
STATUTORY INSTRUMENTS

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**

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.

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(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.