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STATUTORY INSTRUMENTS

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**1955 No. 1893**

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

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- (i) for the purpose of paragraph (a) of this regulation any election which under such arrangements is superseded by a subsequent retrospective election shall be disregarded, and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

(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 the 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.