



# British Telecommunications Act 1981

## 1981 CHAPTER 38

### PART I

#### NEW CORPORATION FOR THE PROVISION OF TELECOMMUNICATION AND DATA PROCESSING SERVICES

##### *Pensions*

#### **32 Duty of the Corporation to provide pensions**

- (1) The Corporation shall, in the case of such of its employees as it may determine.—
- (a) pay such pensions to or in respect of them ;
  - (b) make such payments towards the provision of such pensions; or
  - (c) establish and maintain such schemes (whether contributory or not) for the payment of such pensions,
- as it may determine.
- (2) Where a person participating in a scheme under this section as an employee of the Corporation becomes a member of the Corporation—
- (a) he may be treated for the purposes of the scheme as if his service as a member were service as an employee; and
  - (b) his rights under the scheme shall not be affected by paragraph 5(1)(b) of Schedule 1.

#### **33 Power of the Secretary of State to make orders about pensions**

- (1) Under this section (in which "Post Office scheme" means a pension scheme established by the Post Office under section 43 of the 1969 Act and " Corporation scheme " means a pension scheme established by the Corporation under section 32) the Secretary of State may make orders providing for all or any of the following matters, namely—

- (a) the requiring or enabling of any persons to whom this section applies to participate or continue to participate in any Post Office or Corporation scheme ;
- (b) the transfer of rights and liabilities as respects any persons to whom this section applies from trustees of a Post Office scheme to trustees of a Corporation scheme;
- (c) the requiring of persons who are both trustees of a Post Office scheme and trustees of a Corporation scheme to hold the whole or any part of a pension fund held for the purposes of the Post Office scheme partly for those purposes and partly for the purposes of the Corporation scheme;
- (d) the transfer to investment trustees appointed both in pursuance of a Post Office scheme and a Corporation scheme of the whole or any part of a pension fund held for the purposes of either of those schemes or partly for the purposes of one and partly for the purposes of the other;
- (e) the apportionment between trustees of a Post Office scheme and trustees of a Corporation scheme of a pension fund held for the purposes of the Post Office scheme or partly for the purposes of that scheme and partly for the purposes of the Corporation scheme ;
- (f) the apportionment of payments payable under section 47 of the 1969 Act to trustees appointed by the Post Office for the purposes of that section between those trustees and trustees appointed by the Corporation for the purposes of that section ; and
- (g) any matter supplemental or incidental to or consequential on any of the matters aforesaid, including the amendment of any statutory provision, any contract of employment and any trust deed, rules or other instrument made for the purposes of a Post Office or Corporation scheme;

but nothing in this section shall authorise the making of provision for the diversion of any part of a pension fund, or any part of a payment payable under the said section 47, to purposes other than 'the payment, or purposes connected with the payment, of pensions to or in respect of persons to whom this section applies.

(2) This section applies to—

- (a) any employee of the Corporation or any of its subsidiaries ;
- (b) any member of the Corporation who immediately before he became such a member was participating in a Post Office scheme;
- (c) any person who ceases or ceased to be employed by the Post Office before the appointed day and as respects whom any liability of the Post Office under a Post Office scheme or section 43 or 46 of the 1969 Act is transferred to the Corporation by this Act; and
- (d) any person who ceased to be a civil servant before 1st October 1969 and as respects whom any liability of the Post Office under section 44 of that Act is so transferred.

(3) An order under this section shall be so framed as to secure that no person other than the Post Office, the Corporation or any of the Corporation's subsidiaries is placed in a worse position than he would have been in if the order had not been made. An order shall not be invalid by reason that in fact it does not secure that result; but if the Secretary of State is satisfied or it is determined as hereinafter mentioned that an order has failed to secure that result, the Secretary of State shall as soon as possible make the necessary amending order.

Any dispute arising as to whether or not the said result has been secured shall be referred to and determined by an industrial tribunal.

- (4) An order under this section may be made so as to have effect from a date prior to the making thereof, so however that so much of any order as provides that any provision thereof is to have effect from a date prior to the making of the order shall not place any person other than the Post Office, the Corporation or any of the Corporation's subsidiaries in a worse position than he would have been in if the order had been made to have effect only from the date of its making.
- (5) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **34 Pensions of employees and former employees of Cable and Wireless Limited and certain other persons**

- (1) Subsection (2) of section 6 of the Commonwealth Telegraphs Act 1949 (which provides for the making of regulations with respect to the payment of pensions to, or in respect of, employees of Cable and Wireless Limited) shall have effect as if, in paragraph (c) and sub-paragraphs (iv), (v) and (vi) of paragraph (d), references which include references to the Post Office included references to the Corporation.
- (2) The power to make regulations conferred on the Secretary of State by section 49 of the 1969 Act (pensions of former employees of Cable and Wireless Limited and certain other persons) shall include power to make such regulations as appear to him to be requisite for securing that the persons to whom that section applies, and persons claiming in right of them, are not adversely affected in the matter of pension rights by reason only that, in consequence of this Act, they cease to be employed by the Post Office.