

Government Circular No. 78/70
G.O. Reference: No. N.2304/51/5

ISLE OF MAN

NATIONAL INSURANCE

**THE NATIONAL INSURANCE
(OLD PERSONS' AND WIDOWS'
PENSIONS AND ATTENDANCE
ALLOWANCE) (ISLE OF MAN)
ORDER 1970**

The National Insurance (Old persons' and widows' pensions and attendance allowance) (Isle of Man) Order 1970 made on 1st October 1970 by the Lieutenant Governor under the powers conferred on him by subsection (1) of section 1 of the Old Age Pensions, Family Allowances and National Insurance (Isle of Man) Act 1956 and approved by resolution of Tynwald on 20th October 1970.

Explanatory Memorandum ★

1. The Old Age Pensions, Family Allowances and National Insurance (Isle of Man) Act 1956 empowers the Governor, by order, to amend, vary or repeal any of the provisions of the enactments named in the Schedule to that Act (including the National Insurance (Isle of Man) Acts) in such manner as appears to him expedient for the purposes of making such enactments correspond (subject to such modifications or adaptations as he may consider appropriate) with the like enactments on similar subject matters from time to time operating in Great Britain. The provisions of such an order may be made retrospective and shall take effect on such day or days as may be specified in the order, not being earlier than the date from which the corresponding enactments have effect in Great Britain. Any such order must be laid before Tynwald as soon as may be after it is made but does not take effect until approved by resolution of Tynwald. When such an order has been approved by resolution of Tynwald, it has effect as if it were an Act of Tynwald.

2. *Corresponding British legislation.* The provisions of this Order correspond to those enacted in Great Britain by the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970.

3. *Pensions for or in respect of persons over pensionable age on 5th July 1948.* Section 1 of this Order provides retirement pensions, subject to conditions to be laid down in regulations, for persons over pensionable age on 5th July 1948 and for any woman whose husband is entitled to a retirement pension under the section. The persons who benefit will mainly be those excluded by their age from participating in the national insurance scheme which came into operation in 1948: they will include also people of the same age who qualified for contributory pensions under the pre-1948 social security schemes and are now entitled to low rates. The section also enables regulations to be made to provide widows' pensions or retirement pensions for widows whose husbands become entitled to pensions under the section or whose husbands would have acquired title under it had they lived. It further provides for modifying certain of the provisions of the National Insurance (Isle of Man) Act 1948 as amended relating to increases for dependants on their application to pensions payable by virtue of section 1.

- ★ 4. *Widows' pensions.* Sections 2 and 3 of this Order make changes in the provisions of the National Insurance (Isle of Man) Acts 1948 to 1970 relating to widow's pension.

Section 2 provides for a woman who is widowed between 40 and 50 or who ceases to be entitled to widowed mother's allowances between those ages to qualify for a widow's pension at a rate which will depend on her age at that time. The rate will be a proportion of the full pension to which she would have been entitled if over 50 ranging from 93 per cent. of that rate if she was 49 to 30 per cent. if she was 40.

Section 3 repeals the requirement that, to be entitled to widow's pension, a widow must have been married for not less than 3 years, and substitutes a provision under which regulations may limit or exclude the payment of pension in cases where the husband was over 65 at the time of the marriage and died within a year. The same provision applies also to a widow's retirement pension by virtue of her husband's insurance. Section 9(3) and Part II of Schedule II to this Order repeal the corresponding requirement for title to widow's pension payable under the provisions of the National Insurance (Isle of Man) Acts in cases where the husband's death occurred before 21st December 1964. Section 9(2)(a) provides for regulations to make consequential changes in the retirement pension and widow's pension provisions of those Acts.

5. *Attendance Allowance.* Section 4 of this Order provides for a new benefit, called attendance allowance, at the rate of £4 a week, for severely disabled people who are in need of attention by day and night or who need continual supervision and who have been in such need for a period of at least six months. There are no contribution conditions for the allowance, which will be payable subject to conditions as to residence or presence in the Isle of Man to be prescribed by regulations.

Entitlement to the allowance of persons in accommodation provided under Part III of the National Assistance (Isle of Man) Act 1951 (that is persons residing in old persons' homes) is subject to the provisions of regulations. The section includes power to make regulations modifying its application in relation to persons under the age of 16.

Section 5 of this Order achieves the same general purpose as section 5 of the British Act but its provisions differ in certain respects. The British Act provides for the setting up of an Attendance Allowance Board consisting predominantly of medical members. The Attendance Allowance Board will have the duty of determining whether the medical conditions for entitlement to the allowance are satisfied and of advising the Secretary of State for Social Services on such matters concerning attendance allowance as he may refer to them. The Attendance Allowance Board are empowered to delegate their functions in individual cases to medical practitioners.

It is anticipated that the number of claims will be too few to justify setting up an attendance allowance board in the Isle of Man. Instead, section 5 of this Order provides that the Board of Social Security shall appoint attendance allowance medical officers to determine whether the medical conditions for entitlement to the allowance are satisfied. Each claim will be submitted to an attendance allowance medical officer for his certificate as to whether or not the medical conditions for entitlement to the allowance are satisfied. If the determination is adverse to the claimant then the claimant will be informed that if he so desires his claim will be submitted for review jointly by two other attendance allowance medical officers.

Section 6 of this Order contains a number of miscellaneous provisions relating to attendance allowances. The main provisions are for regulations enabling claims for the allowance to be made in advance and for the Board of Social Security to be able to arrange for determinations by attendance allowance medical officers to be reconsidered.

6. *Financial provisions.* Section 7 of this Order provides that payments of retirement pensions under section 1, widows' pensions under section 2 and 3 and attendance allowance under section 4 shall be defrayed out of the Manx National Insurance Fund. The British Act provides for payments of retirement pensions for or in respect of persons over pensionable age on 5th July 1948 and attendance allowances to be defrayed out of moneys provided by Parliament. In the Isle of Man, the National Insurance Fund requires a subvention from Tynwald each year to enable existing commitments to be met. The effect of

charging the cost of the benefits provided by this Order to the National Insurance Fund will be to increase the annual deficit on that Fund falling to be met out of Tynwald moneys. The ultimate effect therefore will be that the cost of the benefits provided by this Order will fall to be met out of Tynwald moneys through an increase in the amount of the Tynwald subvention to keep the Fund in balance but the administrative work and consequently the expense of accounting separately for retirement pensions for or in respect of persons over pensionable age on 5th July 1948 and attendance allowances will be avoided.

Section 7 makes provision to enable adjustments to take place between the accounts relating to the several services administered by the Board and also for payments to attendance allowance medical officers and others in connection with attendance allowance claims.

7. *Supplemental.* Section 8 of this Order contains certain definitions for the purposes of the Order and provides that benefit shall not be payable by virtue of the Order in respect of any period which precedes the date set out therein.

8. *Consequential modifications.* Section 9 of this Order makes provision for the consequential amendments of existing legislation which are set out in Part I of Schedule 1 and for the repeals which are set out in Part II of that Schedule. This section also empowers the Board by regulations to modify the provisions of the National Insurance (Isle of Man) Act 1948 as amended as appropriate in consequence of the provisions of this Order.

9. *Citation and commencement.* Section 10 of this Order contains the short title and provides for citation with existing National Insurance legislation and for the commencement of the several provisions of the Order.

10. *Schedule 1* sets out the appointed days for the coming into force of the provisions of this Order.

11. *Schedule 2* to this Order is in two Parts. Part I lists the amendments of existing legislation necessary in consequence of the provisions of this Order. Part II lists consequential repeals.

12. *Financial effect of this Order.* The financial effects of the provisions of this Order are estimated as follows—

	<i>Estimate for a full year</i>	<i>Estimate for period of 5 months ending 31 March 1971</i>
Retirement pensions for or in respect of persons excluded from the national insurance scheme in 1948 on the ground of age	33,500 ⁽¹⁾	14,000
Deduct reduction in expenditure on supplementary benefit ...	10,000 ⁽²⁾	4,200
	23,500	9,800
Uprating of existing pensions payable at low rates to men over 87 and women over 82	500 ⁽³⁾	200
Widows' pensions—reduction of minimum age limit	17,000 ⁽⁴⁾	—
Abolition of “three years marriage rule”	— ⁽⁵⁾	—
Attendance allowances	12,500 ⁽⁶⁾	—
Administration expenses	700	500
	54,200	10,500

NOTES

- (1) In view of the high age of these pensioners (men over 87 and women over 82) it must be anticipated that their number and therefore the cost of pensions will fall rapidly. There will be a small number of younger women eligible to benefit as the widows of men who would have been entitled to pensions under this Order had they lived.
- (2) The reduction in expenditure on supplementary benefit in consequence of the award of retirement pensions under this Order will be proportionate to the number of such pensions in payment and this amount will accordingly fall each year.
- (3) There are at present only 4 pensioners whose pension rate will be increased in consequence of the provisions of this Order and in view of their high ages the item must soon decrease.
- (4) It is expected that up to about 100 widows may become entitled to partial pensions in consequence of the reduction in the minimum age limit and that the cost of this provision will increase gradually for a number of years. Few widows without children are in receipt of supplementary benefit and there will not be a substantial saving immediately under that heading. This provision does not take effect until April 1971.
- (5) Very few widows' benefit claims have been disallowed because of the “three years marriage rule” and there is not likely to be any appreciable increase in expenditure because of its abolition.
- (6) Provision has been made in this estimate for 60 allowances.

**THE NATIONAL INSURANCE
(OLD PERSONS' AND WIDOWS'
PENSIONS AND ATTENDANCE
ALLOWANCE) (ISLE OF MAN)
ORDER 1970**

ARRANGEMENT OF SECTIONS

SECTION

1. Pensions for or in respect of persons over pensionable age on 5th July 1948.
2. Pensions for widows aged 40 to 50.
3. Further relaxation of conditions for widow's pension and for wife's retirement pension by virtue of her husband's insurance.
4. Attendance allowance.
5. Attendance allowance medical officers.
6. Additional provisions with respect to attendance allowance.
7. Financial provisions.
8. Supplemental.
9. Consequential modifications of enactments and regulations.
10. Citation and commencement.

SCHEDULES:

Schedule 1—Appointed days for the commencement of this Order.

Schedule 2—Consequential amendments of enactments, orders and regulations and repeals of enactments.

Part I—Amendments.

Part II—Repeals.

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By HIS EXCELLENCY SIR PETER HYLGA GAWNE STALLARD,
K.C.M.G., C.V.O., M.B.E., Lieutenant Governor of the said
Isle, etc., etc., etc.

I, the said Lieutenant Governor, by virtue of the powers conferred on me by subsection (1) of section 1 of the Old Age Pensions, Family Allowances and National Insurance (Isle of Man) Act 1956 and of all other powers enabling me in that behalf DO hereby make the following Order:—

1. (1) Subject to the provisions of the principal Act and this Order—

Pensions for or in respect of persons over pensionable age on 5th July 1948.

- (a) a person who was over pensionable age on 5th July 1948 and satisfies such conditions as may be prescribed shall be entitled to a retirement pension payable for life at such weekly rate not exceeding £3 as may be prescribed; and
- (b) a woman whose husband is entitled to a retirement pension by virtue of the preceding paragraph shall, if she is over pensionable age and has retired from regular employment and satisfies such other conditions as may be prescribed, be entitled to a retirement pension payable for life at such weekly rate not exceeding £1 17s. 0d. (and, as from 14th February 1971, not exceeding £1.85) as may be prescribed;

and provision may be made by regulations for the payment of widow's benefit or a retirement pension at prescribed rates to a widow whose husband was over pensionable age on 5th July 1948 or to a woman whose marriage to a husband who was over pensionable age on that date was terminated otherwise than by his death.

- (2) Provision may also be made by regulations for—
- (a) modifying paragraph (b) of section 22(3) of the principal Act (which relates to increases of retirement pension which are payable in respect of children) so as to secure that the cases to which that paragraph applies include cases where the man or his wife is entitled to a retirement pension by virtue of the preceding subsection; and
 - (b) reducing the amount by which, apart from this subsection, a retirement pension payable by virtue of paragraph (a) of the preceding subsection falls to be increased in pursuance of section 23 of the principal Act (which relates to increases for adult dependants);

and except so far as regulations provide otherwise any reference in the principal Act to a retirement pension for a woman by virtue of her husband's insurance shall be construed as including a reference to a retirement pension for a woman by virtue of paragraph (b) of the preceding subsection.

Pensions for
widows aged
40 to 50.

2. (1) In section 16 of the principal Act (which relates to widow's pension and includes among the conditions on which such a pension is payable the condition that the widow had attained the age of fifty at the relevant time there specified)—

- (a) for the word "fifty" in subsection (1) (c) there shall be substituted the word "forty"; and
- (b) after subsection (2) there shall be inserted the following subsection:—

(2A) The weekly rate of a widow's pension payable to a widow who was under the age of fifty at the time when her husband died shall be reduced by an amount equal to 7 per cent. of its amount apart from this subsection multiplied by the number of years by which her age at that time was less than fifty (any fraction of a year being counted as a year).

◆ (2) In section 17 of the principal Act (which relates to widow's pensions in special cases and includes among the conditions on which such a pension is payable the condition that the widow has attained the age of fifty at the relevant time there specified)—

(a) for the word “fifty” in subsection (1)(a) there shall be substituted the word “forty”; and

(b) after subsection (1) there shall be inserted the following subsection :—

(1A) The weekly rate of a widow's pension payable to a widow who is under the age of fifty at the time when she ceased to be entitled to a widowed mother's allowance shall be reduced by an amount equal to 7 per cent. of its amount apart from this subsection multiplied by the number of years by which her age at that time was less than fifty (any fraction of a year being counted as a year).

◆ **3.** In section 16(1)(c) of the principal Act (which relates to widow's benefit), the words “he and the widow had been married for not less than three years and” and, in section 17 of that Act (which relates to widows' pensions in special cases), in subsection (1), paragraph (b), in subsection (4), paragraph (b) and the words “and the said three years had elapsed.” and subsection (5) and, in section 20(1) of that Act, paragraph (iii) (under which a woman may be required to satisfy additional prescribed conditions in order to qualify for a retirement pension by virtue of the insurance of a husband whom she married after attaining pensionable age) shall cease to have effect; but regulations may provide that, where a husband attained pensionable age before the date of the marriage and died within the period of one year beginning with that date, a widow's pension shall not be payable to his widow in pursuance of section 16 of the principal Act and a retirement pension shall not be payable to her by virtue of his insurance or shall in either case be so payable at a reduced rate ascertained in the prescribed manner.

Further relaxation of conditions for widow's pension and for wife's retirement pension by virtue of her husband's insurance.

◆ **4.** (1) There shall be an additional description of benefit under the principal Act which shall be called attendance allowance.

Attendance allowance.

*The National Insurance (Old [19 & 20 ELIZ. II]
persons' and widows' pensions and attendance
allowance) (Isle of Man) Order 1970*

(2) Subject to the provisions of the principal Act and this Order, a person shall be entitled to an attendance allowance at the weekly rate of £4 if he satisfies prescribed conditions as to residence or presence in the Isle of Man and either—

- (a) he is so severely disabled physically or mentally that he requires from another person, in connection with his bodily functions, frequent attention throughout the day and prolonged or repeated attention during the night; or
- (b) he is so severely disabled physically or mentally that he requires continual supervision from another person in order to avoid substantial danger to himself or others.

(3) Subject to the following provisions of this section, the period for which an attendance allowance is payable to any person shall be that specified in a certificate issued in respect of him by an attendance allowance medical officer or attendance allowance medical officers as the case may be appointed under the provisions of the following section as being a period throughout which he has satisfied or is likely to satisfy one of the conditions mentioned in paragraphs (a) and (b) of the preceding subsection and which is immediately preceded by a period of not less than six months throughout which he satisfied or is likely to satisfy such a condition.

(4) An attendance allowance shall not be payable to a person for any period preceding the date on which he makes a claim for it, and regulations may provide that an attendance allowance shall not be payable to a person in respect of any period when he is a person for whom accommodation is provided in pursuance of Part III of the National Assistance (Isle of Man) Act 1951.

(5) Regulations may provide that subsections (2) to (4) of this section, and any other provision of this Act so far as the provision relates to any of those subsections, shall have effect in relation to a severely disabled person who is under the age of sixteen subject to such modifications as may be prescribed; but nothing in this subsection authorises any increase in the rate of attendance allowance.

▲ 5. (1) For the purposes of this Order, the Board shall appoint such number of attendance allowance medical officers (being registered medical practitioners) as the Board may from time to time decide. Attendance allowance medical officers.

(2) Where a claim for an attendance allowance is allowable subject to one of the conditions mentioned in paragraphs (a) and (b) of section 4 (2) of this Order being satisfied, an insurance officer shall refer that question to an attendance allowance medical officer.

(3) An attendance allowance medical officer to whom a claim is referred under the provisions of the last foregoing subsection shall proceed to determine whether one of the conditions mentioned in paragraphs (a) and (b) of section 4 (2) of this Order is satisfied by the claimant and, if he so determines, he shall issue to the Board a certificate in pursuance of section 4(3) of this Order.

◆ (4) If, on being notified in writing by the Board that an attendance allowance medical officer has determined that neither of the conditions mentioned in paragraphs (a) and (b) of section 4(2) of this Order is satisfied, the claimant gives written notice to the Board, within the limit of time prescribed in the next following subsection, that he so desires, an insurance officer shall refer the claim to two attendance allowance medical officers, not including the attendance allowance medical officer who has already adjudicated upon that claim, who jointly, may issue a certificate to the Board in pursuance of section 4(3) of this Order if they consider it appropriate to do so.

(5) The limit of time referred to in the last preceding subsection shall be a period of twenty-one days after the date on which the claimant was notified in writing that an attendance allowance medical officer has certified that he does not satisfy either of the conditions mentioned in paragraphs (a) and (b) of section 4(2) of this Order provided that, on good cause for delay being shown, an insurance officer may extend that period.

(6) An attendance allowance medical officer may refer any individual case for investigation and report to one or more persons specially qualified in his opinion to investigate that case.

(7) Regulations may make provision as to the procedure of attendance allowance medical officers but, subject to the provisions of this Order and any regulations made under this subsection, attendance allowance medical officers may regulate their own procedure.

Additional provisions with respect to attendance allowance.

6. (1) Regulations may provide—

- (a) for a claim for an attendance allowance to be made during the period of six months mentioned in section 4(3) of this Order and for an award to be made in pursuance of the claim subject to the condition that the person to whom the claim relates satisfies a condition there mentioned throughout that period;
- (b) for the review of such an award if at any time it is found that no condition so mentioned was satisfied at some time during the period of the award or the interval between the making of the award and the beginning of that period.

(2) Notwithstanding anything in Part III of the principal Act but subject to the following provisions of this section, any question whether a person satisfies or has satisfied or is likely to satisfy for any period the condition set out in paragraph (a) or paragraph (b) of section 4(2) of this Order shall be determined by an attendance allowance medical officer or officers as the case may be.

(3) The Board may require an attendance allowance medical officer—

- (a) at any time to review a determination made in pursuance of the preceding subsection or this subsection if it appears to the Board that there may have been a relevant change of circumstances since the determination was made or that the determination was made in ignorance of a material fact or was based on a mistake as to a material fact;
- (b) within the prescribed period to review such a determination on any ground;

and the attendance allowance medical officer may issue a

certificate in pursuance of section 4(3) of this Order or revoke or alter a certificate so issued if he considers it appropriate to do so.

(4) If on being notified in writing by the Board that, on a review of a determination under the provisions of the last foregoing subsection, an attendance allowance medical officer has revoked or altered a certificate issued in pursuance of section 4(3) of this Order, the person named in the said certificate gives written notice to the Board, within the limit of time prescribed in the next following subsection, that he so desires, an insurance officer shall refer the question to two attendance allowance medical officers, not including the attendance allowance medical officer who determined that the certificate be revoked or altered, who, jointly, shall reconsider the question and may renew, revoke or alter the certificate if they consider it appropriate to do so.

(5) The limit of time referred to in the last preceding subsection shall be a period of twenty-one days after the date on which written notice of the determination to revoke or alter the certificate issued in pursuance of section 4(3) of this Order was given to the person named in the said certificate provided that, on good cause for delay being shown, an insurance officer may extend that period.

7. (1) Payments of benefit made by virtue of sections 1, 2 and 3 of this Order and payments of attendance allowance shall be defrayed out of the Manx National Insurance Fund.

Financial provisions.

(2) Subject to the provisions of section 37 of the principal Act for reimbursement out of the Manx National Insurance Fund, there shall be paid out of moneys provided by Tynwald any increase attributable to this Order in the expenses of the Board or any other government departments which are so payable under that section.

(3) There shall be made out of the Manx National Insurance Fund, the Industrial Injuries Fund or moneys provided by Tynwald for family allowances or benefit under the Isle of Man Board of Social Security Act 1970 such payments by way of adjustment as the Board determines in accordance with any directions of the Governor are appropriate in consequence of the operation of any enactment relating to the repayment of benefit or other payments

or the offsetting of benefit or other payments against other benefit or payments. ▲

(4) The Board may pay—

- (a) to an attendance allowance medical officer appointed under the provisions of this Order such remuneration and such travelling allowances; and
- (b) such other expenses in connection with claims for attendance allowances;

as the Board, with the consent of the Governor, may determine.

(5) The Board may pay to any person required under this Order to attend for or submit himself to medical or other examination such travelling and other allowances as the Board, with the consent of the Governor, may determine.

(6) In this section, references to travelling and other allowances include references to compensation for loss of remunerative time: ▲

Provided that such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this section.

Supplemental. **8.** (1) In this Order—

“the appointed day” in relation to any provision of this Order shall be the day prescribed in Schedule 1 to this Order in relation to that provision;

“the Board” means the Isle of Man Board of Social Security;

“modifications” includes additions, omissions and amendments, and “modifying” shall be construed accordingly; and

“the principal Act” means the National Insurance (Isle of Man) Act 1948;

and references in this Order to any enactment are referen- ●

ces to it as amended by or under any other enactment or any order.

(2) This Order shall be construed as one with the principal Act.

(3) Except in prescribed cases, any benefit attributable to this Order except attendance allowance may be paid without a claim being made for it.

(4) Benefit shall not be payable by virtue of this Order for any period which precedes—

(a) in the case of any benefit payable under or by virtue of section 1 thereof, 2nd November 1970;

(b) in the case of any benefit payable by virtue of section 2, 3 or 9(2)(a) thereof, 5th April 1971;

(c) in the case of any allowance payable under section 4 thereof, the date appointed by the Secretary of State for Social Services under section 8(8) of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970 (an Act of Parliament) for the purposes of section 4 of that Act.

9. (1) The enactments, orders and regulations specified in Part I of Schedule 2 to this Order shall have effect subject to the amendments there specified (which are consequential on other provisions of this Order).

Consequential
modifications
of enactments
and
regulations.

(2) Regulations may make –

(a) such modifications of the provisions of the principal Act relating to retirement pension and widow's pension as the Board considers appropriate in consequence of the passing of the provisions of this Order relating to widow's pension;

(b) such modifications of Part III of the principal Act (which relates to the determination of claims and questions) as the Board considers appropriate in consequence of the passing of the provisions of this Order relating to attendance allowance.

10 *The National Insurance (Old [19 & 20 ELIZ. II]
persons' and widows' pensions and attendance
allowance) (Isle of Man) Order 1970*

(3) The enactments mentioned in the first column of Part II of Schedule 2 to this Order are hereby repealed to the extent specified in the second column of the said Part II.

Citation and commencement.

10. (1) This Order may be cited as the National Insurance (Old persons' and widows' pensions and attendance allowance) (Isle of Man) Order 1970, and shall be included among the Acts and Orders which may be cited together as the National Insurance (Isle of Man) Acts 1948 to 1970.

(2) Schedule 1 to this Order shall have effect with respect to the commencement of this Order.

Schedules

SCHEDULE 1

Section 10 (2).

APPOINTED DAYS FOR THE COMMENCEMENT OF THIS ORDER

<i>Provision of this Order</i> (1)	<i>Subject matter</i> (2)	<i>Appointed day</i> (3)
Section 1	Benefit for or in respect of persons over pensionable age on 5th July 1948	2nd November 1970
Sections 2 and 3	Widow's pension and retirement pension by virtue of a husband's insurance	5th April 1971
Section 4	Attendance allowance	The date appointed by the Secretary of State for Social Services for the purposes of section 4 of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970 (an Act of Parliament)
Section 5	Attendance allowance medical officers	2nd November 1970
Section 6	Additional provisions with respect to attendance allowance	The date appointed by the Secretary of State for Social Services for the purposes of section 6 of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970 (an Act of Parliament)
Section 7	Financial provisions	2nd November 1970
Section 8	Supplemental provisions	2nd November 1970

<i>Provision of this Order</i> (1)	<i>Subject matter</i> (2)	<i>Appointed day</i> (3)
Section 9(1)	The amendments specified in paragraphs 1 and 5 of Part I of Schedule 2 to this Order	2nd November 1970
	The amendments specified in paragraphs 2, 3, 4, 6, 7, 8 and 9 of the said Part I	The date appointed by the Secretary of State for Social Services for the purposes of paragraphs 5, 6, 7, 9, 11, 12 and 13 of Part I of Schedule 2 to the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970 (an Act of Parliament)
Section 9(2)	Regulations	2nd November 1970
Section 9(3)	The repeals specified in Part II of Schedule 2 to this Order relating to sections 16, 17 and 20 of the National Insurance (Isle of Man) Act 1948	5th April 1971
	The other repeals specified in the said Part II	2nd November 1970
Section 10	Citation and commencement	2nd November 1970

SCHEDULE 2

Section 9.

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS,
ORDERS AND REGULATIONS AND REPEALS OF
ENACTMENTS

PART I

AMENDMENTS

The National Insurance (Isle of Man) Act 1948

1. In section 27(4) of that Act (under which a claim for benefit may be treated as a claim for another benefit or payment) after the words "Injuries Act" in the second place where they occur there shall be inserted the words "or the Isle of Man Board of Social Security Act 1970".

2. In subsections (1) and (3) of section 56 of that Act (which relates to reciprocal arrangements with the United Kingdom or other countries) after the words "respect of" in the second place where they occur in each of those subsections there shall be inserted the words "the need of handicapped persons for attendance".

*The National Insurance (Industrial Injuries)
(Isle of Man) Act 1948*

3. In section 14(3) of the National Insurance (Industrial Injuries) (Isle of Man) Act 1948 (which provides that while a person entitled to a disablement pension is receiving free treatment as an in-patient, no increase of the pension by reference to his need for constant attendance is to be made under that section) for the words from "no" onwards there shall be substituted the words "regulations may provide for adjusting such an increase or the conditions for the receipt of it where the beneficiary is undergoing medical or other treatment as an in-patient in a hospital or similar institution and may provide for suspending payment of such an increase to a beneficiary while he is undergoing such treatment".

The Isle of Man Board of Social Security Act 1970

4. In section 15(1)(a) of the Isle of Man Board of Social Security Act 1970 (which relates to the prevention of duplication of payments) after the word "benefit" there shall be inserted the words "attendance allowance".

Family Allowances and National Insurance Order 1962

5. In section 8(1) of that Order (which provides for the recovery of overpayments of benefit) after the words "any benefit" there shall be inserted the words "(including attendance allowance and other benefit attributable to the National Insurance (Old persons' and widows' pensions and attendance allowance) (Isle of Man) Order 1970) which was".

*The National Insurance (Old [19 & 20 ELIZ. II]
persons' and widows' pensions and attendance
allowance) (Isle of Man) Order 1970*

The National Insurance Order 1966

6. In section 8(2) of the National Insurance Order 1966 (which provides for the determination of certain questions) after the words "Insurance Act 1961" there shall be inserted the words "or section 6(2) of the National Insurance (Old persons' and widows' pensions and attendance allowance) (Isle of Man) Order 1970".

*The National Insurance (Determination of Claims and
Questions) Regulations 1949*

7. In regulation 11(1) of those Regulations (which relates to appeals from insurance officers) after the word "Act" there shall be inserted the words "or section 6(2) of the National Insurance (Old persons' and widows' pensions and attendance allowance) (Isle of Man) Order 1970".

8. In regulation 22(1) of those Regulations (which provides for the referring of special questions) after the word "Act" there shall be inserted the words "or section 6(2) of the National Insurance (Old persons' and widows' pensions and attendance allowance) (Isle of Man) Order 1970" and after the word "subsection" in paragraph (a) there shall be inserted the words "or, as the case may be, the said section 6(2)".

9. In regulation 18(1) of those Regulations (which relates to the review of decisions) after the word "Act" where it first occurs in paragraph (c) there shall be inserted the words "or section 6(2) of the National Insurance (Old persons' and widows' pensions and attendance allowance) (Isle of Man) Order 1970" and after the word "thereunder" there shall be inserted the words "or reviewed in accordance with section 6(3) of the National Insurance (Old persons' and widows' pensions and attendance allowance) (Isle of Man) Order 1970".

PART II

REPEALS

<i>Short title</i>	<i>Extent of Repeal</i>
The National Insurance (Isle of Man) Act 1948	In section 16(1)(c), the words " he and the widow had been married for not less than three years and " In section 17(1), paragraph (b) and the word " and " in paragraph (a). In section 17(4), paragraph (b) and the word " and " in paragraph (a). In section 17, subsection (5). In section 20(1), paragraph (iii) and the word " and " in paragraph (ii). In sections 43(1), 43(2) and 43(3), the words from " and any " onwards. In section 56(4) (d), the words from " by payments " onwards.
The Isle of Man Board of Social Security Act 1970	In section 15, subsection (2). In section 24(4), the words from " and where " onwards.

GIVEN under my hand this First day of October, 1970.

P. H. G. STALLARD,
Lieutenant Governor.

