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## STATUTORY INSTRUMENTS

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# 1977 No. 2150

## SOCIAL SECURITY

### The Social Security (Isle of Man) Order 1977

*Made - - - - 21st December 1977*

*Coming into Operation 1st January 1978*

At the Court at Buckingham Palace, the 21st day of December 1977

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 143 of the Social Security Act 1975, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

#### **Modifications etc. (not altering text)**

- C1** Instrument modified (11.4.1988) by [The Social Security \(Reciprocal Agreements\) Order 1988 \(S.I. 1988/591\)](#), arts. 2, 3, [Sch.](#)
- C2** Instrument modified (7.10.1996) by [The Social Security \(Reciprocal Agreements\) Order 1996 \(S.I. 1996/1928\)](#), art. 2, [Sch. 1](#), [Sch. 2](#)
- C3** Instrument excluded (6.4.2016) by [The Social Security \(Reciprocal Agreement\) \(Isle of Man\) Order 2016 \(S.I. 2016/157\)](#), [Sch. paras. 3, 4](#)

#### **Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Social Security (Isle of Man) Order 1977 and shall come into operation on 1st January 1978.

(2) Any reference in this Order to any provision made by, or contained in, any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument, and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply for the purposes of the Interpretation of this Order and the revocation effected by it as they would apply if this Order and the Order which it revokes were Acts of Parliament and the revocation were a repeal.

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## **Modification and Adaptation of the Social Security Act 1975**

**2.—**(1) The Social Security Act 1975 shall be modified to such extent as may be required to give effect to the provisions contained in the Agreement relating to Social Security set out in Schedule 1 to this Order, so far as the same relate to England, Wales and Scotland.

(2) In particular and without prejudice to paragraph (1) above any provision of the Social Security Act 1975 specified in Schedule 2 to this Order shall be adapted so that any act, omission or event to which the corresponding provision in Isle of Man legislation relates is deemed to be an act, omission or event to which that provision of the Social Security Act 1975 relates; and in that provision references to—

- (a) the Secretary of State shall be construed as including references to the Isle of Man Board of Social Security;
- (b) the National Insurance Fund shall be construed as including references to the Manx National Insurance Fund;
- (c) benefit, contributions and employed earners shall be construed as references to benefit, contributions and employed earners respectively within the meaning of the Social Security Act 1975 (an Act of Parliament) as applied to the Isle of Man by virtue of orders made under the Social Security Legislation (Application) Act 1974 (an Act of Tynwald),

and cognate expressions shall be construed accordingly.

## **Revocation and Variation of Orders**

**3.—**(1) The National Insurance (Industrial Injuries) (Isle of Man Reciprocal Agreement) Order 1948 is hereby revoked.

(2) In Schedule 1 to the Social Security (Reciprocal Agreements) Order 1976 the references to the said Order of 1948 and to the National Insurance (Isle of Man Reciprocal Agreement) Order 1948 shall be omitted.

*N. E. Leigh*  
Clerk of the Privy Council

## SCHEDULE 1

Article 2(1)

“AGREEMENT RELATING TO SOCIAL SECURITY BETWEEN THE SECRETARY OF STATE FOR SOCIAL SERVICES AND THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND OF THE ONE PART AND THE LIEUTENANT-GOVERNOR OF THE ISLE OF MAN, WITH THE ADVICE AND CONSENT OF THE ISLE OF MAN BOARD OF SOCIAL SECURITY CONSTITUTED UNDER THE ISLE OF MAN BOARD OF SOCIAL SECURITY ACT 1970, OF THE OTHER PART

1.—(1) In the present Agreement, unless the context otherwise requires:

“the Acts” means, in relation to the United Kingdom, the Social Security Act 1975 and the Social Security (Northern Ireland) Act 1975 in each case as amended, modified, adapted, extended, supplemented, replaced or consolidated by any subsequent enactment or by any instrument and, in relation to the Isle of Man, any applied legislation relating to social security; but does not include any enactment made for the purpose of giving effect to the provisions of any agreement applying to one of the territories and providing for reciprocity with a scheme of social security in force outside the United Kingdom and the Isle of Man;

“applied legislation relating to social security” means any legislation having effect in the Isle of Man by virtue of an order made under the Social Security Legislation (Application) Act 1974 (an Act of Tynwald) as amended by any subsequent Act of Tynwald but not including legislation relating to supplementary benefit or child benefit;

“competent authority” means, in relation to the United Kingdom, the Secretary of State for Social Services or the Department of Health and Social Services for Northern Ireland as the case may require and in relation to the Isle of Man, the Isle of Man Board of Social Security;

“territory” means, in relation to the United Kingdom, England, Scotland, Wales and Northern Ireland, and in relation to the Isle of Man, the Isle of Man.

(2) Unless the context otherwise requires, in the application of the present Agreement to a territory, expressions in the present Agreement shall have the same respective meanings as in the Act which relates to that territory.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply for the purposes of the interpretation of the present Agreement as they apply for the purpose of the interpretation of an Act of Parliament.

2.—(1) [<sup>F1</sup>Subject to paragraph (5) of this Article,][<sup>F2</sup>for] the purposes of all or any of the provisions of the systems of social security established by the Acts—

(a) acts, omissions and events and in particular residence, presence, employment (including employment as a mariner or airman), the occurrence of an industrial accident or the development of any prescribed disease, the payment, crediting or treating as paid of contributions (including graduated contributions and payments in lieu of graduated contributions), the refund of contributions paid in excess of the annual maximum amounts payable and the claiming or payment of benefit; and

(b) the operation of any provisions as to exception from liability to pay contributions,

having effect for all or any of those purposes in one territory shall have corresponding effect for all or any of those purposes in the other territory.

(2) If an employed earner has an accident after he leaves one territory to go in the course of his employment to the other territory and before he arrives in the latter territory, then for the purpose of any right to benefit in respect of that accident:—

(a) a claim for benefit may be made in either territory; and

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- (b) the accident shall be treated as if it had happened in the territory in which the claim is made; and
- (c) the employed earner's absence from either territory shall be disregarded in determining whether the employment is employed earner's employment for the purposes of those provisions of the Acts relating to industrial injuries benefits.

(3) Subject to paragraph (4) of this Article any appeal from a determination of any claim or question arising under or in connection with the Acts shall be made, and any question with a view to the review of any such decision shall be raised, in the territory in which such decision was given.

(4) An assessment of the extent of disablement may be reviewed in one territory, on account of an unforeseen aggravation of the results of the relevant injury, notwithstanding that the assessment was made in the other territory.

[<sup>F3</sup>(5) There shall be excluded from this Agreement all or any of the provisions of the systems of social security established by the Acts relating to mobility allowance except that for the purposes of such of those provisions requiring the completion of periods of presence in the territory of the Act which relates to it—

- (i) in relation to a person present and ordinarily resident in the United Kingdom, periods of residence and presence completed in the Isle of Man by that person before he attains the age of 65 shall be treated as if they were periods of presence completed during the corresponding period in the United Kingdom;
- (ii) in relation to a person present and ordinarily resident in the Isle of Man, periods of residence and presence completed in the United Kingdom by that person before he attains the age of 65 shall be treated as if they were periods of presence completed during the corresponding period in the Isle of Man.]

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|-----------|---|
| <b>F1</b> | Words in Sch. 1 art. 2(1) inserted (10.4.1989) by <a href="#">The Social Security (Isle of Man) Order 1989 (S.I. 1989/483)</a> , art. 1(1), <b>Sch. art. 2(a)</b>   |
| <b>F2</b> | Word in Sch. 1 art. 2(1) substituted (10.4.1989) by <a href="#">The Social Security (Isle of Man) Order 1989 (S.I. 1989/483)</a> , art. 1(1), <b>Sch. art. 2(a)</b> |
| <b>F3</b> | Sch. 1 art. 2(5) inserted (10.4.1989) by <a href="#">The Social Security (Isle of Man) Order 1989 (S.I. 1989/483)</a> , art. 1(1), <b>Sch. art. 2(b)</b>            |

3. The provisions of Article 2 of the present Agreement shall not confer a right to double benefit.

[<sup>F4</sup>3A. Either Party may:—

- (a) pay minimum contributions to the trustees or managers of a personal pension scheme treated under the Acts as an appropriate scheme and in respect of which an appropriate scheme certificate is in issue; and
- (b) make incentive payments to an occupational pension scheme which is a contracted-out scheme under the Acts and has become so with effect from any date after 31st December 1985 up to and including 5th April 1993, not having been contracted-out previously within that period.]

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| <b>F4</b> | <b>Sch. art. 3A</b> inserted (2.11.1989) by <a href="#">The Social Security (Isle of Man) (No. 2) Order 1989 (S.I. 1989/2001)</a> , art. 1, <b>Sch.</b> |
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4. The competent authorities with the consent of the Treasury, the Department of Finance for Northern Ireland and the Isle of Man Finance Board as the case may require, shall be responsible for making any necessary financial adjustments between the National Insurance Funds of the territories as they may agree to be necessary for the purposes of the present Agreement.

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5. The competent authorities shall, from time to time determine the administrative procedures appropriate for the purpose of giving effect to the provisions of the present Agreement.

6. The present Agreement shall come into force on 1st January 1978 but either Party may terminate it by giving not less than six months notice in writing to the other.

7. The Agreements relating to National Insurance and Industrial Injuries made in 1948 between the Minister of National Insurance of the one part and the Lieutenant-Governor of the Isle of Man, with the advice and consent of the Isle of Man Board of Social Services, of the other part, and the Agreements relating to National Insurance and Industrial Injuries made in 1949 between the Ministry of Labour and National Insurance for Northern Ireland of the one part and the Lieutenant-Governor of the Isle of Man, with the advice and consent of the Isle of Man Board of Social Services, of the other part shall be terminated upon the coming into force of the present Agreement, and anything whatsoever occurring, done or suffered before such termination and having effect for the purposes of the said Agreements shall be treated as having a corresponding effect for the purpose of the present Agreement.

Given under the Official Seal of the Secretary of State for Social Services this 15th day of September 1977.

*David Ennals*  
Secretary of State for Social Services

Given under the Official Seal of the Department of Health and Social Services for Northern Ireland this 22nd day of September 1977.

*N. Dugdale*  
Secretary

Given under the hand of the Lieutenant-Governor of the Isle of Man this 10th day of November 1977.

*Sir John Paul*  
Lieutenant-Governor

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The consent of the Isle of Man Board of Social Security is hereby given to this Agreement.

*Noel Q. Cringle*  
Chairman, Isle of Man Board of Social Security”

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<b>F2</b>	Word in Sch. 1 art. 2(1) substituted (10.4.1989) by <a href="#">The Social Security (Isle of Man) Order 1989 (S.I. 1989/483)</a> , <a href="#">art. 1(1)</a> , <a href="#">Sch. art. 2(a)</a>
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<b>F4</b>	<a href="#">Sch. art. 3A</a> inserted (2.11.1989) by <a href="#">The Social Security (Isle of Man) (No. 2) Order 1989 (S.I. 1989/2001)</a> , <a href="#">art. 1</a> , <a href="#">Sch.</a>
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<b>F4</b>	<a href="#">Sch. art. 3A</a> inserted (2.11.1989) by <a href="#">The Social Security (Isle of Man) (No. 2) Order 1989 (S.I. 1989/2001)</a> , <a href="#">art. 1</a> , <a href="#">Sch.</a>

SCHEDULE 2

Article 2(2)

CERTAIN PROVISIONS OF THE SOCIAL SECURITY  
ACT 1975 TO BE ADAPTED UNDER ARTICLE 2(2)

<i>Provision</i>	<i>Subject matter</i>
Section 1(4) and paragraph 3(2) of Schedule 1	Penalty for unlawful deduction of employer's contribution
Section 87	Benefit to be inalienable
Regulations for the time being in force under section 88(b)	Obligations of employers
Section 144(2)	Powers of inspectors
Section 146	Offences and penalties
Section 147	General provisions as to prosecutions
Section 148	Questions arising in proceedings
Section 149	Evidence of non-payment
Section 150	Recovery on prosecution

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<i>Provision</i>	<i>Subject matter</i>
Section 151	Proof of previous offences
Section 152	Provisions supplementary to 2 preceding sections
Section 153(1) and Schedule 18	Priority in cases of personal and company insolvency

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### EXPLANATORY NOTE

This Order makes provision for modification of the Social Security Act 1975 so as to give effect to the Agreement relating to Social Security (set out in Schedule 1) between the Secretary of State for Social Services and the Department of Health and Social Services for Northern Ireland of the one part and the Lieutenant-Governor of the Isle of Man on the other. The Agreement provides that acts, omissions and events having effect for social security purposes in the territory of one party shall have effect for those purposes in the territory of the other. The Order makes adaptations to certain provisions of the Social Security Act 1975 (which are set out in Schedule 2) as to administration and enforcement so that certain matters to which corresponding provisions of Isle of Man legislation relate are deemed to be matters to which the provisions of the 1975 Act relate.

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