing pension schemes and so long as the trustees of the said Fund receive the contributions which he is from time to time liable to make to the said Fund or (as the case may be) contributions in respect of him in accordance with Regulation 5 hereof.

(3) The service of every person to whom these Regulations apply in the employment of a new employer shall, so long as he remains a member of an existing pension scheme, be treated for the purposes of that scheme and of the statutory provisions and instruments referred to in Regulation 3 hereof (but not for any other purpose or for the purpose of any other instrument) as pensionable service.

5. Any obligation of the Company to make contributions to any of the existing pension schemes in respect of a person to whom these Regulations apply shall cease on the date of transfer, and the trustees or other the persons administering the existing pension schemes shall accept in lieu thereof contributions made by the new employer.

6. If arrangements are made between a new employer and any person to whom these Regulations apply or any staff association acting on his behalf, whereby

(*a*) that person is given an option either to remain a member of an existing pension scheme, or to become a member of another pension scheme, and

(*b*) during the period allowed for the exercise of such option any contributions which that person is liable to make to an existing pension scheme, and any contributions made in respect of him in accordance with Regulation 5 hereof, are placed to a suspense account, and at the expiration of such period are either paid to the trustees or other the persons administering the existing pension scheme or refunded to the body or person by whom they were paid, as may be appropriate,

then, unless such person elects during such period to become a member of another pension scheme, he shall not be regarded for the purpose of Regulation 4 hereof as having ceased to be entitled to remain a member of the existing pension scheme by reason only that such contributions were not actually received by the trustees or other the persons administering the existing pension scheme during some part or the whole of the period allowed for the exercise of such option.

Dated this 13th day of March, 1950.

Ness Edwards,
His Majesty's Postmaster General.

We hereby consent to the Regulations herein set forth.

Wm. Hannan,
R. J. Taylor,
Two of the Commissioners of
His Majesty's Treasury.

EXPLANATORY NOTE

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

These Regulations make provision whereby employees of Cable and Wireless Limited who transfer to the Post Office, to any other Commonwealth National Body, or to Cable and Wireless (Holding) Limited, may, where the terms of their transfer so provide, remain members of their present pension schemes.