



Statutory Document No.61/03

THE SUPERANNUATION ACT 1984

THE LOCAL GOVERNMENT SUPERANNUATION SCHEME 2003

Approved by Tynwald

20th February 2003

Coming into operation

In accordance with article 1(2)

In exercise of the powers conferred on the Department of Local Government and the Environment by sections 8 and 12(2) and (3) of the Superannuation Act 1984¹, and of all other enabling powers, the following Scheme is hereby made:—

1. Citation, commencement and interpretation

(1) This Scheme may be cited as the Local Government Superannuation Scheme 2003.

(2) Subject to section 12(1) of the Superannuation Act 1984, this Scheme

(a) so far as it relates to any of the applied Regulations, shall be deemed to have come into operation on the date on which such regulations came into force in England and Wales;

(b) otherwise, shall come into operation on the 1st April 2003.

(3) In this Scheme "the applied Regulations" means the regulations specified in Schedule 1, being regulations made under section 7 and (so far as it relates to persons to whom the said section 7 applies) section 24 of the Superannuation Act 1972 (an Act of Parliament)².

2. Application of Regulations

The applied Regulations shall apply to the Island subject to the modifications specified in Schedule 2.

3. Revocation and transitional provision

(1) The following schemes are revoked —

¹ 1984 c.8

² 1972 c.11

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- (a) the Local Government Superannuation Scheme 1988³; and
- (b) the Local Government Superannuation (Amendment) Scheme 1990⁴.

(2) Without prejudice to any provision of the applied Regulations, as they have effect in the Island by virtue of article 2, those regulations shall have effect as if anything done, or treated as done, under or for the purposes of—

- (a) the Local Government Pension Scheme Regulations 1995⁵, or
- (b) the Local Government (Compensation for Premature Retirement) Regulations 1982⁶,

as applied by any scheme mentioned in paragraph (1), had been done under or for the purposes of the corresponding provision of the applied Regulations.

³ GC 262/88

⁴ GC 438/90

⁵ SI 1995/1019

⁶ SI 1982/1009

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Article 1(3).

SCHEDULE 1

THE APPLIED REGULATIONS

<i>Reference</i>	<i>Title</i>
SI 1996/1680	The Local Government (Discretionary Payments) Regulations 1996.
SI 1997/1612	The Local Government Pension Scheme Regulations 1997.
SI 1997/1613	The Local Government Pension Scheme (Transitional Provisions) Regulations 1997.
SI 1998/1238	The Local Government Pension Scheme Regulations 1997 (Amendment) Regulations 1998.
SI 1998/1831	The Local Government Pension Scheme (Management and Investment of Funds) Regulations 1998.
SI 1998/2118	The Local Government Pension Scheme (Transitional Provisions etc.) (Amendment) Regulations 1998.
SI 1999/502	The Local Government (Discretionary Payments) (Amendment) Regulations 1999.
SI 1999/1212	The Local Government Pension Scheme (Miscellaneous Provisions) Regulations 1999.
SI 1999/3259	The Local Government Pension Scheme (Management and Investment of Funds) (Amendment) Regulations 1999
SI 1999/3438	The Local Government Pension Scheme (Amendment etc.) Regulations 1999.
SI 2000/1005	The Local Government Pension Scheme (Amendment) Regulations 2000.
SI 2000/1410	The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000.
SI 2000/3025	The Local Government Pension Scheme (Pension Sharing on Divorce) Regulations 2000
SI 2001/770	The Local Government Pension Scheme (Miscellaneous) Regulations 2001
SI 2001/1481	The Local Government Pension Scheme (Amendments) Regulations 2001
SI 2001/3401	The Local Government Pension Scheme (Amendment) (No. 2) Regulations 2002
SI 2002/206	The Local Government Pension Scheme (Amendment) Regulations 2002
SI 2002/769	The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) (Miscellaneous) Regulations 2002
SI 2002/1852	The Local Government Pension Scheme (Management and Investment of Funds) (Amendment) Regulations 2002

Regulation 2.

SCHEDULE 2

MODIFICATIONS OF THE APPLIED REGULATIONS IN THEIR APPLICATION TO THE ISLAND

PART 1

GENERAL MODIFICATIONS

1. Subject to the following provisions of this Schedule, references to matters specified in column 1 of the following table shall be read as references to the corresponding matters specified in column 2 of the table —

any Act of Parliament or statutory instrument (including the applied Regulations) applied to the Island by or under an Act of Tynwald or Act of Parliament	the Act or instrument as it has effect in the Island
any repealed enactment relating to national insurance	the corresponding enactment which had effect in the Island
the Secretary of State	the Department of Local Government and the Environment
the Commissioners of Inland Revenue	the Assessor of Income Tax
the Pensions (Increase) Acts or any of those Acts	the Pensions (Increase) Act 1974 ⁷
England and Wales	the Island
the United Kingdom	the Island
Parliament	Tynwald

PART 2

PARTICULAR MODIFICATIONS OF SI 1996/1680

2. In regulation 2(1), omit the references to "the 1972 Act" and "the 1978 Act".
3. Omit regulations 3 and 4.
4. In regulation 5(1) —
 - (a) omit the definitions of "the 1965 Regulations" and "relevant Scottish employer";
 - (b) in the definition of "excepted payment", for paragraph (a) substitute —
 - "(a) a redundancy payment to which he is entitled under the Redundancy Payments Act 1990 (an Act of Tynwald)⁸ in respect of the cessation of his former employment (including any amount by which that payment is reduced in accordance with the Redundancy Payments (Pensions) Regulations 1990⁹);".
5. In regulation 6, omit paragraphs (1)(c) and (3).
6. In regulation 8, omit paragraph (5)(a) and (b).
7. (1) In regulation 12(1)(b), for heads (i) and (ii) substitute "a redundancy payment to which he is entitled under the Redundancy Payments Act 1990 (an Act of Tynwald)".

⁷ 1974 c.27

⁸ 1990 c.18

⁹ GC 337/90

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(2) In regulation 12(3), for "the 1965 Regulations" substitute "the Redundancy Payments (Pensions) Regulations 1990".

8. In regulations 15(4) and 16(2), omit "or a relevant Scottish employer".
9. Omit Part IV (regulation 32).
10. In regulation 45(7), omit "(but see paragraph 9(4) of Schedule 2)".
11. Omit regulation 44 and Schedule 2.
12. In Schedule 1, omit paragraphs 1(1)(b) and (c), 2 and 10.
13. In Schedule 4, omit paragraphs 1, 2, 3, 5, 6 and 7.

PART 3

PARTICULAR MODIFICATIONS OF SI 1997/1612

14. Omit regulation 3.
15. (1) In regulation 4(3), for "a body which is listed in Schedule 2" substitute "a local authority (other than the local authority for a parish district)".
(2) For regulation 4(6) substitute
"(6) A resolution body is —
(a) the local authority for a parish district, OR
(b) a joint board within the meaning of the Local Government Act 1985 (an Act of Tynwald)¹⁰".
16. (1) In regulation 5(3), omit heads (d) to (h).
(2) Omit regulation 5(7) and (8).
(3) In regulation 5(11), omit the words from "and, in the case" onwards.
(4) In regulation 5(12), omit the words from "within the time" to " Taxes Act".
(5) Omit regulation 5(13).
(6) In regulation 5(17), omit heads (a) to (d) and (f) to (j).
17. In regulation 13(2), omit sub-paragraph (g).
18. (1) In regulation 14, omit paragraph (3)(c) and (6).
(2) In regulation 14(7), for "Chapter I of Part XIV of the Employment Rights Act 1996" substitute "Schedule 7 to the Employment Act 1991 (an Act of Tynwald)¹¹".
19. In regulation 16(3), for "Part XIV of the Taxes Act" substitute "the Income Tax (Retirement Benefit Schemes) Act 1978¹² or Part I of the Income Tax Act 1989¹³ (Acts of Tynwald)".
20. In regulation 18(4), omit the words from "(disregarding" onwards.
21. In regulation 20B(2) (inserted by SI 2000/2035), for the words from "them" onwards substitute "him".
22. In regulation 26, omit paragraph (3).
23. In regulation 50(3), for "section 599 of the Taxes Act" substitute "section 9 of the Income Tax (Retirement Benefit Schemes) Act 1978".
24. For regulation 74 substitute —

¹⁰ 1985 c.24

¹¹ 1991 c.19

¹² 1978 c.9

¹³ 1989 c.10

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- "74. The appropriate fund for a member or a person who is entitled to any benefit in respect of a person who has been a member is the fund maintained by Douglas Corporation."
25. Omit regulation 85.
26. In regulation 87(6), for "section 598 of the Taxes Act" substitute "section 8 of the Income Tax (Retirement Benefit Schemes) Act 1978 (an Act of Tynwald)".
27. (1) In regulation 91(1), omit "or the Pensions (Increase) Act 1974 ("the 1974 Act)".
 (2) Omit regulation 91(2) to (10).
28. In regulation 96(3), omit the words from "except" onwards.
29. Omit regulation 119.
30. In regulation 121(2)(c), for "section 620 or 621 of the Taxes Act" substitute "section 49 of the Income Tax Act 1970 (an Act of Tynwald)¹⁴".
31. Omit regulations 124 to 131.
32. Omit regulation 132(2) to (5).
33. Omit regulations 133 to 142.
34. Omit regulation 144.
35. In regulation 156(5) (inserted by SI 2000/3025), for "section 599 of the Taxes Act" substitute "section 9 of the Income Tax (Retirement Benefit Schemes) Act 1978".
36. (1) In Schedule 1, omit the definitions of "the Act of 1922", "the Act of 1937", "the Act of 1953", "the Acts of 1937 to 1953", "assisted", "the Benefits regulations", "building society", "City of London employing body", "Common Council", "the Communities scheme", "Community institution", "company under the control of a body listed in Schedule 2", "former local authority", "independent school", "inner London area", "justices' clerk (inner London area)", "justices' clerk (outside the inner London area)", "levying body", "local Act contributor", "local Act scheme", "local education authority", "maintained", "passenger transport authority", "passenger transport executive", "probation committee", "probation officer", "public airport company", "public transport company", "registration officer", "Revenue permitted maximum", "section 75 body", "the Taxes Act" and "teachers scheme".

(2) In Schedule 1 —

<i>in the definition of —</i>	<i>for —</i>	<i>substitute —</i>
additional voluntary contributions provision	section 591 of the Taxes Act	section 2 of the Income Tax (Retirement Benefit Schemes) Act 1978 (an Act of Tynwald)
approved non-local government scheme	Part XIV of the Taxes Act	the Income Tax (Retirement Benefit Schemes) Act 1978 or Part I of the Income Tax Act 1989 (Acts of Tynwald)
approved scheme	section 612 of the Taxes Act	section 14 of the Income Tax (Retirement Benefit Schemes) Act 1978 (an Act of Tynwald)
away on jury service	Juries Act 1974 Coroners Act 1988	Jury Act 1980 (an Act of Tynwald) ¹⁵ Coroners of Inquests Act 1987 (an Act of Tynwald) ¹⁶

¹⁴ XXI p.260

¹⁵ 1980 c.9

¹⁶ 1987 c.6

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<i>in the definition of—</i>	<i>for —</i>	<i>substitute —</i>
commencement date	1st April 1998	1st April 1998 (except in relation to any step to be taken within a specified time after the commencement date, in which case it means 1st April 2003)
contributory employee	Part I of the Act of 1937	section 13 of the Local Government Amendment Act 1929 (an Act of Tynwald) ¹⁷
local authority	Local Government Act 1972	Local Government Act 1985 (an Act of Tynwald)
local government area	has the same meaning as in section 270 of the Local Government Act 1972	means the district of a local authority
non-local government scheme	paragraphs (a) and (b)	an occupational pension scheme under section 13 of the Local Government Amendment Act 1929 or section 8 of the Superannuation Act 1984 (Acts of Tynwald)
occupational pension scheme	section 611 of the Taxes Act	section 13 of the Income Tax (Retirement Benefit Schemes) Act 1978 (an Act of Tynwald)
personal pension scheme	section 596(1)(a), (b) or (c)	section 6(1)(a) or (b)
	Chapter IV of Part XIV of the Taxes Act	Part I of the Income Tax Act 1989 ¹⁸ (an Act of Tynwald)
Revenue agreement	section 655(5)	section 36(1)
	Chapter I of Part XIV of the Taxes Act	the Income Tax (Retirement Benefit Schemes) Act 1978 (an Act of Tynwald)
scheme employer	Schedule 2	regulation 4(3)
scheme managers	Minister of the Crown or police or fire authority	Department
Service	a Minister of the Crown or government department	Department
trade dispute	section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992	section 7 of the Trade Disputes Act 1985 (an Act of Tynwald) ¹⁹

37. In Schedule 1A (inserted by SI 2000/3025), in the definitions of "pension credit" and "pension debit" omit "or corresponding Northern Ireland legislation".

38. Omit Schedule 2.

39. (1) Schedule 4 is modified as follows.

(2) In paragraph 1(1), for "section 612(1) of the Taxes Act" substitute "section 114 of the Income Tax (Retirement Benefit Schemes) Act 1978 (an Act of Tynwald)";

¹⁷ XII p.35

¹⁸ 1989 c.10

¹⁹ 1985 c.18

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(3) In paragraph 1(2), for heads (a) to (f) substitute "an approved scheme, a statutory scheme (within the meaning of the said Act of 1978), a contract or trust scheme approved under section 49 of the Income Tax Act 1970 (an Act of Tynwald) or a personal pension scheme, or transfer payments from overseas schemes held any such scheme or contract".

(4) Omit paragraph 1(7) and (8).

(5) In paragraph 1(9), for "section 148 of the Taxes Act" substitute "section 48A of the Income Tax Act 1970 (an Act of Tynwald)".

(6) In paragraph 5(7), for the words from "for section 590(3) " to "1989)" substitute "for the purposes mentioned in paragraph 1(7)".

(7) In paragraph 8(5), omit the definition of "pension equivalent".

(8) Omit paragraph 9.

(9) In paragraph 10, for "Taxes Act" substitute "Income Tax Acts (Acts of Tynwald)".

40. Omit Schedules 5 and 6.

PART 4

PARTICULAR MODIFICATIONS OF SI 1997/1613

41. Omit paragraph 1(3).

42. In regulation 2(1), in the definition of "the commencement date", at the end insert "(except in relation to any step to be taken within a specified time after the commencement date, in which case it means 1st April 2003)";

43. After regulation 5 insert —

"Employees of parish authorities and joint boards

5A. (1) A person who was employed by a resolution body immediately before the 1st April 2003 shall be deemed to be covered by a relevant resolution passed in relation to him by that body.

(2) In this regulation "resolution body" and "relevant resolution" have the same meanings as in regulation 4 of the 1997 Regulations."

44. In regulation 13(8), omit the words from "or (c)" onwards.

45. Omit regulations 21 to 25.

46. In Schedule 3, omit paragraphs 1, 4 to 7, 29 to 37 and 62.

PART 5

PARTICULAR MODIFICATIONS OF SI 1998/1238

47. Omit regulations 3, 22, 32 and 33.

PART 6

PARTICULAR MODIFICATIONS OF SI 1998/1831

48. In regulation 2 —

(a) omit the definition of "FSAVC scheme";

(b) in the definition of "relevant institution", in paragraph (b), after "1987" insert "or licensed under the Banking Act 1998 (an Act of Tynwald)²⁰".

49. (1) In regulation 4(2), for "authorised under the Financial Services Act 1986" substitute "licensed under the Investment Business Act 1991 (an Act of Tynwald)²¹ and entitled by virtue of that licence".

(2) Omit regulation 4(3) and (4).

²⁰ 1998 c.4

²¹ 1991 c.18

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50. In regulation 5(6) (amended by SI 2000/3025), omit the words from "(a)" to (b)".
51. Omit regulation 10.
52. (1) In Part I of Schedule 1, for "25% limit" substitute "35% limit".
- (2) In Part III of Schedule 1, for "section 75 of the Financial Services Act 1986" substitute "section 30 of the Financial Supervision Act 1988 (an Act of Tynwald)²²".

PART 7

PARTICULAR MODIFICATIONS OF SI 1998/2118

53. Omit paragraphs 6 and 8.

PART 8

PARTICULAR MODIFICATIONS OF SI 1999/1212

54. Omit regulations 13, 16 to 22 and 25.

PART 9

PARTICULAR MODIFICATIONS OF SI 1999/3438

55. Omit regulations 4, 7 and 10 and the Schedule.

PART 10

PARTICULAR MODIFICATIONS OF SI 2000/1005

56. Omit regulations 3, 4(b) and 5.

PART 11

PARTICULAR MODIFICATIONS OF SI 2000/1410

57. Omit regulations 3, 4(3), 5 and 6.
58. In regulation 7(2) —
- (a) omit sub-paragraphs (a) and (c), and
- (c) in sub-paragraph (d), omit "or, if he is a coroner, under 70".
59. (1) In regulation 13(1)(b), for "Part XI of the 1996 Act or compensation under Part II of these Regulations" substitute "the Redundancy Payments Act 1990 (an Act of Tynwald)".
- (2) In regulation 13(4), for "the 1965 Regulations" substitute "the Redundancy Payments (Pensions) Regulations 1990".
60. In regulations 26(1)(a), for "Parts II to IV" substitute "Part IV".
61. In Schedule 1 —
- (a) omit the definitions of "the 1971 Act", "the 1996 Act", "the 1965 Regulations" and "relevant Scottish employer";
- (b) in the definition of "annual rate", for "the 1971 Act" substitute "the Pensions (Increase) Act 1974 (an Act of Tynwald)";
- (c) in the definition of "employing authority", for paragraphs (a) and (b) substitute "a local authority or joint board (within the meaning of the Local Government Act 1985 (an Act of Tynwald))";
- (d) in the definition of "excepted payment", for paragraphs (a) and (b) substitute —
- (b) in the definition of "excepted payment", for paragraph (a) substitute —
- "(a) a redundancy payment to which he is entitled under the Redundancy Payments Act 1990 (an Act of Tynwald)²³ in respect of the cessation of his

²² 1988 c.16

²³ 1990 c.18

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former employment (including any amount by which that payment is reduced in accordance with the Redundancy Payments (Pensions) Regulations 1990);

- (b) a payment in respect of that employment under a scheme under section 8 of the Superannuation Act 1984 (an Act of Tynwald);
 - (c) in the definition of "excluded employment", omit paragraph (a);
 - (d) in the definition of "new employment" (substituted by SI 2002/769), omit "or a relevant Scottish employer";
 - (d) in the definition of "official pension", for "1971 Act" substitute "Pensions (Increase) Act 1974 (an Act of Tynwald)";
 - (e) in the definition of "paying authority", omit paragraph (a);
 - (f) in the definition of "retirement payment", omit paragraphs (a) and (b), and in paragraph (c) for "1972" substitute "1984 (an Act of Tynwald)".
62. Omit Schedule 3.
63. In Schedule 5, omit paragraphs 1, 3, 4 and 5.

PART 12

PARTICULAR MODIFICATIONS OF SI 2001/770

64. Omit regulations 3, 16, 20 to 24 and 27 and the Schedule.

PART 13

PARTICULAR MODIFICATIONS OF SI 2001/1481

65. Omit regulations 3, 5, 6 and 11 to 18.

PART 14

PARTICULAR MODIFICATIONS OF SI 2001/3401

66. In regulation 6, omit paragraph (b).
67. Omit regulation 9.

PART 13

PARTICULAR MODIFICATIONS OF SI 2002/206

68. Omit regulations 4, 10 and 12.

PART 14

PARTICULAR MODIFICATIONS OF SI 2002/769

69. Omit regulations 3 and 9(b).
70. In regulation 11(1)(b), for "section 227 of the Employment Rights Act 1996" substitute "paragraph 7A of Schedule 8 to the Employment Act 1991 (an Act of Tynwald)".

MADE 22nd January 2003

Pamela M Crowe
Minister for Local Government and the Environment

EXPLANATORY NOTE

(This note is not part of the Scheme.)

This Scheme applies to the Isle of Man, subject to appropriate exceptions and modifications, —

- (a) the Local Government Pension Scheme Regulations 1997 and the Local Government Pension Scheme (Transitional Provisions) Regulations 1997, and
- (b) so far as they apply to compensation for premature retirement, injury benefits and gratuities, the Local Government (Discretionary Payments) Regulations 1996 and the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000,

and amending regulations. Those regulations make provision for the superannuation of local government staff, and have effect in England and Wales under the Superannuation Act 1972 of Parliament. The Scheme replaces the Local Government Superannuation Scheme 1988 and the Local Government Superannuation (Amendment) Scheme 1990, which applied previous regulations relating to local government superannuation.

The Scheme provides for the applied regulations to have retrospective effect, as authorised by section 12(2) of the Superannuation Act 1984.