

**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.

---

## **The National Insurance (Modification of Isle of Man Police Pensions Provisions) Regulations, 1961.**

---

I, the said Lieutenant Governor in exercise of the powers conferred on me by subsection (4) of section sixty of the National Insurance (Isle of Man) Act, 1948, as extended by section fourteen of the National Insurance (Isle of Man) Act, 1961, do hereby make the following Regulations:—

### **AWARDS TO WHICH REGULATIONS APPLY**

1.—These Regulations shall apply to pensions, gratuities and other awards, other than supplemental pensions, granted to or in respect of policemen on retirement or dismissal on or after the third day of April, 1961, under the Isle of Man Police Pensions Regulations.

### **FORFEITURE AND SUSPENSION**

2.—(1) Except for such causes as may be prescribed by regulations made under paragraph (c) of subsection (1) of section seven of the National Insurance (Isle of Man) Act, 1961, the secured portion of a pension to which these Regulations apply shall not be capable of being forfeited or, save as respects any period before insured pensionable age, suspended.

(2) Without prejudice to the generality of paragraph (1) of this Regulation, as respects a pension to which these regulations apply—

- (a) Regulations 39 and 40 of the Isle of Man Police Pensions Regulations, 1956 (which relate to the temporary and permanent forfeiture by the Governor of police pensions), shall apply only to the forfeiture, whether temporary or permanent, of the unsecured portion of the pension, and to the temporary forfeiture of the secured portion of the pension for a period before insured pensionable age or during the imprisonment or detention in legal custody of the pensioner; and the Governor in determining under the said Regulations whether a forfeiture shall be permanent or temporary and affect the pension in whole or in part, may make different determinations in respect of the secured and unsecured portions of the pension;
- (b) paragraphs (3) and (4) of Regulation 36 of the Isle of Man Police Pensions Regulations, 1956 (which relate to the cancellation of ill-health and supplemental pensions), shall apply only to the unsecured portion of the pension, but where, but for the provisions of this sub-paragraph, the whole pension would cease, the secured portion of the pension shall not be payable in respect of any period before insured pensionable age;
- (c) paragraph (1) of Regulation 49 of the said Regulations of 1956 (which relates to the application of a sum due on account of a pension in satisfaction of certain debts) shall apply only to a sum due on account of the unsecured portion of the pension or due in respect of a period before insured pensionable age on account of the secured portion of the pension;
- (d) paragraph 4 of Part II of the First Schedule to the said Regulations of 1956 (which provides for the payment to an ill-health pensioner who does not rejoin the police force on cancellation of his pension of an amount equal to the excess, if any, of his aggregate pension contributions over the payments made to him in respect of the pension) shall have effect as if—
  - (1) the reference therein to the cancellation of an ill-health pension were a reference to the cancellation of the unsecured portion of such a pension, and

- (ii) the reference therein to the aggregate amount paid in respect of an ill-health pension were a reference to the aggregate of that amount and the actuarial value of the secured portion of the pension, in so far as it is payable under sub-paragraph (b) of this paragraph, determined in accordance with a method approved by the Governor;
- (e) Part III of the First Schedule to the said Regulations of 1956, as amended (which relates to reductions in ordinary, ill-health and short-service pensions in respect of periods beyond insured pensionable age) shall apply only to the unsecured portion of the pension.

**REDUCTIONS OF AWARD OTHER THAN A PENSION WHERE A PAYMENT IN LIEU OF CONTRIBUTIONS FALLS TO BE MADE**

3.—(1) Where a payment in lieu of contributions falls to be made by the Governor in respect of a policeman and—

- (a) a short service gratuity is payable by the Governor on his retirement, or
- (b) an ill-health gratuity is so payable and the Governor determines that the provisions of this Regulation shall apply, or
- (c) an amount equal to his aggregate pension contributions in respect of the relevant period of service is payable by the Governor to him or his dependants on his retirement or dismissal,

the award in question shall be reduced by an amount equal to the amount which could be retained out of the award by the Governor under subsection (4) of section nine of the National Insurance (Isle of Man) Act, 1961, if the award were a refund of payments to which that subsection applies.

(2) Where a payment in lieu of contributions may fall to be made by the Governor in respect of a policeman and such an award as is mentioned in paragraph (1) of this Regulation is payable as mentioned therein, the Governor may reduce the amount of the award in question by the amount by which it would be reduced under the said paragraph (1) if the payment in lieu of contributions in fact fell to be made, so however that, if the said payment does not fall to be made within the period of seventy-eight weeks from the date when the person concerned ceases to be a policeman or within such shorter period as the Governor may determine, then any reduction in the amount of the award under this paragraph shall cease to have effect and the difference between the full and the reduced amounts thereof shall become payable.

(3) Without prejudice to the generality of paragraphs (1) and (2) of this Regulation, the provisions of Regulation 7 and paragraph (4) of Regulation 48 of the Isle of Man Police Pensions Regulations, 1956, and of Part II of the First Schedule thereto (which provisions relate to the amount and payment of the awards mentioned in paragraph (1) of this Regulation) shall have effect subject to the provisions of the said paragraphs (1) and (2).

**ABATEMENT OF PENSION IN RELATION TO PARTICIPATING SERVICE AS A POLICEMAN**

4.—(1) Where a person in receipt of a pension to which these Regulations apply is entitled to reckon as pensionable service for the purposes of the pension a period of employment as a policeman which is a participating period of relevant employment, then in relation to that period the unsecured portion of the pension shall be reduced in accordance with the provisions of paragraph (2) of this Regulation.

(2) Where the unsecured portion of a pension is reduced in accordance with the provisions of this paragraph, the annual rate of that portion of the pension shall be reduced in respect of any period beyond insured pensionable age by the annual rate of the graduated retirement benefit which would be payable to the pensioner on the assumption that he retired from regular employment on attaining pensionable age, in return for a payment in lieu of contributions in respect of the whole of the period referred to in paragraph (1) of this Regulation.

(3) Without prejudice to the generality of paragraphs (1) and (2) of this Regulation, the provisions of Parts I and II of the First Schedule to the Isle of Man Police Pensions Regulations, 1956 (which relates to the calculation of pensions), shall have effect subject to the provisions of the said paragraphs, but the abatement of a pension in accordance with this Regulation shall be without prejudice to the reduction of the pension in accordance with Part III of the said Schedule, as amended.

## **ABATEMENT OF PENSION WHERE SECURED PORTION OF ILL-HEALTH PENSION IS ALSO PAYABLE**

5.—(1) Where a person in receipt of the secured portion of an ill-health pension the unsecured portion of which has ceased to be payable is also in receipt of some other pension to which these Regulations apply, and is entitled to reckon for the purposes of that other pension the period of pensionable service which was reckonable for the purposes of the ill-health pension, then the annual rate of the unsecured portion of that other pension shall be reduced by the annual rate of the secured portion of the ill-health pension.

(2) Without prejudice to the generality of paragraph (1) of this Regulation, the provisions of Parts I and II of the First Schedule to the Isle of Man Police Pensions Regulations, 1956 (which relates to the calculation of pensions), shall have effect subject to the provisions of the said paragraph.

### **INTERPRETATION**

6.—(1) In these Regulations the following expressions shall have the meanings respectively which they have for the purposes of the Isle of Man Police Pensions Regulations:—

- “aggregate pension contributions in respect of the relevant period of service”;
- “armed forces”;
- “ill-health gratuity”;
- “ill-health pension”;
- “pensionable service”;
- “short service gratuity”;
- “supplemental pension”;
- “policeman.”

(2) In these Regulations the following expressions shall have the meanings respectively which they have for the purposes of the National Insurance (Isle of Man) Act, 1961:—

- “employed contributor’s employment”;
- “graduated contribution”;
- “graduated retirement benefit”;
- “non-participating employment”;
- “payment in lieu of contributions.”

(3) In these Regulations any reference to insured pensionable age is a reference to the age of 65 years, in the case of a man, or 60 years, in the case of a woman.

(4) In these Regulations any reference to a participating period of relevant employment is a reference to a period of employed contributor’s employment after the second day of April, 1961, and before insured pensionable age other than—

- (a) service in the armed forces, and
- (b) non-participating employment at the end of which no payment in lieu of contributions falls to be made;

and for the purposes of this paragraph a period of employed contributor’s employment or of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(5) In these Regulations any reference to the Isle of Man Police Pensions Regulations is a reference to the regulations for the time being in force.

(6) In these Regulations any reference to the secured portion of a pension is a reference to the portion of the pension which equals the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for a payment in lieu of contributions in respect of the whole of any period of non-participating employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension, being a period of non-participating employment at the end of which no payment in lieu of contributions in fact fell to be made; and any reference to the unsecured portion of a pension shall be construed accordingly.

For the purposes of this paragraph a period of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(7) For the purposes of these Regulations, the annual rate of graduated retirement benefit shall be determined as if there were fifty-two weeks and one sixth of a week in each year.

(8) In these Regulations, any reference to any enactment is a reference to that enactment as amended by or under any subsequent enactment.

(9) The Interpretation Act, 1949, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Tynwald.

#### **CITATION, COMMENCEMENT AND EXTENT**

8.—(1) These Regulations may be cited as the National Insurance (Modification of Isle of Man Police Pensions Provisions) Regulations, 1961, and shall come into operation on the third day of April, 1961.

GIVEN under my hand this 8th day of March, 1961.

R. H. GARVEY,

Lieutenant Governor.

---

#### **EXPLANATORY NOTE**

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

These Regulations modify the Isle of Man Police Pensions Regulations in connection with the operation of the provisions of the National Insurance (Isle of Man) Act, 1961; by virtue of Regulation 1 the present Regulations apply to awards, other than supplemental pensions, granted under the Isle of Man Police Pensions Regulations on a person ceasing to be a policeman on or after 3rd April, 1961.

By virtue of section 6(2) of the Act of 1961 an employment may not be contracted out of the graduated National Insurance scheme unless persons in that employment qualify for equivalent pension benefits. The conditions to be satisfied if a retirement pension under an occupational pension scheme is to be treated as an equivalent pension benefit are set out in section 7(1); the pension, or part thereof, must (subject to retirement) start not later than insured pensionable age (paragraph (a)), must be payable for life unless terminated or suspended of prescribed causes (paragraphs (b) and (c)) and must be payable at not less than a specified rate (paragraph (d)). Regulation 2 secures that these conditions shall be satisfied in relation to a police pension; paragraph (1) provides that a part of such a pension (being a part payable at not less than the specified rate and referred to, in the Regulations, as the secured portion) shall not, except for a cause prescribed under section 7(1)(c), be forfeited or, save as respects a period before insured pensionable age, suspended (the expression "secured portion" is defined in Regulation 7(7)); paragraph (2) makes consequential amendments to the Isle of Man Police Pensions Regulations, 1956.

Regulation 3 provides for the reduction of certain awards under the Isle of Man Police Pensions Regulations where a payment in lieu of contributions under the Act of 1961 is also payable.

Regulation 4 provides that where account is taken of a period of service or employment for the purposes both of a police pension and of graduated retirement benefit under the National Insurance Scheme the police pension shall be abated.

Regulation 5 provides that where account is taken of a period of service or employment for the purposes both of an ill-health pension, being a pension of which the secured portion is payable by virtue of Regulation 2(2)(b), and of some other police pension, the latter shall be abated by the secured portion of the former.

The Regulations were approved by Tynwald on the 22nd day of March, 1961.