

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 (Modification of the Superannuation
(Officers of Boards) Scheme, 1951) Regulations, 1961.

I, the said Lieutenant Governor, in exercise of the powers conferred upon 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, and of all other powers enabling me in that behalf, hereby make the following Regulations:)

PART I - GENERAL

Citation and Commencement

1. These Regulations may be cited as the National Insurance (Modification of the Superannuation (Officers of Boards) Scheme, 1951) Regulations, 1961, and shall come into operation on the third day of April, nineteen hundred and sixty-one.

Interpretation

2. (1) In these Regulations, the following expressions have the meanings hereby respectively assigned to them, that is to say:

"the Act of 1948" means the National Insurance (Isle of Man) Act, 1948;

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

"the Northern Ireland Act" means the National Insurance Act (Northern Ireland), 1959.

"the Act of 1959" means the National Insurance Act, 1959 of the Imperial Parliament;

"graduated contributions" means graduated contributions under the Act;

"graduated retirement benefit" means graduated retirement benefit under the Act;

"non-participating service" means, in relation to any person, so much of his service in a non-participating employment after the second day of April, nineteen hundred and sixty-one, as is either

(a) service in the service of a Board; or

(b) other service which is reckonable service;

"non-participating employment" has the meaning assigned to it by subsection (2) of section 6 of the Act;

"participating employment" in relation to any period which is reckonable as service for the purposes of the Scheme, means any employment in which a person is required to pay graduated contributions under the Act, the Act of 1959 or the Northern Ireland Act, or would be required to pay such contributions if the amount paid in any

- week on account of his remuneration exceeded the amount first mentioned in paragraph (b) of subsection (1) of Section 1 of that Act, the Act of 1959, or the Northern Ireland Act as the case may be, but the expression does not include any period of employment on National Service if, immediately prior to entering National Service, the person was in non-participating employment;
- "national graduated retirement benefit" means, in relation to any person, the amount, expressed as a yearly rate, of the graduated retirement benefit which would be payable to him in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of his non-participating service in respect of a weekly payment of remuneration of fifteen pounds;
- "a Board" means a Board of Tynwald for the purposes of the Superannuation (Officers of Boards) Acts, 1934 to 1939;
- "modification regulations" means the National Insurance (Modification of Local Government and Officers of Boards Superannuation Schemes) Regulations, 1949 (Government Circular No. 128/49).
- "officer" has the same meaning as in the Superannuation (Officers of Boards) Acts 1934 to 1939;
- "the Scheme" means the Superannuation (Officers of Boards) Scheme, 1951 as continued in force by -
- (a) the Superannuation (Officers of Boards) Amendment (Isle of Man Education Authority) Scheme, 1952 and
 - (b) the exercise by an officer of any option under the provisions of paragraph 5 of:
 - (i) the Superannuation (Officers of Boards) Scheme, 1959, (Government Circular No. 10/59) or
 - (ii) the Superannuation (Officers of Boards) (Isle of Man Electricity Board) Scheme, 1960, (Government Circular No. 61/60);
- "pensionable age" has the meaning assigned to it by subsection (1) of section 67 of the National Insurance (Isle of Man) Act, 1948;
- "reckonable service" means, in relation to any person, service which is reckonable for the purpose of determining the amount of his superannuation allowance;
- "superannuation allowance" includes any annual superannuation, compensation or retiring allowance payable under the Scheme;

(2) Any reference in these Regulations to the provisions of any enactments 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.

Modification of the Scheme

3. The Scheme shall, as from the third day of April, 1961, have effect subject to the modifications contained in these Regulations.

..... PART II -- MODIFICATION OF CONTRIBUTIONS AND CERTAIN OTHER PAYMENTS

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Reduction of Contributions

4. Subject to the provisions of these Regulations, the amount of the contributions payable by an Officer under the Scheme in respect of any period of participating employment shall be reduced by an amount calculated at whichever of the rates specified in paragraphs (a) or (b) hereunder is the greater; that is to say -

- (a) a rate equivalent to one per cent. per annum of so much of his remuneration, ascertained in accordance with the Scheme, as does not exceed £780 per annum, or
- (b) (i) in the case of a man, the rate of three pounds and eightpence per annum, or
(ii) in the case of a woman, the rate of three pounds five shillings per annum.

Officer whose contributions are not subject to reduction in connection with the Act of 1948

5. In the case of an officer to whom by virtue of Regulations 6, 7, 8, or 9, of the modification regulations, Regulation 2 of those regulations does not for the time being apply, there shall be deducted from the amount by which the contributions payable by that officer are to be reduced under the last foregoing Regulation an amount calculated at the rate of three pounds and eightpence per annum if the officer is a man or three pounds five shillings per annum if the officer is a woman.

Employers' Contributions

6. The contributions to be paid by an employer in respect of any period of participating employment of an officer shall be reduced in the like manner as provided in regulation 4 of these regulations.

Provided that in relation to an officer whose contributions, if any, are not subject to reduction in connection with the modification regulations, the rate of reduction shall be varied as provided in regulation 5 of these regulations.

Exclusion of existing provisions for reduction of contributions.

7. So long as the contributions payable by any Officer or employer are subject to reduction in accordance with this part of these Regulations, those contributions shall not be subject to reduction under Regulation 3 of the modification regulations.

PART III - MODIFICATION OF BENEFITS ETC.

Reduction of Pensions

8. (1) Subject to the provisions of paragraph (3) of this regulation, where any period of service reasonable in calculating the amount of any pension to which an officer is entitled under the Scheme has been in participating employment, as from the date on which the officer becomes

...../entitled

entitled to that pension, or if on becoming entitled to the pension he has not yet reached pensionable age within the meaning of the Act of 1948, as from the date on which he reaches that age, the part of the pension which is attributable to any such period of service shall be reduced in accordance with this part of these Regulations and any provision of the modification regulations for the reduction of the pension in connection with the passing of the Act of 1948, shall cease to apply in relation to that part of the pension.

Provided that the reduction required to be made in accordance with this part of these regulations shall not be less than that required to be made under any provision of the modification regulations for the reduction of the pension in connection with the passing of the Act of 1948.

(2) For the purposes of this part of these regulations no account shall be taken of any period of participating employment occurring in any year if no graduated contributions have been paid under the Act, in respect of any such period during that year.

(3) Notwithstanding anything in the last foregoing paragraph, a period of employment as an officer in respect of which a payment in lieu of contributions is required to be made under the Act, shall be treated for the purposes of this part of these regulations as a period of participating employment in respect of which contributions have been paid subject to the reduction provided for by Part II of these regulations.

9. (1) Where a pension payable to an officer would, apart from these Regulations be subject to reduction in accordance with the modification regulations, so much of that pension as is attributable to any period of participating employment shall be reduced -

(a) for each year of such employment which is reckonable as contributing service in calculating the amount of that pension by a sum equal to one two-hundred-and-fortieth of so much of the remuneration on which the pension was calculated as does not exceed \$780 per annum, and

(b) for each year of such employment which is reckonable as non-contributing service in calculating the amount of the pension by a sum equal to one four-hundred-and-eightieth of so much of such remuneration as aforesaid;

(2) Where an officer becomes entitled to a pension on ceasing to be employed in non-participating employment no account shall be taken for the purposes of this regulation of any retiring remuneration in excess of \$468 per annum.

Reduction of pensions payable to certain classes of officer.

10. Where a pension payable to an officer would, apart from these Regulations be subject to reduction under subparagraph (1) or (2) of paragraph (3) of regulation 4 of the modification regulations, so much of that pension as is attributable to any period of participating employment shall be reduced in accordance with the said subparagraph (1) or subparagraph (2) as the case may be,

...../and

and shall be further reduced in accordance with Regulation 9 of these Regulations, but shall be increased by the sum of one pound fourteen shillings for each year of contributing service and seventeen shillings for each year of non-contributing service comprised in that period.

Service in excess of 40 years

11. Where the period reckonable for the calculation of a pension exceeds 40 years' contributing service or 40 years' contributing and non-contributing service, the non-contributing service being reckoned at half its actual length, then -

- (a) in the case of any pension to which regulation 9 of these regulations applies there shall be deducted from the amount by which the pension is to be reduced under that regulation, the sum of one pound fourteen shillings in respect of each completed year of such excess period; and
- (b) in the case of a pension to which regulation 10 of these regulations applies, there shall be deducted from the amount by which the pension is to be reduced under that regulation an amount in respect of each such year equal to that by which the pension would have been reduced under sub-paragraph (1) or (2) of paragraph (3) of Regulation 4 of the modification regulations had the year been reckonable as contributing service.

Pensions not subject to reduction in connection with the Act of 1948

12. Where a pension payable to an officer is not subject to reduction in accordance with paragraph (3) of regulation 4 of the modification regulations, so much of that pension as is attributable to any period of participating employment shall be reduced in accordance with Regulation 9 of these Regulations, but shall be increased by the sum of one pound fourteen shillings for each year of contributing service and seventeen shillings for each year of non-contributing service comprised in that period.

Reduction of gratuities

13. (1) Subject to the provisions of this regulation, if there is payable to or in respect of an officer a gratuity under the Scheme and, by reason of the cessation of his employment, a payment in lieu of contributions is required to be made under the Act or such a payment has previously been made in respect of him in circumstances not involving a return of contributions, the gratuity or similar benefit shall be reduced by a sum amounting to half of the payment in lieu of contributions or half of the aggregate of such payments if more than one has been made.

(2) No payment in lieu of contributions shall be taken into account for the purpose of this regulation -

- (a) on more than one occasion;
- (b) if the payment was made on the termination of any period of employment which is not reckonable as service for the purposes of the scheme; or
- (c) if the payment is one which has been reduced under regulation 13 of the National Insurance

(Isle of Man)(Non-Participation - Assurance of Equivalent Pension Benefits) Regulations, 1961, or any corresponding regulation in the United Kingdom or Northern Ireland.

Reduction of pension in respect of other reckonable employment

14. (1) Where a person has become employed as an officer after having been employed in other employment, (in this regulation referred to as "his former employment") and by virtue of any provision his service in his former employment is to be reckoned in any manner and to any extent as service as an officer then, if his former employment included any period of participating employment or non-participating employment at the end of which a payment in lieu of contributions had been made under the Act, the Act of 1959, or the Northern Ireland Act, so much of any pension payable to him as is attributable to any such period shall, in lieu of any reduction for which this part of these regulations provides, be reduced in like manner as if -

- (a) he had continued in his former employment and retired from it on the day when he ceased to be employed as an officer; and
- (b) any modification provision applicable to him immediately before he ceased to be employed in his former employment had been applied in relation to the period of his service before that date.

(2) The extent to which any retirement benefit shall be regarded as subject to reduction in connection with the Act, shall be the extent to which that benefit would be reduced under regulation 12 of these regulations if that regulation applied for the reduction of the benefit.

Adjustments following payments in lieu of contributions

15. (1) Subject to the provisions of this regulation, where an officer leaves employment or dies in circumstance in which under the principal regulations there is payable to or in respect of him an amount by way of return of contributions and a payment in lieu of contributions under the Act, the Act of 1959 or the Northern Ireland Act has previously been made in respect of him in circumstances not involving a return of contributions, the amount payable to or in respect of him by way of return of contributions shall be reduced by a sum equal to the amount, or aggregate of the amounts, by which, under sub-section 5 of section 9 of the Act, or under the corresponding provision of the Act of 1959 or the Northern Ireland Act, as the case may be, any payment by way of return of contributions could have been reduced if one had been made at the time when the previous payment in lieu of contributions was made.

(2) No payment in lieu of contributions shall be taken into account for the purposes of this regulation -

- (a) on more than one occasion; or
- (b) if the payment is one which has been reduced under regulation 13 of the National Insurance (Isle of Man)(Non-Participation - Assurance of Equivalent Pension Benefits) Regulations, 1961, or any corresponding regulations in the United Kingdom or Northern Ireland.

(3) Where a payment to any officer by way of return of contributions is reduced under sub-section (5) of section 9 of the Act of 1961, or under paragraph (1) of this regulation or under any corresponding provision in the United Kingdom or Northern Ireland, the amount by which the payment is reduced shall be treated for the purposes of any subsequent return of contributions to which the officer may become entitled as having been returned to and retained by the officer.

PART IV - MISCELLANEOUS

Contributions deemed to have been made

16. If in respect of any period an officer pays no contributions under the Scheme by virtue of the fact that the amount of the reduction in his contributions provided for by these Regulations equals or exceeds the amount of his contributions he shall, nevertheless be deemed for the purposes of the Scheme to have made the contributions required by the Scheme in respect of that period.

Fractions of a penny

17. For the purposes of these Regulations, no account shall be taken of fractions of a penny less than a halfpenny and fractions of a penny of a halfpenny or more shall be treated as a penny.

PART V - LIMITATION OF FORFEITURE, SURRENDER, COMMUTATION, ETC., OF PENSIONS

18. (1) No provision in the Scheme -
- (a) for the surrender, commutation or assignment of a pension, or
 - (b) for the forfeiture, reduction, termination or suspension of a pension if invoked for any cause other than one prescribed by regulations made under paragraph (c) of subsection (1) of section 7 of the Act

so far as it affects any officer who is, or was immediately before he ceased to be employed, in non-participating employment, shall operate so as to reduce a pension payable to an officer who attains the age of sixty-five years in the case of a man, or sixty years in the case of a woman, below such amount as would be equal when expressed as a weekly rate to the graduated retirement pension which would be payable to the officer under the Act, in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of his service in respect of a weekly payment of remuneration of £15.

(2) for the purposes of the last foregoing paragraph, "service" means service reckonable by an officer for the purposes of calculating the amount of any benefit payable to him, except any earlier period of service in respect of which -

- (a) a payment in lieu of contributions has been made under the Act, or
- (b) equivalent pension benefits satisfying the requirements of Part II of the Act have already been assured to the officer

continued/.....

PART VI - COMMENCEMENT OF BENEFITS NOT LATER
THAN INSURED PENSIONABLE AGE.

19. - (1) Notwithstanding any provision contained in the Scheme to the effect that a benefit is not payable to an officer who attains the age of sixty years unless the officer has completed forty years' service, a female officer not otherwise entitled to receive a benefit under the scheme shall be entitled thereunder to receive the benefits mentioned in paragraph (2) of this regulation on ceasing to hold an employment in which she was an officer, if she has attained the age of sixty years and has completed ten years' service.

(2) The benefits referred to in paragraph (1) of this regulation are such benefits as would have been payable to a female officer under the scheme in respect of the service actually reckonable by her immediately before she ceased to hold her employment if -

- (a) she had then reached pensionable age, and
- (b) the amount of any benefit so calculated has been reduced according to the age at which she ceased to hold her employment by the percentage shown in the column appropriate to her pensionable age in the table set out in the schedule to these regulations:

Provided that any annual pension so payable shall not, when expressed as a weekly amount, be less than the amount of the graduated retirement benefit which would be payable to the officer under the Act in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of her service in respect of a weekly payment of remuneration of fifteen pounds.

(3) For the purposes of the proviso to the last foregoing paragraph "service" means service in a non-participating employment which is reckonable by the officer for the purpose of calculating the amount of any benefit payable to her except any earlier period of such service in respect of which -

- (a) a payment in lieu of contributions had been made under the Act, or
- (b) equivalent pension benefits satisfying the requirements of Part II of the Act had already been assured to the employee.

SCHEDULEReduction of Retirement Benefits underRegulation 19.

Age of woman on ceasing to be employed	Percentage reduction to be made under Regulation 19(2)(b) by reference to the under-mentioned pensionable age				
	61	62	63	64	65
60	7	15	21	28	33
61	-	8	15	22	28
62	-	-	8	16	23
63	-	-	-	9	17
64	-	-	-	-	9

GIVEN under my hand this day of 1961.

Lieutenant Governor.

EXPLANATORY NOTE

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

These Regulations modify the Superannuation (Officers of Boards) Scheme, 1951, in connection with the operation of the National Insurance (Isle of Man) Act, 1961.

Part I of the Regulations contains definitions of words and expressions used and provides that the Scheme is to be modified in accordance with the succeeding provisions of the Regulations.

Part II provides that superannuation contributions payable under the Scheme are to be reduced during periods of participating employment for the purposes of the National Insurance (Isle of Man) Act, 1961. The method of reduction takes account of any reduction already required to be made in connection with the National Insurance (Isle of Man) Act, 1948, and provides for a single consolidated reduction.

Under Part III pensions payable under the Scheme are reduced where any service reckonable for the pension also qualifies the employee for graduated retirement benefit under the National Insurance (Isle of Man) Act, 1961. Here again any reduction required to be made under the National Insurance (Isle of Man) Act, 1948, is consolidated.

The miscellaneous provisions in Part IV include a provision for the deduction from contributions returned to an employee of sums paid in respect of him as payments in lieu of contributions, and also a provision that the contributions required by the Scheme are to be deemed for the purpose of reckoning contributing service to have been made in full, notwithstanding the reductions required by the Regulations.

In Part V of the Regulations provision is made for modifying the Scheme -

- (i) by limiting the right to surrender, commute or assign a pension in certain cases, and
- (ii) by limiting certain provisions for the reduction, termination or suspension of a pension.

In Part VI provision is made for a female officer who retires on attaining age sixty and has completed ten year's reckonable service to receive a pension under the Scheme.

These Regulations were approved by Tynwald on the day of March, 1961.