

Price 4d.

GOVERNMENT CIRCULAR
No. 11/60.
G.O. Reference No. D. 1305/1

The Agricultural Drainage and Improvement of Land Scheme, 1960.

The Agricultural Hedging Scheme, 1960

His Excellency the Lieutenant Governor has approved the above-mentioned Schemes prepared by the Isle of Man Board of Agriculture and Fisheries providing for the grant of financial assistance towards the cost of drainage; hedging and other work for the improvement of agricultural holdings in accordance with the terms of the resolution passed by Tynwald.

The new Schemes revoke the Agricultural Drainage Scheme (No. 2), 1956, and the Agricultural Hedging Scheme (No. 2), 1956.

By Order,

E. R. St. A. DAVIES,
Government Secretary.

Government Office,
ISLE OF MAN.
18th February, 1960.

THE ISLE OF MAN BOARD OF AGRICULTURE AND FISHERIES

THE AGRICULTURAL DRAINAGE AND IMPROVEMENT OF LAND SCHEME

1. The Isle of Man Board of Agriculture and Fisheries, 3 Hill Street, Douglas, hereinafter referred to as "the Board" are prepared to receive applications for assistance to meet outlays incurred on certain improvements to farm holdings.

2. The assistance will take the form of a grant not exceeding 50 per cent of the cost of —

- (a) Wages, materials and hire of machinery for the drainage of agricultural land, including hill drainage and such preliminary operations as the quarrying, breaking, and the cartage of the necessary stones. Drains may be constructed with stones, tiles, or in such other recognised manner as will ensure permanent benefit, and shall include mole drains, also the improvement of ditches and water-courses including the diversion of water from existing water-courses to fields in their proximity and the cost of piped water from Service Mains. Outlays on boots and tools are excluded but, in exceptional cases, protective fencing will be considered eligible.
- (b) The improvement of farm holdings by the stubbing of gorse, and like agricultural improvements or reclamation of a like nature exclusive of fencing and hedging, the construction of farm roads, and the improvement of sea embankments.
- (c) Wages paid, materials used, and the hire or use of machinery (including the cost of spreading lime by the suppliers thereof) for bringing back agricultural land into satisfactory grazings or into a state of being capable of cultivation, and for the improvement of agricultural land by the clearing of gorse and reclamation of a like nature — including the cutting of heath, ling, bracken and herbage — to provide improved grazings, and for the extermination of bracken by chemical means.

3. Applications will be considered from owners or occupiers of land which is wholly or in part agricultural or pastoral. Owners of adjoining land may submit joint co-ordinated schemes of work deemed to be eligible for assistance in accordance with the conditions of this Scheme. Full details of the proposed work

on such joint co-ordinated schemes will require to be set out on the application form.

4. In the event of land being reclaimed by mechanical means and the gorse, heath, ling, bracken and/or herbage cut to ground level therefrom, the land so reclaimed shall be eligible for grant under the Improvement of Grassland Scheme provided that lime and other fertilisers and approved seeds are applied in accordance with directions from the Agricultural Organiser subsequent to a soil analysis and that cultivations as required by the Agricultural Organiser are carried out.

5. Works in respect of which it is intended to apply for assistance shall not be commenced until the Board has notified its approval in writing. The Board may require that the work shall be completed in a reasonable time.

6. Claims for payment for approved works must be submitted to the Board on the prescribed form and applicants who fail to comply with this condition shall render themselves liable to forfeiture of grants.

7. Men to be employed under this Scheme if agricultural workers shall be paid at the rate of wages and for the number of hours stipulated in the Agricultural Wages Order applicable to this Isle, and where full board and lodging are provided the value assigned thereto shall not exceed 50 per cent of the wages paid, but if they are not agricultural workers the men to be employed shall be paid at wages based on local market rates.

8. Applications shall be made on a form to be supplied by The Isle of Man Board of Agriculture and Fisheries, and the undermentioned information submitted :—

- (a) Name and Address of applicant.
- (b) Farm on which work is to be carried out.
- (c) Whether applicant is the owner, owner-occupier, or tenant of the holding in respect of which assistance is required.
- (d) Total acreage of holding.
- (e) Details of proposed work, and area of land to be improved.
- (f) Total estimated cost of proposed work.
- (g) Total estimated cost of labour on proposed work.
- (h) The nature of the holding and whether it is ploughed up and cultivated or to be ploughed up and cultivated, in accordance with the rules of good husbandry.
- (i) Number of additional men it is proposed to employ.
- (j) Estimated length of time required to complete proposed work.
- (k) Date on which it is proposed to start the work.

9. Grants will not be paid in respect of personal services of applicants. Approved expenditure in respect of normal staff, as well as outside labour, will be eligible for grant. If the work is carried out by contract or on a piece work basis by a contractor at wages based on local market rates, such work will be eligible for grant. An accurate plan drawn to a 25-inch scale showing any closed drainage

system whether or not laid down with the aid of grants, together with the measurement thereof as certified by a qualified surveyor, must be submitted if desired by the Board. The approved cost of the preparation of the plan and for any supervision by a qualified surveyor of work done will rank for grant.

Claims for payment of grant shall be submitted on a form supplied by the Board and shall be lodged with the Board on completion of the work. Detailed vouchers showing the whole cost of the relative work must accompany a claim. Wage vouchers in respect of outside labour must be signed by the workmen employed and show the rate of pay and period covered by each payment. Claims in respect of work carried out by normal staff must be supported by a statement signed by the men concerned that they have carried out the work in question and worked the number of hours specified in the claim on such work. Employers' contributions for National Insurance are eligible for grant.

10. The Board reserves the right to pay grant based on a valuation of the completed work.

11. Before approving Schemes, the Board will arrange for an inspection to be made by a duly authorised person who will furnish a report thereon, and similarly on the completion of the work.

The Board reserves the right to carry out any inspections which are deemed necessary during the progress of the work.

12. The Board may refuse to approve any application without giving any reason for such refusal.

13. Any decision of the Board under this Scheme shall be final and conclusive.

14. (i) This Scheme shall come into force on 1st January, 1960, and may be cited as "The Agricultural Drainage and Improvement of Land Scheme, 1960."

(ii) The Agricultural Drainage Scheme (No. 2), 1956, is hereby revoked.

THE AGRICULTURAL HEDGING SCHEME, 1960

1. The Isle of Man Board of Agriculture and Fisheries, 3 Hill Street, Douglas, hereinafter referred to as "the Board" are prepared to receive applications for assistance to meet outlays incurred on fencing and hedging, other than normal maintenance of existing hedges and fencing.

2. The assistance will take the form of a grant not exceeding 50 per cent of the cost of :—

- (a) any additional labour engaged by the applicant from the Register of Unemployed Men kept by the Employment Exchange, Noble's Hall, Douglas, provided always that such additional labour —
 - (i) shall be paid at the same rate as other agricultural workers engaged on the holding of the applicant, and
 - (ii) shall work the minimum number of hours stipulated for agricultural workers ;
- (b) a contractor who without other assistance is working on an approved scheme, or any labour engaged by a contractor from the Register of Unemployed kept by the Employment Exchange, Noble's Hall, Douglas ;
- (c) the cost of materials and such preliminary operations as the quarrying, breaking and cartage of the necessary stones for the repair of hedges, but grants will not be paid in respect of the personal services of applicants ;
- (d) any labour regularly employed by the applicant if such labour is engaged on fencing and hedging (other than normal maintenance of existing hedges and fences) to enclose land improved under Article 2 (c) of the Agricultural Drainage and Improvement of Land Scheme.

Any additional labour engaged under this Scheme shall be employed for a definite period of not less than two weeks, and the man or men so employed may be used for general farm work so as to release regular workers on the holding for fencing and hedging as governed by this Scheme.

3. In the event of a grant being paid for fencing under this Scheme, such amount shall be recovered by the Government Treasurer under due process of law, or deducted by him from the subsidies and grants due to the person concerned under any other Scheme, if the wire and/or posts involved are removed from the improved land without the approval of the Board.

4. Where full board and lodging are provided the value assigned thereto shall not exceed 50 per cent of the wages paid.

5. Applications will be considered from owners or occupiers of land which is wholly or in part agricultural or pastoral, and ploughed up and cultivated or to be ploughed up and cultivated, in accordance with the rules of good husbandry as defined by Section 2 subsection (1) of the Agricultural Holdings Act, 1936. Owners of adjoining lands may submit a joint co-ordinated Scheme of work which is deemed to be eligible for assistance in accordance with the conditions of this Scheme. Full details of the proposed work on such joint co-ordinated Schemes will require to be set out on the application form.

6. Works in respect of which it is intended to apply for assistance shall not be commenced until the Board has notified its approval in writing. The Board may require that the work shall be completed in a reasonable time.

7. Claims for payment for approved works must be submitted to the Board on the prescribed form and applicants who fail to comply with this condition shall render themselves liable to forfeiture of grants.

8. Applications shall be made on a form to be supplied by The Isle of Man Board of Agriculture and Fisheries, and the undermentioned information submitted :—

- (a) Name and address of applicant.
- (b) Farm on which work is to be carried out.
- (c) Whether applicant is the owner, owner-occupier, or tenant of the holding in respect of which assistance is required.
- (d) Total acreage of holding.
- (e) Details of proposed work, and the area of land to be improved.
- (f) Total estimated cost of proposed work.
- (g) Total estimated cost of labour on proposed work.
- (h) The nature of the holding and whether it is ploughed up and cultivated or to be ploughed up and cultivated, in accordance with the rules of good husbandry.
- (i) Number of additional men it is proposed to employ.
- (j) Estimated length of time required to complete proposed work.
- (k) Date on which it is proposed to start the work.

9. Claims for payment of grant shall be submitted on a form supplied by the Board and shall be lodged with the Board on completion of the work. Detailed vouchers showing the whole cost of the relative work must accompany a claim. Wage vouchers must be signed by the workmen employed and show the rate of pay and period covered by each payment, together with a statement that the men have carried out the work stipulated in the vouchers and have worked the number of hours specified in the claim on such work. If the worker or workers engaged under this scheme are utilised for general farm work to release permanent employees for hedging and fencing, approved in accordance with Article 5 hereof, then the permanent men so diverted shall in like manner sign and certify the number of hours and rate of payment made for the hedging and fencing involved. Employers' contributions for National Insurance are eligible for grant.

10. The Board reserves the right to pay a grant based on a valuation of the completed work.

11. Before approving schemes, the Board will arrange for an inspection to be made by a duly authorised person who will furnish a report thereon, and similarly on the completion of the work. The Board reserves the right to carry

out any inspections which are deemed necessary during the progress of the work.

12. The Board may refuse to approve any application without giving any reason for such refusal.

13. Any decision of the Board under this Scheme shall be final and conclusive.

14. (i) This Scheme shall come into force on 1st January, 1960, and may be cited as the "Agricultural Hedging Scheme, 1960."

(ii) The Agricultural Hedging Scheme (No. 2), 1956, is hereby revoked.

**ISLE OF MAN
TO WIT.**

By His Excellency Sir RONALD HERBERT GARVEY, K.C.M.G., K.C.V.O., M.B.E.,
Lieutenant Governor of the said Isle etc., etc., etc.

NATIONAL HEALTH SERVICE (ISLE OF MAN)

**The National Health Service (Isle of Man) (Superannuation)
(Amendment) Regulations, 1960.**

I, the said Lieutenant Governor, in exercise of the powers conferred on me by sub-section (1) of section 54 of the National Health Service (Isle of Man) Act, 1948, and of all other powers enabling me in that behalf, hereby make the following regulations :—

Citation and Commencement.

1.—(1) These regulations may be cited as the National Health Service (Isle of Man) (Superannuation) (Amendment) Regulations, 1960.

(2) The National Health Service (Isle of Man) (Superannuation) Regulations, 1955 and these regulations may be cited together as the National Health Service (Isle of Man) (Superannuation) Regulations, 1955 to 1960.

(3) These regulations shall come into operation on the 1st day of August, 1960.

Interpretation.

2.—(1) In these regulations, unless the context otherwise requires :—

“the principal regulations” means the National Health Service (Isle of Man) (Superannuation) Regulations, 1955 ;

“excepted officer” means a person who at the date when he ceases to be employed or ceases to be an officer without ceasing to be employed is entitled to reckon as service for the purpose of the principal regulations any period prior to the date of coming into operation of these regulations, being a period during which he was an officer or was subject to any regulations for the time being in force under section 67 of the National Health Service Act, 1946 of the Imperial Parliament, section 66 of the National Health Service (Scotland) Act, 1947, or section 61 of the Health Services Act (Northern Ireland), 1948, and has not since the date of coming into operation of these regulations been engaged in any employment mentioned in sub-paragraphs (b), (c) or (d) of paragraph (3) of regulation 13 of the principal regulations

other than employment in which he was subject to regulations under either of the said sections of the said Acts :

Provided that for the purpose of this definition no account shall be taken of any service which becomes reckonable by the making of additional contributory payments ;

and words and expressions used have the same meanings as in the principal regulations.

(2) The Interpretation Act, 1949 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Tynwald.

Supplementary contributions by employing authorities.

3.—(1) Subject to the provisions of this regulation, there shall be paid by every employing authority in respect of every officer for whom the authority are liable to contribute under regulation 4 of the principal regulations a contribution, supplementary to that payable under the said regulation 4, equal to one and one-half per cent of the officer's remuneration which is for the time being taken into account for the purposes of the said regulation 4, being remuneration which is paid or is deemed to have been paid after the coming into operation of these regulations.

(2) The provisions of paragraphs (6) and (7) of the said regulation 4 (which relate to the mode of payment of contributions, and the payment of contributions during periods of national service) shall apply in relation to the supplementary contribution payable under paragraph (1) of this regulation as they apply in relation to contributions payable under the said regulation 4.

Return of contributions.

4.—Regulation 18 of the principal regulations (which provides for the return of contributions in certain circumstances) shall cease to apply to any person who is not an excepted officer and in relation to any such person the said regulation 18 shall apply as amended and set out hereunder :—

“18.—(1) The following persons shall be entitled to receive from the Treasurer a sum equal to the amount of their contributions together with compound interest thereon—

(a) every officer who, before becoming entitled to a pension, retiring allowance, injury allowance or short service gratuity, ceases to be employed by an employing authority for any reason other than his voluntary resignation or his resignation or dismissal in consequence of inefficiency or an offence of a fraudulent character or misconduct, and who holds no other employment in which he is an officer ;

(b) every person who, though not ceasing to be employed, ceases (otherwise than at his own request) to be an officer to whom these regulations apply :

Provided that if any of the contributions were made under an enactment or scheme in the benefits of which the person participated before being an officer, and the officer has ceased to be employed in circumstances in which under that enactment or scheme those contributions would not have been returnable, or would have been returnable or might have been returned without interest, no interest shall be calculated on the contributions so made up to the date on which he became an officer.

(2) The following persons shall be entitled to receive from the Treasurer a sum equal to the amount of their contributions—

(a) every officer who, before becoming entitled to a pension, retiring allowance, injury allowance or short service gratuity, ceases to be employed by an employing authority by reason of his voluntary resignation or his resignation or dismissal in consequence of inefficiency or an offence of a fraudulent character or misconduct, not being such an offence or grave misconduct in connection with the duties of, or otherwise in relation to, his employment and who holds no other employment in which he is an officer ; and

(b) every person who, though not ceasing to be employed, ceases at his own request to be an officer to whom these regulations apply.

(3) If an officer ceases to be employed by an employing authority by reason of his resignation or dismissal in consequence of an offence of a fraudulent character or of grave misconduct, being such an offence or such misconduct in connection with the performance of the duties of, or otherwise in relation to, his employment and is not entitled to a pension, retiring allowance, injury allowance or short service gratuity, the Treasurer in consultation with the Board and with the approval of the Governor, may, if he thinks fit, return to him or pay to his spouse or any dependant a sum equal to the whole or a part of his contributions.

(4) If an officer dies, and no death gratuity is payable in respect of his death, his personal representatives shall be entitled to receive from the Treasurer a sum equal to the amount of his contributions together with compound interest thereon.

(5) In this regulation the word “contributions” has the meaning assigned to it by paragraph (7) of regulation 1 of the principal regulations, but only in so far as any sums included in that definition have not been returned to and retained by the person and are attributable to service which

might have been reckoned under these regulations in relation to the employment he has ceased to hold or in which he has ceased to be an officer or has died.”

Additional contributory payments.

5.—(1) The second schedule to the principal regulations (which contains provisions for the making of payments by persons desiring to reckon periods of non-contributing service as contributing service) shall be amended as follows :—

In sub-paragraph (a) of paragraph 3, for the words “two and one half per cent” there shall be substituted the words “three and one quarter per cent.”

(2) Where before the date of coming into operation of these regulations, an officer has notified the employing authority of his intention to make a payment under the second schedule to the principal regulations, the payment shall be made or, if it has been made in part, shall be completed, as if paragraph (1) of this regulation had not been made.

Amendment of the Principal Regulations.

6.—At the end of Regulation 1 of the principal regulations there shall be added the following paragraph :

“(7) In these regulations, unless the context otherwise requires, references to an officer’s contributions (except references in regulations 4, 14, 25, 27, 33 and 39) shall be construed as including references to—

- (a) any sums contributed by him under regulation 4 of these regulations ;
- (b) any sums paid by him by way of additional contributory payments ;
- (c) any sums contributed, or treated as having been contributed, by him under the Act of 1924, the Teachers Acts, the Douglas Corporation Scheme or The Officers of Boards Scheme ;
- (d) any sums contributed by him under any scheme approved by the Governor under sub-paragraph (d) (iv) of paragraph (3) of regulation 13 ; and
- (e) any sums paid by him under a scheme made under subsection (3) of section 40 of the Widows’, Orphans’ and Old Age Contributory Pensions Act, 1939 (which conferred a power to modify existing superannuation schemes) or the corresponding provisions of any Act repealed by that Act.”

Given under my hand this 27th day of July, 1960.

R. H. GARVEY,
Lieutenant Governor.

The foregoing Regulations were approved by Tynwald on the 18th October, 1960.

EXPLANATORY NOTE.

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations amend the National Health Service (Isle of Man) (Superannuation) Regulations, 1955, in two major respects. They provide for the making by employing authorities of a supplementary contribution towards the cost of superannuation benefits provided under the Isle of Man National Health Service Superannuation Scheme amounting to one and a half per cent of an employee's remuneration.

The regulations also restrict the right to receive interest on superannuation contributions which are returned to an employee on his leaving the Isle of Man National Health Service. Interest will in future be paid only to an employee who leaves the service otherwise than by voluntary resignation, or resignation or dismissal in consequence of inefficiency, fraud or misconduct. Interest will continue to be paid where contributions are returned to the personal representatives of a deceased employee in respect of whom no death gratuity is payable. Subject to certain limitations, officers who before the regulations would have received interest on their contributions will continue to enjoy that right.

In the calculation of payments for the conversion of non-contributing service to contributing service, the regulations increase the rate of interest on unpaid instalments from $2\frac{1}{2}$ per cent to $3\frac{1}{4}$ per cent.

PRICE : 4d.