
STATUTORY INSTRUMENTS

1955 No. 1893

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

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.