

Government Circular No. 28/61.

G.O. Reference No. S.2803/15.

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.

## **The National Insurance (Isle of Man) (Non-Participation - Local Government Staffs) 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 enabling me in that behalf do 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 (Isle of Man) (Non-participation - Local Government Staffs) 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 ;

“the Scheme” means the Douglas Corporation Superannuation Scheme 1936 ;

“the Certifications Regulations” means the National Insurance (Isle of Man) (Non-participation - Certificates) Regulations, 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 class of employments” has the meaning assigned to it in paragraph 3 of this Order ;

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

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

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

#### Employments to which the Order applies

3 In this Order the expression "the specified class of employments" means employments under Douglas Corporation or the Commissioners of any Local Government District in the Isle of Man in which a person's service qualifies him for retirement benefits by way of pension under the Scheme.

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

4. (1) In relation to the specified class of employments:—

- (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 the provisions of the regulations specified in sub-paragraph (2) of this paragraph shall be done by or to the Governor.

(2) The provisions referred to in the last foregoing sub-paragraph are—

- (a) the following provisions of the Certificates Regulations
  - (i) Part II (Notices and Elections) ;
  - (ii) Part IV (Determination of questions by the Registrar) so far as it relates to questions arising under regulation 6 ;
  - (iii) Part V (Certificates) and
- (b) so much of the National Insurance (Isle of Man) (Non-participation - Appeals and References) Regulations, 1961, as relates to appeals or references on questions arising under regulation 6 of the Certificates Regulations.

#### Employments to be treated for certain purposes as employments

under a single employer.

5. For the purposes of subsection (4) of section 8 of the Act (which sub-section restricts the liability to make payments in lieu of contributions in relation to certain consecutive employments) and of any regulations made thereunder or under subsection (5) of that section (which subsection enables regulations to be made restricting the liability to make payments in lieu of contributions in relation to

concurrent employments) and for the purpose of any regulations made under section 12 of the Act requiring employers to give notice to the Isle of Man Board of Social Services when a person's period of service in a non-participating employment begins or comes to an end (or would be treated as having come to an end but for subsection (4) of the said section 8) the specified class of employments shall be treated as employments under a single employer different from the employer in any other employment.

GIVEN under my hand this 8th day of March, nineteen hundred and sixty-one.

R. H. GARVEY,  
Lieutenant Governor.

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#### 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 shall make any application for the issue, variation, cancellation or surrender of a certificate of non-participation in the scheme of retirement benefits provided for in Part I of the National Insurance (Isle of Man) Act, 1961, in respect of employees who are subject to the Douglas Corporation Superannuation Scheme 1936, for the payment of pensions.

The Order also 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 by or to the Governor, and that such certificates are to be issued to the Governor.

For certain specified purposes the employments mentioned in the Order are deemed to be employments under a single employer.

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