

Government Circular No. 11/70
G.D. Reference No. P. 2506/9/2.

P O L I C E

THE ISLE OF MAN POLICE PENSIONS
(AMENDMENT) REGULATIONS, 1970.

ISLE OF MAN
TO WIT.

By His Excellency Sir Peter Hyla Gawne Stallard,
K.C.M.G., C.V.O., M.B.E., Lieutenant Governor of
the said Isle, &c., &c., &c.

THE ISLE OF MAN POLICE PENSIONS
(AMENDMENT) REGULATIONS, 1970.

I, the said Lieutenant Governor, in exercise
of the powers conferred on me by Section 16 of the
Police (Isle of Man) Act, 1962, hereby make the
following Regulations:-

P A R T I

GENERAL

1. These Regulations may be cited as the Isle of Man Police Pensions (Amendment) Regulations, 1970.
2. These Regulations shall come into operation on the 19th March 1970 and shall take effect -
 - (a) for the purposes of Part II thereof, as from 1st April, 1969, and
 - (b) for the purposes of Part III thereof, as from 1st June, 1969.
3. In these Regulations any reference to the principal Regulations is a reference to the Isle of Man Police Pensions Regulations, 1968.

P A R T I I

PROVISIONS RELATING TO INCREASES IN WIDOWS' PENSIONS AND CHILDREN'S ALLOWANCES AND TAKING EFFECT AS FROM 1st APRIL, 1969.

4. For Regulation 73(5) of the principal Regulations (which in certain circumstances authorises the payment to the widow of a policeman of a pension at the basic rate of 33s. 3d. a week in lieu of a gratuity) there shall be substituted the following provision :-

"(5) The weekly amount of any pension payable under paragraph (4)(a) shall be 39s. 4d. increased in accordance with Regulation 93(2) and (4)."

5. For Regulation 93(3) and (4) of the principal Regulations (which relates to the application of the Pensions (Increase) Act, 1963) there shall be substituted the following provisions :-

"(3) The appropriate amount mentioned in paragraph (2) shall be the weekly amount of :-

- (a) 42s. 4d. where the weekly amount which falls to be increased under that paragraph is 65s. 2d;
- (b) 33s. 10d. where the weekly amount which falls to be so increased is 52s. 3d;
- (c) 25s. 6d. where the weekly amount which falls to be so increased is 39s. 4d.

(4) Where such an amount as is mentioned in paragraph (2) is increased in accordance with that paragraph -

- (a) the amount of the increase under paragraph (2) shall be increased in accordance with Regulation 94 and for the purposes thereof shall be treated as if it were a pension which began for the purposes of the Pensions (Increase) Act, 1966, before 1st April, 1957, and
- (b) the amount of the increase under paragraph (2) (increased as aforesaid) shall be further increased in accordance with Regulation 94A and for the purposes thereof shall be treated as if it were a pension which began for the purposes of the Pensions (Increase) Act, 1969, before 1st July, 1955."

6. After Regulation 94 of the principal Regulations (which relates to the application of the Pensions (Increase) Act, 1966), there shall be inserted the following Regulation :-

"Application of Pensions (Increase) Act, 1970. 94A. - (1) Where it is provided in these Regulations that an amount shall be increased in accordance with this Regulation or this Part of these Regulations, it shall be increased by the amount, if any, by which a pension of the amount first mentioned would be increased under the Pensions (Increase) Act, 1970, if -

(a) the person concerned were in receipt of such a pension ; and

(b) that pension were specified in Part 1 or 11 of Schedule 1 to that Act.

(2) For the purposes of this Regulation the reference in section 1 of the Pensions (Increase) Act, 1970, to an annual rate and the reference in paragraph 6 of Schedule 1 to that Act to an aggregate annual rate shall be construed, respectively, as a reference to the amount which falls to be increased expressed as an annual rate and as a reference to that amount, after any increase thereof in accordance with Regulations 89, 90, 91, 92, 93, and 94, expressed as an annual rate.

(3) Where it is provided in these Regulations that an amount shall be increased in accordance with this Part of these Regulations, any increase in accordance with this Regulation shall be additional to any increase in accordance with any other provision of this Part of these Regulations."

7. In Regulation 95(b) of the principal Regulations (which relates to the duration of an increase in a child's allowance) for the words " the Pensions (Increase) Acts of 1960, of 1963 and of 1966" there shall be substituted the words "the Pensions (Increase) Acts of 1960, of 1963, of 1966 and of 1970".

8. For paragraph 3(1) of Part 1 of Schedule 2 to the principal Regulations (which provides that a widow entitled to an ordinary pension at the standard rate may elect to receive a pension of an amount determined by reference to her husband's rank in lieu of one calculated by reference to his average pensionable pay) there shall be substituted the following provision :-

"3. - (1) Where in respect of any period a widow so elects, then, subject to paragraph 4, the weekly amount of her ordinary pension in respect of that period shall be, if her husband at the time when he ceased to be a regular policeman -

- (a) held a rank higher than that of inspector, 65s. 2d;
- (b) held the rank of inspector, 52s. 3d;
- (c) held a rank lower than that of inspector, 39s. 4d."

9. For paragraph 1 of Scheme I set out in Part II of Schedule 2 to the principal Regulations (which provides that a widow who is entitled to an ordinary pension at the preserved rate and in whose case Scheme II does not apply shall receive a pension of an amount determined by reference to her husband's rank) there shall be substituted the following provision :-

"1. Subject to paragraphs 2, 3 and 4 of this Scheme, the weekly amount of a widow's ordinary pension shall be, if her husband at the time when he ceased to be a regular policeman -

- (a) held a rank higher than that of inspector, 65s. 2d;
- (b) held the rank of inspector, 52s. 3d;
- (c) held a rank lower than that of inspector, 39s. 4d."

10. For paragraphs 1 and 2 of Part I of Schedule 3 to the principal Regulations (which provide that a child entitled to an ordinary allowance shall receive an allowance determined by reference to the parent's rank) there shall be substituted the following paragraphs :-

"1. Subject to this Part and to Parts III and IV of this Schedule, where one of a child's parents is alive, the child's ordinary allowance shall be the weekly amount in the second column of the following Table set opposite to the rank in the first column of the said Table which the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman :-

TABLE

Parent's Rank	Weekly Amount
	s. d
Higher than Inspector	19. 9
Inspector	15. 11
Lower than Inspector	13. 4

2. Subject to this Part and to Parts III and IV of this Schedule, where the parent in respect of whose death the allowance is payable was the child's only surviving parent, or in respect of the period after the death of the child's other parent, the child's ordinary allowance shall be the weekly amount in the second column of the following Table set opposite to the rank in the first column of the said Table which the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman :-

TABLE

Parent's Rank	Weekly Amount
	s. d
Higher than Inspector	29. 6
Inspector	23. 9
Lower than Inspector	19. 10 "

11. For paragraph 1(1) of Part III of Schedule 3 to the principal Regulations (which provides for the discretionary increase of a child's allowance) there shall be substituted the following provision :-

"(1) Where both parents of the child are dead -

(a) subject to the provisions of the following sub-paragraphs and of Part IV of this Schedule, the weekly amount of a child's ordinary allowance may be increased to an amount not exceeding the amount in the second column of the following Table set opposite to the rank in the first column of the said Table which the parent in respect of whose death the allowance is payable held at the time when he ceased to be a regular policeman :-

TABLE

Parent's Rank	Increased Amount
	s. d
Higher than Inspector	39. 4
Inspector	31. 6
Lower than Inspector	26. 4

- (b) subject to sub-paragraph (4) and to Part IV of this Schedule, the weekly amount of a child's special allowance may be increased to an amount equal to the amount, increased in accordance with Part XI of these Regulations, of 2 fifteenths of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable."

P A R T III

MISCELLANEOUS PROVISION TAKING EFFECT AS FROM 1st JUNE, 1969.

12. For paragraph 2(2) of Part III of Schedule 3 to the principal Regulations (which specifies the amounts up to which children's allowances, in certain cases, may be increased) there shall be substituted the following provision :-

"(2) The appropriate amount referred to in the preceding sub-paragraph shall be -

- (a) irrespective of the date of the father's death, 45s. 6d. in the case of the only or eldest child included in a family within the meaning of the Family Allowances (Isle of Man) Act, 1946, either as originally enacted or as amended by any subsequent enactment;
- (b) where the father died on or after 1st June, 1969 -
- (i) 32s. 6d. in the case of the second child so included, and
- (ii) 30s. 6d. in the case of each subsequent child so included;
- (c) where the father died on or after 9th April, 1968, but before 1st June, 1969 -

- (i) 35s. 6d. in the case of the second child so included, and
 - (ii) 33s. 6d. in the case of each subsequent child so included;
- (d) where the father died before 9th April, 1968 -
- (i) 39s. 6d. in the case of the second child so included;
 - (ii) 37s. 6d. in the case of the third child so included, and
 - (iii) 35s. 0d. in the case of each subsequent child so included."

13. 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 19th day of March, 1970.

P.H.G. STALLARD.

Lieutenant Governor.

Government Office,
Isle of Man.
1970.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Isle of Man Police Pensions Regulations, 1968.

For technical reasons police widows' pensions (other than allocated pensions) and police children's allowances are not eligible for increases directly under the provisions of the Pensions (Increase) Acts. It is the practice therefore on the occasion of each such Act to amend the Police Pensions Regulations to apply appropriate increases to police widows and children's awards. These Regulations make the necessary provision in consequence of the Pensions (Increase) Act, 1970.