

Government Circular No. 29/61.
G.O. Reference No. S.2803/57.

SLE 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) (Modification of the School Teachers (Superannuation) Acts) Regulations, 1961.

I, the said Lieutenant Governor, in exercise of the powers conferred upon me by section fourteen of the National Insurance (Isle of Man) Act, 1961, and of all other powers enabling me in that behalf, hereby make the following Regulations :—

1. These Regulations may be cited as the National Insurance (Isle of Man) (Modification of the School Teachers (Superannuation) Acts) Regulations, 1961, and shall come into operation on the third day of April, 1961.
2. The provisions of the Superannuation Acts or any Scheme made thereunder which—
 - (a) provide for avoidance of duplicate pensions, and
 - (b) provide for refusal or reduction of pensions are hereby modified to the extent that no deduction from or refusal or reduction of an annual superannuation allowance shall be made which would result in the teacher receiving, in respect of contributory service after the second day of April, 1961, which is non-participating employment within the meaning of the National Insurance (Isle of Man) Act, 1961, an amount less than the graduated retirement benefit which, when expressed as a yearly rate, would be payable to him under the Act in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of the service in respect of a weekly payment of remuneration of fifteen pounds.
3. The provisions of the Superannuation Acts or any scheme made thereunder which provide for the return of contributions shall have effect subject to the following modifications :—
 - (a) when computing the balance of contributions of a teacher in respect of whom a payment in lieu of contributions has been made under the Act of 1961, the amount recoverable under section 9 of that Act shall be deemed to have been deducted from his contributions on the date on which, disregarding any special arrangements of the kind referred to in Regulation 18(6) of the National Insurance (Isle of Man) (Non - Participation - Assurance of Equivalent Pension Benefits) Regulations, 1961, the payment in lieu of contributions became due ; and

(b) where the amount recoverable under section 9 of the Act of 1961 has been deducted from the contributions repaid to a teacher, and that teacher subsequently repays to the Board of Education the sum so repaid to him, he shall not be treated as if no repayment had been made to him, but the period in respect of which the contributions were repaid shall be reckoned as contributory service.

4. (1) In these Regulations, the following expressions have the meanings hereby respectively assigned to them, that is to say :—
“the Act of 1961” means the National Insurance (Isle of Man) Act, 1961 ;
“the Superannuation Acts” means the School Teachers (Superannuation) Acts 1919 to 1957.

(2) Any reference in these Regulations to the provisions of any enactment shall be construed, except where the context otherwise requires as a reference to those provisions as amended or re-enacted by any subsequent enactment.

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

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 is intended to indicate their general purport.)

These Regulations modify the School Teachers (Superannuation) Acts so as to ensure that, where a teacher's pension is to be reduced, either because service has been counted both for that pension and for another pension paid for out of public funds or because the teacher's retirement has been accelerated by misconduct, the amount remaining after the reduction shall not be less than the maximum graduated National Insurance pension which would have been payable had the employment not been non-participating employment within the meaning of the National Insurance (Isle of Man) Act, 1961.

The Regulations also make minor amendments to the School Teachers (Superannuation) Acts consequent upon the power given by the National Insurance (Isle of Man) Act, 1961, to recover a payment made in lieu of contributions when a person's employment comes to an end.

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