

Government Circular No. 23/61.
Government Office Reference No. S.2803/27/2.

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, &c., &c., &c.

NATIONAL INSURANCE

The National Insurance (Non-participation National Health Service) (Isle of Man) Order 1961

I, the said Lieutenant Governor, in exercise of the powers conferred on me by section 11 of the National Insurance (Isle of Man) Act, 1961, and of all other powers me in that behalf enabling, hereby make the following order after consultation with the bodies referred to in subsection (3) of that section :—

Citation and commencement.

1. This Order may be cited as the National Insurance (Non-participation - National Health Service) (Isle of Man) Order, 1961, and shall come into operation on the day it is approved by Tynwald.

Interpretation.

2. (1) In this order unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

“the Act” means the National Insurance (Isle of Man) Act, 1961 ;

“election” means an election with a view to the issue, variation, cancellation or surrender of a certificate that any employment is to be treated for the purposes of the Act, either generally or in relation to any description of persons specified in that certificate, as a non-participating employment ;

“specified employments” means employments in which a person's service qualifies him for retirement benefit by way of pension under Section 54 of the National Health Service (Isle of Man) Act, 1948 ;

and other expressions have the same meanings as in the Act.

(2) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as amended or modified by any subsequent enactment.

(3) The Interpretation Act, 1949, applies to the interpretation of this order as it applies to the interpretation of an Act of Tynwald.

(P.T.O.)

Elections, etc., to be made by the Governor.

3. In relation to employments in which a person's service qualifies him for retirement benefits by way of pension under Section 54 of the National Health Service (Isle of Man) Act, 1948—

- (a) the Governor hereby directs that every election shall be made or revoked by him instead of by the employer ; and
- (b) those things which are required or authorised to be done by or to the employer under—
 - (i) The National Insurance (Isle of Man) (Non-participation - Certificates) Regulations, 1961,
 - (ii) the National Insurance (Isle of Man) (Non-participation - Appeals and References) Regulations, 1961,
 - (iii) the National Insurance (Isle of Man) (Non-participation - Assurance of Equivalent Pension Benefits) Regulations 1961 ; and
 - (iv) sub-section (3) of Section 6 of the Act (which relates to the making of payments in lieu of contributions) ;

shall be done by or to the Governor.

Employments to be treated for certain purposes as employments under a single employer.

4. Specified employments which are, for the time being, non-participating employments within the meaning of sub-section (2) of Section 6 of the Act shall be treated for the purposes of Part II of the Act and of any Regulations made thereunder as employments under a single employer different from the employer in any other employment.

GIVEN under my hand this 6th day of March, Nineteen Hundred and Sixty-one.

R. H. GARVEY,
Lieutenant Governor.

EXPLANATORY NOTE.

(This note is not part of the Order but is intended to indicate its general purport).

This Order provides that the Governor instead of the employer may decide whether persons who are subject to the Isle of Man National Health Services Superannuation scheme should not participate in the scheme of retirement benefits provided for in the National Insurance (Isle of Man) Act, 1961. The Order further provides that those things leading to the issue, variation, cancellation, or surrender of certificates of non-participation which apart from the order would fall to be done by or to the employer, are to be done or to the Governor.

The Order also provides that for the purposes of Part II of the National Insurance (Isle of Man) Act, 1961, the Isle of Man National Health Service is to be treated as a single employment.

The Order was approved by Tynwald on the 22nd day of March, 1961.