
STATUTORY INSTRUMENTS

1955 No. 1893

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

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Provided that for the purpose of paragraph (b) of this regulation any election which under such arrangements is superseded by a subsequent retrospective election shall be disregarded.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

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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, 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.

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

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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.