
STATUTORY INSTRUMENTS

1955 No. 1893

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

PART VII

GENERAL

Determination of questions

26.—(1) Subject to the provisions of these regulations, any question arising under these regulations shall be decided by the Postmaster-General.

(2) Before deciding any question to which the existence, scope or other terms of any agreement, arrangement, or customary practice of the Company are material, the Postmaster-General shall consult with the Company.

(3) A person claiming any rights under these regulations who is dissatisfied with a decision of the Postmaster-General on any of the following matters, that is to say:—

- (a) whether a grant, gratuity, or other pension would have been paid to or in respect of the person concerned in the circumstances mentioned in regulations six, eleven or eighteen;
- (b) the amount of any grant, gratuity, or other pension which would have been so paid;
- (c) the length of any period of service of the person concerned before the date of transfer;
- (d) 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 the person concerned would have been receiving in the circumstances mentioned in regulation fifteen;
- (e) whether paragraph (4) of regulation ten or paragraph (2) of regulation sixteen applies in the particular case; or
- (f) what amount is payable to or in respect of the person concerned under paragraph (5) of regulation ten or paragraph (3) of regulation sixteen ;

may, within three months after the date on which he was notified of the decision, or within three months after the date on which these regulations come into operation (whichever is the later), require the matter to be referred to the tribunal hereinafter mentioned, and the matter shall be referred accordingly:

Provided that where any person had the right under paragraph (3) of regulation twenty-three of the Commonwealth Telegraphs (Cable and Wireless Ltd. and Post Office) Pension Regulations, 1953⁽¹⁾, to require a matter to be referred to the tribunal therein mentioned, and did not exercise that right within the time limited by the said paragraph (3), that person shall not be entitled to refer the matter to the tribunal hereinafter mentioned by virtue of this regulation.

(1) (1953 I, p. 344).

(4) The Postmaster-General, when notifying any decision in respect of any of the matters referred to in paragraph (3) of this regulation to the person concerned after the date on which these regulations come into operation, shall inform him in writing of his right to require the matter to be referred to the tribunal.

(5) The tribunal shall be a referee or board of referees appointed by the Minister of Labour and National Service after consultation:—

- (a) where the proceedings are to be held in England, with the Lord Chancellor;
- (b) where the proceedings are to be held in Scotland, with the Lord President of the Court of Session; and
- (c) where the proceedings are to be held in Northern Ireland, with the Secretary of State.

(6) The tribunal shall consider any matter so referred as aforesaid, and shall determine whether the decision of the Postmaster-General shall be confirmed, reversed, or varied. Such determination shall be final, and the Postmaster-General shall give effect to it accordingly.

(7) Any statement of the length of a person's service before the date of transfer which has been made to him in writing under arrangements made between him or any staff association on his behalf and the Postmaster-General shall, unless the contrary is proved, be deemed to be a correct statement of the length of:—

- (a) that person's service before the date of transfer which is reckonable for the purpose of calculating the amount of the grant or gratuity which would have been paid to or in respect of him in the circumstances mentioned in paragraph (2) of regulation six, paragraph (2) of regulation eleven or paragraph (2) of regulation eighteen, or
- (b) the periods of his service referred to in sub-paragraphs (b) and (c) of paragraph (3) of regulation ten, or
- (c) his past pensionable service for the purpose of regulation fourteen, or
- (d) his service referred to in paragraph (3) of regulation nineteen or in paragraph (2) of regulation twenty as being service which was reckonable by the Company for the purpose of retiring or death gratuity or other pension,

as the case may be; and any such statement shall be deemed to be a notification to that person of a decision by the Postmaster-General as to such length for the purpose of this regulation:

Provided that where any such statement is superseded by a later statement made as aforesaid, the foregoing provisions of this paragraph shall cease to apply to the superseded statement and shall apply to the later statement.

(8) Nothing in these regulations shall affect the discretion of the Treasury in making awards under the Superannuation Acts.

Application of regulation four of the Commonwealth Telegraphs (Pension Rights of Cable and Wireless Ltd. Staff) Regulations 1950

27.—(1) Where any person to whom Part III of these regulations applies elects under arrangements made between him or any staff association on his behalf and the Postmaster-General to remain a member of an existing pension scheme, and that election supersedes a previous election by him to become an established civil servant, and the trustees or other the persons administering that scheme receive the appropriate contributions to the scheme in respect of that person for the period between the date of transfer and the date of the subsequent election, then that person shall not be regarded for the purpose of regulation four of the Commonwealth Telegraphs (Pension Rights of Cable and Wireless Ltd. Staff) Regulations, 1950(2), (which specifies the terms on which transferees and other persons are entitled to remain members of the existing pension schemes) as having ceased

to be entitled to remain a member of the existing pension scheme, by reason only that the whole or part of such contributions were not received by the trustees or other the persons administering the scheme until after the expiration of the said period.

(2) For the purpose of the application of paragraph (1) of the said regulation four to any person who is a transferee for the purpose of these regulations, the said paragraph shall have effect subject to any arrangements made between that person or any staff association on his behalf and the Postmaster-General as to the terms or conditions on which he may elect to remain a member of any of the existing pension schemes.

Revocation

28. The Commonwealth Telegraphs (Cable and Wireless Ltd. and Post Office) Pension Regulations, 1953, are hereby revoked.