



THE SUPERANNUATION ACT 1984

THE GAIETY THEATRE AND SUMMERLAND  
SUPERANNUATION SCHEME 1998

*Approved by Tynwald*      28th April      1998

*Coming into operation*      1st May 1998

In exercise of the powers conferred on the Civil Service Commission by section 1(1) of the Superannuation Act 1984(a), and of all other enabling powers, the following Scheme is hereby made —

**Citation and commencement**

1. This Scheme may be cited as the Gaiety Theatre and Summerland Superannuation Scheme 1998 and, subject to section 12(1) of the Act, shall come into operation on the 1st May 1998.

**Interpretation**

2. (1) In this Scheme —

"the Act" means the Superannuation Act 1984;

"the Department" means the Department of Tourism and Leisure;

"the Civil Service Scheme" means the Principal Civil Service Pension Scheme 1974, being a scheme made under section 1 of the Superannuation Act 1972(b) (an Act of Parliament), and in paragraph 5 means that Scheme as modified by paragraph 3;

"the Commission" means the Civil Service Commission.

(2) In this Scheme "relevant officer" means a person who is employed by the Department in an administrative, professional, technical or clerical capacity in connection with any of the premises specified in sub-paragraph (3), being a person —

(a) who is so employed on a permanent basis, or

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(a) 1984 c.8 (b) 1972 c.11

- (b) who is so employed for a fixed term exceeding 12 months and in respect of whom the Commission has by an instrument in writing directed that this Scheme shall apply to him.
- (3) The premises referred to in sub-paragraph (2) are —
  - (a) the Gaiety Theatre, Douglas;
  - (b) the leisure facilities at Derby Castle, Douglas known as Summerland.

### **Application of Civil Service Scheme to relevant officers**

3. For the purpose of providing superannuation for relevant officers, the Civil Service Scheme shall apply to the Island subject to —
- (a) the following provisions of this Scheme;
  - (b) the modifications that, for references to persons serving in the civil service there shall be substituted references to relevant officers; and
  - (c) such other modifications subject to which the Civil Service Scheme for the time being applies to the Island for the purpose of providing superannuation for civil servants.

### **Medical examination**

4. (1) This Scheme shall not apply to a relevant officer unless he has been examined by a registered medical practitioner nominated by the Commission, who has reported to the Commission that the officer's state of health is satisfactory for the purpose of this scheme.

(2) Within 14 days of receipt of a report under sub-paragraph (1) the Commission shall in accordance with the report notify the officer in writing whether or not the scheme will apply to him and, if so, from what date.

### **Contributions**

5. (1) Subject to the provisions of this paragraph, for the purpose of defraying benefits under this scheme contributions shall be paid to the Treasury by relevant officers.

(2) The contribution of a relevant officer shall be 6 per cent. of his pensionable pay for the time being (which shall be deemed to include the contribution payable under paragraph 4.9 (spouses' benefits) of the Civil Service Scheme).

(3) An officer on sick leave on full pay, or full pay reduced solely by reason of his having become entitled to benefit under a statutory provision relating to social security, or half pay, shall make contributions under this paragraph at the rate specified in sub-paragraph (2)(a) on the total pensionable pay on which he was making contributions immediately before he went on leave of absence.

(4) The period of absence in respect of which contributions have been made under sub-paragraph (3) shall reckon in full for the purposes of the Civil Service Scheme.

(5) The Schedule shall have effect with respect to the return of an officer's contributions.

### **Revocation and transitional provision**

6. (1) The Gaiety Theatre Staff Superannuation Scheme 1989(c) is revoked.

(2) This Scheme shall apply to any person to whom the said Scheme applied (whether as a member or as a beneficiary) before the coming into operation of this Scheme, with effect from the date on which that Scheme first applied to him, as if this Scheme had then been in force.

Paragraph 5(5).

### **SCHEDULE**

#### **RETURN OF CONTRIBUTIONS**

1. (1) Subject to the following provisions of this Schedule, a person who on ceasing to be a relevant officer does not become entitled to receive payment or any other benefit under this scheme shall be entitled to receive from the Treasury a return of his contributions which, if he ceased to be a relevant officer otherwise than at his own request and otherwise than as a result of his misconduct or inefficiency, shall be increased by an amount equal to compound interest thereon.

(2) In this Schedule "contributions" include only sums which -

(a) have not been returned to the officer or, if they have been returned to him, he has repaid the amount he received and any further amount which he is required under this scheme to pay; and

(b) are attributable to service which was reckonable under this scheme immediately before he ceased to be a relevant officer and in respect of which he has not become entitled to a benefit under this scheme and no transfer payment has been made.

2. This Schedule is subject to section 61 (deduction of premium) of the Pension Schemes Act 1993(d) (an Act of Parliament), as it has effect in the Island(e).

3. A person shall not be entitled to a return of contributions in respect of any period of service -

(a) if on ceasing to be an officer he has completed 2 years' service; or

(b) in contracted-out employment for which no contributions equivalent premium has been paid.

4. (1) Where under this Schedule provision is made for the calculation of compound interest on the contributions of a relevant officer, that calculation shall be at the rate of 3 per cent. per annum, with yearly rests, up to the date on which he ceased to be a relevant officer, and shall begin to run from the first day of the year commencing on the 1st April following the year in which the contributions were made.

(2) If any of the contributions were made under an enactment or scheme in the benefits of which the relevant officer participated before becoming a relevant officer, and that enactment or scheme made provision for the calculation of interest on contributions returned thereunder in a different manner from that provided by this paragraph, interest on the contributions so made shall be calculated in the manner provided by the enactment or scheme in the benefits of which the officer last participated before becoming a relevant officer up to the date on which he became a relevant officer or, if he received a return of those contributions before that date, up to the date of such return.

(3) Where a relevant officer, having received a return of contributions on or after ceasing to hold some former employment, has paid or repaid those contributions to the Treasury, then —

- (a) if those contributions were returned without interest, the interest thereon shall not begin to run until the 1st April in the year following that in which those contributions were repaid; and
- (b) if those contributions were returned with interest, no interest shall be calculated thereon between the date on which they were returned and the 1st April in the year following that in which they were so paid or repaid.

MADE

9th March

1998

*George H. Walford*

Chairman of the Civil Service Commission

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#### EXPLANATORY NOTE

(This note is not part of the Scheme.)

This Scheme makes provision for the superannuation of the staff of the Gaiety Theatre and Summerland, and replaces the Gaiety Theatre Staff Superannuation Scheme 1989. The civil service pension scheme is applied with modifications, the principal of which is that the Scheme is contributory (paragraph 4).