



Isle of Man

Ellan Vannin

AT 8 of 1984

SUPERANNUATION ACT 1984



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**Isle of Man***Ellan Vannin*

SUPERANNUATION ACT 1984

Received Royal Assent: 28 March 1984
Passed: 17 April 1984
Commenced: 17 April 1984

AN ACT to consolidate with amendments certain enactments relating to the superannuation of persons in the public service; to make further provision for such superannuation; and for connected purposes.

GENERAL NOTES

1. The maximum fines in this Act are as increased by Criminal Justice (Penalties, Etc.) Act 1993 s 1.
2. References to a Board of Tynwald are to be construed as references to a Department in accordance with the *Government Departments Act 1987* s 7.
3. References to the Isle of Man Board of Education are to be construed as references to the Department of Education in accordance with the *Education Act 1986* Sch 2.

1 Civil servants, etc

- (1) The Civil Service Commission (in this Act called “**the Commission**”) may make schemes for the payment of superannuation to or in respect of —
 - (a) the holder of any of the offices specified in Part I of Schedule 1;
 - (b) civil servants; and
 - (c) persons employed by any Board or Department, except —
 - (i) teachers;
 - (ii) firemen;
 - (iii) persons referred to in section 2(1); and
 - (iv) persons engaged in the business of the Isle of Man Post Office Authority.¹

- (2) A scheme under this section relating to a person mentioned in subsection (1)(a) shall not be made without the consent of the person concerned.
- (3) A scheme under this section relating to any class of persons mentioned in subsection (1) may apply to the Island, subject to such modifications as may be specified in the scheme, the provisions of any enactment, or of a scheme made thereunder, relating to the superannuation of persons of a similar class in the United Kingdom or any part thereof and may so apply those provisions as from time to time amended.²
- (4) If, after consultation with such persons or body as Tynwald may by resolution designate for the purpose of this subsection, the President of Tynwald and the Speaker jointly in writing so determine in the case of —
- (a) the holder of the office of Clerk of Tynwald; or
 - (b) a person employed in the department of the Clerk of Tynwald who is not a civil servant;
- the holder of that office or that person, as the case may be, shall for the purposes of this section be deemed to be a civil servant.³
- (5) A determination under subsection (4) shall be laid before Tynwald as soon as may be after it is made.
- (6) The holder of an office specified in Part II of Schedule 1 shall for the purposes of this section be deemed to be a civil servant.
- (7) Whole-time employment by the governing body of a maintained school (otherwise than as a teacher) shall, if the Department of Education and Children so resolves, with the consent of the Commission, be deemed to be employment by the Department.⁴
- (8) In this section ‘Board’ means any of the following bodies —
- (a) Boards of Tynwald;
 - (b) Statutory Boards;
 - (c) the Manx Museum and National Trust;
 - (d) the Financial Supervision Commission.⁵
- (9) The Commission may by order amend subsection (8) or Schedule 1 —
- (a) by specifying further bodies in that subsection, or deleting in that subsection any body so specified;
 - (b) by specifying further offices in Part I or II of that Schedule, or deleting in that Part any office so specified;
 - (c) by specifying further employments and Boards in Part III of that Schedule, or deleting in that Part any employment and Board so specified,

but no order under paragraph (b) relating to Part I of that Schedule shall be made without the consent of the holder for the time being of the office in question.

2 Health service

- (1) The Commission may make schemes for the payment of superannuation to or in respect of —
 - (a) officers employed or engaged by or on behalf of the Department of Health under the *National Health Service Act 2001*;⁶
 - (b) other officers engaged in health services; and
 - (c) medical practitioners and dental practitioners engaged in general medical services or general dental services (expressions in this paragraph having the same meanings as in the said Act of 2001).⁷
- (2) A scheme under this section may apply to the Island, subject to such modifications as may be specified in the scheme, the provisions of any regulations made or deemed to be made under section 10 or, so far as it relates to persons to whom the said section 10 applies, section 24 of the Superannuation Act 1972 (an Act of Parliament).

3 Police

- (1) Police regulations may apply to the Island, subject to such modifications as may be specified in the regulations, the provisions of any regulations made under —
 - (a) section 1 of the Police Pensions Act 1976 (an Act of Parliament); or
 - (b) section 34(2)(e) of the Police Act 1964 (an Act of Parliament).
- (2) Regulations under section 11 of the *Police Act 1993* (police cadets) may apply to the Island, subject to such modifications as may be specified in the regulations, the provisions of any regulations made under section 35 of the *Police Act 1964* (an Act of Parliament) by virtue of section 13 of the Superannuation (Miscellaneous Provisions) Act 1967 (an Act of Parliament).⁸
- (3) Every assignment of or charge on, and any agreement to assign or charge, any benefit under regulations made by virtue of this section shall be void except so far as it is made for the benefit of a dependant of the person entitled thereto, and on the bankruptcy of such a person the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

4 Teachers

[1975/21/1]

The Department of Education and Children may by order apply to the Island, subject to such modifications as may be specified in the order, the provisions of

any regulations made or deemed to be made under section 9 or, so far as it relates to teachers, section 24 of the Superannuation Act 1972 (an Act of Parliament).⁹

5 Firemen

The Department of Home Affairs may by order apply to the Island, subject to such modifications as may be specified in the order, the provisions of the scheme for the time being in force in Great Britain under section 26 of the Fire Services Act 1947 (an Act of Parliament).¹⁰

6 Contributions and payments

- (1) All contributions payable under a scheme under any of the foregoing provisions shall be paid into the general revenue of the Island.
- (2) Any contribution payable by a person under such a scheme shall be deducted from his remuneration.
- (3) Any sum required for the payment of superannuation under such a scheme shall be paid out of moneys provided by Tynwald.
- (4) The Treasury shall keep a separate account of receipts and payments under any such scheme.¹¹

7 Postal service

[1973/12/69]

- (1) The Isle of Man Post Office Authority shall make a scheme for the payment of superannuation to or in respect of such persons engaged in its business as the Authority may determine.
- (2) A scheme under this section may apply to the Island, subject to such modifications as may be specified in the scheme, the provisions of any scheme made under section 43 of the Post Office Act 1969 (an Act of Parliament).

8 Local government

- (1) The Department of Infrastructure may make schemes for the payment of superannuation to or in respect of —
 - (a) persons in local government service in the Island; and
 - (b) other persons for whom it is appropriate, in the opinion of the Department, to provide superannuation under any such scheme.¹²
- (2) A scheme under this section may apply to the Island, subject to such modifications as may be specified in the scheme, the provisions of —

- (a) any regulations made under section 7 of the Superannuation Act 1972 (an Act of Parliament) and, so far as it applies to persons to whom the said section 7 applies, section 24 of that Act; and
- (b) any provisions having effect as provisions of such regulations by virtue of paragraph 5 of Schedule 7 to that Act.

9 Inter-scheme transfers

The Commission may make rules with respect to persons who, being in pensionable service of one kind, enter into pensionable service of another kind, for modifying any scheme under this Act, in such circumstances as may be specified in the rules, —

- (a) so as to entitle such a person to receive from the authority administering a scheme relating to the first-mentioned service superannuation in respect of that service;
- (b) with respect to the minimum period of service entitling such a person to superannuation in respect of the last-mentioned service;
- (c) so as to entitle such a person to reckon the first-mentioned service as pensionable service for the purpose of a scheme relating to the last-mentioned service; and
- (d) in any other respect appearing to the Commission to be necessary or expedient for the purpose of giving effect to the rules.

10 Interchange with UK schemes

(1) The Commission may make rules with respect to persons who, being in pensionable service in the Island, transfer to pensionable employment in the United Kingdom, or vice versa, for providing in such circumstances as may be specified in the rules —

- (a) for the Manx authority to pay to the U.K. authority, or vice versa, an appropriate transfer value; and
- (b) that, where an appropriate transfer value is paid to the Manx authority by the U.K. authority, the person concerned shall be entitled to reckon his pensionable employment in the United Kingdom, or such proportion thereof as may be specified in the rules, as pensionable service in the Island for the purposes of the appropriate scheme;

and for any other reciprocal arrangements with respect to superannuation with authorities administering schemes in the United Kingdom.

(2) In this section —

‘the Manx authority’, in relation to pensionable service in the Island, and ‘the U.K. authority’, in relation to pensionable employment in the United Kingdom, mean the authorities administering the relevant schemes;

‘pensionable employment’ means employment which is relevant to the superannuation rights of any person;

‘United Kingdom’ includes the Channel Islands.

11 Offences

[1975/21/3]

Any person who, by means of any false statement, representation or document which he knows to be false, or by personation or other fraudulent means, obtains or attempts to obtain for himself or another any superannuation, or any increase in superannuation, under any scheme under this Act shall be guilty of an offence and liable —

- (a) on conviction on information, to imprisonment for a term not exceeding 2 years or to a fine, or to both; or
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £2,500, or to both.

12 Schemes, orders, etc

- (1) No scheme, order, rules or regulations under this Act shall have effect unless approved by Tynwald.
- (2) Any provision of —
 - (a) an enactment or scheme referred to in section 1(3) and applied to the Island by a scheme under section 1;
 - (b) regulations under any provision of the *Superannuation Act 1972* (an Act of Parliament) applied to the Island by a scheme under section 2 or 8 or an order under section 4;
 - (c) regulations under section 1 of the *Police Pensions Act 1976* or section 34(2)(e) or 35 of the *Police Act 1964* (Acts of Parliament) and applied to the Island by regulations made by virtue of section 3(1) or (2);
 - (d) the scheme applied to the Island by an order under section 5;
 - (e) a scheme applied to the Island by a scheme under section 7;may be made retrospective to such date as may be specified in the scheme, order or regulations, not being earlier than the date from which the provision had effect in England and Wales.
- (3) Any scheme, order, rules or regulations under this Act (including regulations made by virtue of section 3(1) or (2)) may contain such transitional, incidental, consequential or supplemental provision as appears to the authority making the same to be necessary or expedient for the purpose of giving effect to the scheme, order, rules or regulations.

13 Interpretation

In this Act —

“**civil servant**” means a member of the Isle of Man Civil Service;

“**the Commission**” means the Civil Service Commission;

“**enactment**” includes —

- (a) any provision contained in an Act of Parliament; and
- (b) any provision contained in an instrument of a legislative character made under any such provision;

“**fireman**” means a member of a fire brigade maintained under the *Fire Services Act 1984*;¹³

“**modifications**” includes exceptions and adaptations;

“**pensionable service**” means service which would be taken in to account under this Act for the purpose of determining whether a person would be entitled to any, and if so what, superannuation on leaving that service, and includes all such service whether or not for a period sufficient to entitle him to such superannuation;

“**persons in local government service**” means officers, servants and employees of a local authority;

“**police regulations**” means regulations under section 8 of the *Police Act 1993*;¹⁴

“**scheme**” means a superannuation scheme, and includes —

- (i) regulations applied by police regulations or regulations under section 11 of the *Police Act 1993* and made by virtue of section 3(1) or (2), or by an order under section 4, and¹⁵
- (ii) a scheme applied by an order under section 5;

“**superannuation**” means pensions (whether contributory or not), allowances and gratuities, and includes the return of contributions (with or without interest or any other addition) paid in respect of superannuation;

“**teachers**” includes persons to whom any regulations referred to in section 4 apply, as they have effect in the Island, being persons employed otherwise than as teachers —

- (a) in a capacity connected with education which to a substantial extent involves the supervision of teachers; or
- (b) in employment which involves the performance of duties in connection with the provision of education or services ancillary to education;

“**voluntary school**” has the meaning assigned to it by section 35(2) of the Isle of Man Education Act 1949

14 Transitional provisions and amendments

- (1) The transitional provisions contained in Schedule 2 shall have effect.
- (2) The enactments specified in Schedule 3 are amended in accordance with that Schedule.
- (3) [Repealed]¹⁶

15 Short title

This Act may be cited as the Superannuation Act 1984.

SCHEDULE 1**SUPERANNUATION OF CERTAIN OFFICIALS ETC.**

Section 1

PART I – JUDICIAL AND CROWN OFFICES¹⁷

First Deemster and Clerk of the Rolls.

Second Deemster.

Deputy Deemster.

Judge of Appeal.

Attorney General.

High Bailiff.

Deputy High Bailiff.

Arbitrator appointed under section 16(6) of the *High Court Act 1991*.

PART II – OFFICIALS DEEMED TO BE CIVIL SERVANTS¹⁸

Director of Education.

Marine Surveyor.

Assistant Marine Surveyor.

The Isle of Man Data Protection Supervisor.

Coroner.

PART III¹⁹**SCHEDULE 2****TRANSITIONAL PROVISIONS**

Section 14(1) [1973/12/69(3)]

Civil service etc.

1. (1) Any scheme relating to the payment of superannuation to or in respect of any person mentioned in section 1(1) (other than a scheme mentioned in paragraph 4(2) or (3)) and in operation at commencement shall be deemed to be a scheme made by the Commission under section 1.

(2) The reference to a scheme in sub-paragraph (1) includes a reference to a scheme under section 1 of the Superannuation Act 1972 (an Act of Parliament) and applied by analogy in the Island.

(3) Notwithstanding the repeal by this Act of section 12 of the Isle of Man Civil Service Act 1962, any order made under that section and in force at commencement shall remain in force, and may be amended or revoked by a scheme under section 1.

(4) The person who at commencement holds the office of Clerk of Tynwald shall, without any determination under section 1(4), be deemed for the purposes of section 1 to be a civil servant.

(5) [Repealed]²⁰

“Deemed” employees

2. Whole-time employment by the managers of a voluntary school in respect of which a resolution under section 2 of the Superannuation (Officers of Boards) Act 1939 is in force at commencement shall, without any resolution under section 1(7), be deemed for the purposes of section 1 to be employment by a Board.

Postal workers

3. (1) Any scheme made by the Authority under section 69 of the Isle of Man Post Office Authority (Postal Services etc.) Act 1973 and in force at commencement shall remain in force as if made under section 7.

(2) A scheme under section 7 shall secure that any superannuation payable to or in respect of any person who on the 5th July 1973 transferred from the service of the Post Office to the service of the Authority shall be no less favourable than the superannuation which would have been payable to or in respect of him under a scheme under section 43 of the Post Office Act 1969 (an Act of Parliament) if he had not been so transferred but had continued in the service of the Post Office until the day on which his service with the Authority ended, and had received from the Post Office on and after the day of transfer the like emoluments as he received from the Authority.

(3) In this paragraph “the Authority” means the Isle of Man Post Office Authority.

Schemes under repealed enactments

4. (1) Any pension or allowance granted by the Isle of Man Highway and Transport Board under section 14 of the *Highway Act 1927* and payable at commencement shall continue to be payable notwithstanding the repeal of that section by this Act.

(2) Any general pension scheme made under the said section 14 and in force at commencement shall remain in force as if made by the Commission under section 1.

(3) Any scheme established under section 28 of the Isle of Man Electric Light and Power Act 1932 and in force at commencement shall remain in force as if made by the Commission under section 1.

Other schemes

5. The Radio Manx Limited Pension Scheme 1980 shall remain in force as if made by the Commission under section 1, and any person to or in respect of whom superannuation is payable by virtue of that scheme shall be deemed for the purposes of section 1 to be or to have been employed by a Board.

6. [Repealed]²¹

Police

7. The Isle of Man Police Cadets Pension Scheme 1983 may be amended or revoked by regulations under section 11 of the *Police Act 1993* and made by virtue of section 3(2).²²

Firemen

8. (1) The Isle of Man Firemen's Pension Scheme 1980 may be amended or revoked by a scheme made by the Department of Home Affairs under section 5.²³

(2) The Chief Fire Officer shall be deemed to be a fireman for the purposes of section 1, and to be a regular fireman for the purposes of the scheme mentioned in sub-paragraph (1).²⁴

Local government

9. Any scheme made by a local authority under section 13 of the *Local Government Amendment Act 1929* and in force at commencement shall remain in force as if made by the Department of Infrastructure under section 8.²⁵

Savings

10. (1) Where at commencement superannuation is or may become payable to or in respect of any person under a scheme, and apart from this paragraph would on commencement cease to be so payable, or become so payable under another scheme, such superannuation shall nevertheless be so payable under the first-mentioned scheme and, subject to sub-paragraph (2), not under any other scheme.

(2) A scheme under this Act may provide that superannuation shall be payable to or in respect of a person referred to in subparagraph (1) under that scheme instead of under another scheme, on terms that are no less favourable to the recipient than the terms of the last-mentioned scheme.

Supplemental

11. (1) In this Schedule “**commencement**” means the commencement of this Act.

(2) Any scheme or regulations remaining in force by virtue of this Schedule as if made under any provision of this Act may be amended or revoked accordingly.

SCHEDULE 3
CONSEQUENTIAL AMENDMENTS

Section 14(2)

[Sch 3 amended by Payment of Members' Expenses Act 1989 Sch 2, and amends the following Act —

Pensions (Increase) Act 1974 q.v.]

SCHEDULE 4²⁶

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Para (c) amended by SD155/10 Sch 10.

² Subs (3) amended by Public Sector Pensions Act 2011 s 17(3) effective 17/04/84.

³ Subs (4) amended by Statute Law Revision Act 1992 Sch 1.

⁴ Subs (7) substituted by SD155/10 Sch 10.

⁵ Para (d) added by GC279/84.

⁶ Para (a) substituted by National Health Service Act 2001 Sch 4 and amended by SD155/10 Sch 11.

⁷ Para (c) amended by National Health Service Act 2001 Sch 4.

⁸ Subs (2) amended by Police Act 1993 Sch 2.

⁹ S 4 amended by SD155/10 Sch 10.

¹⁰ S 5 amended by GC120/86.

¹¹ Subs (4) amended by Treasury Act 1985 Sch 2.

¹² Subs (1) amended by SD155/10 Sch 5. Para (b) amended by GC192/86.

¹³ Definition of 'fireman' amended by Fire Services Act 1984 Sch 2.

¹⁴ Definition of 'police regulations' amended by Police Act 1993 Sch 2.

¹⁵ Para (i) amended by Statute Law Revision Act 1997 Sch 1.

¹⁶ Subs (3) repealed by Statute Law Revision Act 1992 Sch 2.

¹⁷ Part I amended by SD797/01, by SD602/02 and by SD782/04.

¹⁸ Part II amended by Local Government Act 1985 Sch 6, by GC28/85, by GC351/88 and by Data Protection Act 2002 Sch 12.

¹⁹ Part III repealed by SD155/10 Sch 10.

²⁰ Subpara (5) repealed by Law Reform Act 1997 Sch 5.

²¹ Para 6 repealed by National Health Service Act 2001 Sch 5.

²² Para 7 amended by Police Act 1993 Sch 2.

²³ Subpara (1) amended by GC120/86.

²⁴ Subpara (2) amended by Fire Services Act 1984 Sch 3.

²⁵ Para 9 amended by SD155/10 Sch 5.

²⁶ Sch 4 repealed by Statute Law Revision Act 1992 Sch 2.