



**Isle of Man**

*Ellan Vannin*

**AT 2 of 1946**

**DISABLED PERSONS (EMPLOYMENT) ACT  
1946**





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## DISABLED PERSONS (EMPLOYMENT) ACT 1946

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## DISABLED PERSONS (EMPLOYMENT) ACT 1946

<i>Received Royal Assent:</i>	<i>4 June 1946</i>
<i>Passed:</i>	<i>5 July 1946</i>
<i>Commenced:</i>	<i>5 July 1946</i> <sup>1</sup>

AN ACT to make further and better provision for enabling persons handicapped by disablement to secure employment, or work on their own account, and for purposes connected therewith.

### GENERAL NOTES

1. The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.
2. References to the Treasurer of the Isle of Man are to be construed in accordance with the *Treasury Act 1985* s 7.

### *Disabled Persons*

#### 1 Definition of “disabled person”

- (1) In this Act, the expression “**disabled person**” has the meaning given to it by section 1 of the *Disability Discrimination Act 2006* and “**disablement**”, in relation to any person, shall be construed accordingly.<sup>1</sup>
- (2) [Repealed]<sup>2</sup>
- (3) In this Act “**the Department**” means the Department of Health and Social Care.<sup>3</sup>

### *Vocational Training and Industrial Rehabilitation Courses*

#### 2 Vocational training courses

- (1) The Department may provide, or make arrangements for the provision by other persons of, facilities (in this Act referred to as “**vocational training courses**”) for the training of disabled persons, not being under

<sup>1</sup> [EDITORIAL NOTE: the Act took effect on 1 November 1946 in accordance with section 23.]

the age of sixteen years, who are in need of training in order to render them competent to undertake employment, or work on their own account, of a kind suited to their age, experience and general qualifications.<sup>4</sup>

- (2) The Department may make arrangements with any other government, or government department, or Board of Tynwald, for the exercise by that government or department or Board of any of the powers conferred on it by this section.<sup>5</sup>
- (3) Where the Department or any other government or government department or Board makes arrangements under this section for the provision of a vocational training course by other persons, the Department or that department or Board (with the approval of the Department) may defray or contribute towards the cost incurred by those persons of the provision of the facilities.<sup>6</sup>

### 3 Industrial rehabilitation courses

- (1) The Department may provide, or make arrangements for the provision by other persons of, such facilities as are mentioned in this section (in this Act referred to as “**industrial rehabilitation courses**”) for disabled persons, not being under the age of sixteen years, who, by reason of unfitness arising from their injury, disease or deformity, are in need of such facilities in order to render them fit for undertaking employment, or work on their own account, of a kind in which they were engaged before they became disabled or of some other kind suited to their age, experience and qualifications, or for making use of a vocational training course.<sup>7</sup>
- (2) The facilities which may be provided under this section shall consist of facilities whereby such persons may under adequate medical supervision and under circumstances conducive to the restoration of fitness, obtain physical training, exercise, and occupation conducive to the restoration thereof, and such other incidental facilities as may appear to the Department to be requisite for enabling persons attending an industrial rehabilitation course to obtain the full benefit thereof.<sup>8</sup>
- (3) Where the Department makes arrangements under this section for the provision of an industrial rehabilitation course by other persons, it may defray or contribute towards the cost incurred by those persons of the provision of the facilities.<sup>9</sup>

### 4 Payments to persons attending courses

The Department, or in the case of a course provided by, or under arrangements made with the approval of the Department by, another government department or Board, that department or Board may defray, or contribute towards, expenses incurred by persons attending vocational training courses or industrial

rehabilitation courses in travelling to and from the place where the course is held, and may make payments to or in respect of such persons, up to such amounts as the Department or that department or Board may with the approval of the Treasury determine and in such manner as the Department or that department or Board may determine.<sup>10</sup>

## 5 Expenses of courses to be defrayed out of moneys provided by Tynwald

Expenses incurred by the Department or any other government or government department or Board under any of the three last preceding sections shall be defrayed by the Treasury out of moneys provided by Tynwald.<sup>11</sup>

Provisions for Enabling Registered Disabled Persons to Obtain Employment or to Undertake Work on their Own Account

## 6 Register of disabled persons

- (1) The Department shall establish and maintain a register of disabled persons (in this Act referred to as “**the register**”).<sup>12</sup>
- (2) The register shall be kept in such form, and entries therein, and alterations and removal of entries therein and therefrom, shall be made in such manner, as the Department may determine.<sup>13</sup>
- (3) A person whose name is for the time being in the register is in this Act referred to as a “**person registered as handicapped by disablement**”.
- (4) The Department may make regulations prescribing the manner in which the fact that a person’s name is for the time being in the register may be proved, including, without prejudice to the generality of this power, regulations as to the issue of certificates for that purpose and as to the custody, use and delivery up thereof.<sup>14</sup>

## 7 Entry of names of disabled persons in the register

- (1) The Department may make regulations prescribing matters which are to constitute conditions of, or disqualifications from, the entry in the register of the names of any persons, either generally or in particular circumstances.

The matters which may be prescribed under this subsection shall be such as must in the opinion of the Department be so prescribed in order to secure that the fact that a person’s name is in the register will afford reasonable assurance of his being a person capable of entering into and keeping employment, or of undertaking work on his own account, under the conditions under which in accordance with the provisions of this Act employment may be offered to him or such work may be available for him, and the said matters shall, without prejudice to the generality of this provision, include —

- (a) the fact that a person is under a prescribed age;
  - (b) unreasonable refusal or failure to attend a vocational training or industrial rehabilitation course;
  - (c) except in the case of a person who has served whole-time in the armed forces of the Crown, in the merchant navy or the mercantile marine, or in any of the capacities mentioned in the First Schedule to this Act, the fact that a person is not ordinarily resident in the Isle of Man;
  - (d) habitual bad character.<sup>15</sup>
- (2) A person who desires his name to be entered in the register shall make application to the Department in that behalf in the prescribed manner, and, on an application in that behalf being duly made —
- (a) if the Department is satisfied that the applicant is a disabled person and that his disablement is likely to continue for six months or more from the time of the entry of his name in the register, that any prescribed condition as to the entry of names in the register applicable to him is satisfied and that he is not subject to any prescribed disqualification in that behalf, his name shall be entered in the register:<sup>16</sup>
  - (b) [Repealed]<sup>17</sup>
- (3) and (4) [Repealed]<sup>18</sup>

## 8 Duration of registration, and subsequent application for registration

- (1) Subject to the provisions of the two next succeeding subsections, when the name of a person has been entered in the register it shall be retained therein until the expiration of such period as may be specified by the Department at the time of the entry as the time for which his name is to be retained therein without further application (or until his death during that period); and no longer.<sup>19</sup>
- (2) The Department may make regulations prescribing matters which are to constitute conditions of, or disqualifications from, the retention in the register of the names of any persons, either generally or in particular circumstances.
- The provisions of subsection (1) of the last preceding section as to the matters which may be prescribed thereunder shall have effect as respects the matters which may be prescribed under this subsection.<sup>20</sup>
- (3) If at any time whilst the name of any person is retained in the register the Department is satisfied that any prescribed condition as to the retention of names in the register applicable to that person is not satisfied or that he is subject to any prescribed disqualification in that behalf, his name shall be removed from the register.<sup>21</sup>

- (4) The Department may by regulations make provision —
- (a) for authorising the making of applications under the last preceding section by persons whose names are for the time being in the register, but the period of whose registration is due shortly to expire;
  - (b) [Repealed]<sup>22</sup>
- and any entry to be made in the register pursuant to an application authorised under this subsection shall be made when the Department's determination on the application is given, in substitution (if the applicant's name then remains in the register) for the existing entry.<sup>23</sup>
- (5) The Department shall not be required to entertain an application under the last preceding section by a person whose name is not for the time being in the register by reason of any determination of the Department under that section, or under subsection (3) of this section, unless he satisfies the Department that circumstances relevant to that determination have changed since it was made.<sup>24</sup>

## **9 Obligations as to employment of quota of registered persons in substantial staffs**

- (1) It shall be the duty of a person who has a substantial number of employees to give employment to persons registered as handicapped by disablement to the number that is his quota as ascertained in accordance with the next succeeding section, and, where he is not already doing so at times when vacancies occur, to allocate vacancies for that purpose; and the said duty shall be enforceable to the extent and in manner hereinafter in this section provided in the case of a person to whom this section applies, that is to say, a person who for the time being has, or in accordance with his normal practice and apart from transitory circumstances would have, in his employment persons to the number of not less than twenty (or such lower number as may be specified by an order made by the Department for the time being in force).<sup>25</sup>
- (2) Subject to the provisions of the two next succeeding subsections, a person to whom this section applies shall not at any time take, or offer to take, into his employment any person other than a person registered as handicapped by disablement, if immediately after the taking in of that person the number of persons so registered in the employment of the person to whom this section applies (excluding persons employed by him in an employment of a class then designated under section twelve of this Act) would be less than his quota.
- (3) Subsection (2) of this section shall not apply to a person's taking, or offering to take, into his employment at any time a person whom apart from that subsection it would have been his duty to take into his employment at that time either —

- (a) by virtue of any Act, whether passed before or after the passing of this Act; or
  - (b) by virtue of an agreement to reinstate him in his employment entered into before the date appointed for the coming into operation of subsection (2) of this section.
- (4) Subsection (2) of this section shall not apply to a person's taking, or offering to take, into his employment any person in accordance with a permit issued by the Department under the subsequent provisions of this Act in that behalf.<sup>26</sup>
- (5) A person to whom this section applies who for the time being has in his employment a person registered as handicapped by disablement shall not, unless he has reasonable cause for doing so, discontinue the employment of that person, if immediately after the discontinuance the number of persons so registered in the employment of the person to whom this section applies (excluding persons employed by him in an employment of a class then designated under section twelve of this Act) would be less than his quota:
- Provided that this subsection shall not have effect if immediately after the discontinuance the employer would no longer be a person to whom this section applies.
- (6) Any person who contravenes subsection (2) or subsection (5) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.
- (7) [Repealed]<sup>27</sup>

## 10 Determination of employers' quotas

- (1) The quota at any time of a person to whom section nine of this Act applies shall be a number ascertained in accordance with the provisions of this section.
- (2) There shall be —
- (a) a standard percentage; and
  - (b) a special percentage, either greater or smaller than the standard percentage, for employment in any trade or industry, or in any branch or part of any trade or industry, or for employment with any class of employer, being employment to which it appears to the Department that a percentage other than the standard percentage ought to be assigned on the ground of its having distinctive characteristics as respects its suitability for disabled persons.<sup>28</sup>
- (3) The standard percentage and any special percentage shall be such as may be specified by order made by the Department, after consultation with

such organisations representing employers and workers respectively, or both employers and workers, as it thinks fit, and an order assigning a special percentage shall contain such provisions as may appear to the Department to be requisite for more particularly defining for the purposes of this section the trade or industry, branch or part of a trade or industry, or class of employer, to employment in which or with whom the percentage is assigned.<sup>29</sup>

- (4) The quota at any time of a person to whom section nine of this Act applies shall be the number ascertained by applying to the number of all the persons then in his employment (excluding persons employed by him in an employment of a class then designated under section twelve of this Act) —
- (a) so far as they consist of persons employed by him in an employment other than one to which a special percentage is then assigned, the standard percentage; and
  - (b) so far as they consist of persons employed by him in an employment to which a special percentage is then assigned, that percentage:

Provided that if the number so ascertained includes or consists of a fraction less than one half the fraction shall be disregarded, and if the number so ascertained includes or consists of a fraction being one half or more the quota shall be the nearest higher whole number.

- (5) On an application in that behalf being made in the prescribed manner by any person to whom section nine of this Act applies representing that his quota, if ascertained in accordance with the last preceding subsection, or with that subsection together with any direction for the time being in force under this subsection, would be too great having regard to the particular circumstances in which all or any of the persons employed by him are employed, the Department, if it is satisfied that the representation is well founded, may direct that, during any such period ending not later than twelve months from the date of the direction as may be therein specified, the standard percentage, or any special percentage, or both, shall be reduced as specified in the direction for the purposes of the operation of the last preceding subsection in relation to the applicant.<sup>30</sup>
- (6) The Department shall, on an application in that behalf being made in the prescribed manner by any person to whom section nine of this Act applies and on his giving to the Department all such information relevant to the application as it may require, determine what percentage of the number of all the persons in the employment of the applicant (excluding persons employed by him in an employment of a class for the time being designated under section twelve of this Act) his quota, as ascertained in accordance with the preceding provisions of this section, is likely to represent over any period ending not later than twelve months

from the date of the determination, and shall furnish the applicant with a certificate stating that percentage and the period as respects which the determination was made, and the applicant shall be deemed to have in his employment at any time during the period stated in the certificate persons registered as handicapped by disablement to the number of his quota if the number of such persons then in his employment (excluding as aforesaid) reaches the percentage stated in the certificate of the number of all the persons then in his employment (excluding as aforesaid).<sup>31</sup>

## **11 Permits for employment of persons not registered where quota conditions not satisfied**

- (1) On an application in that behalf being made in the prescribed manner by any person to whom section nine of this Act applies, the Department may grant a permit for the purposes of subsection (4) of that section if it appears to it to be expedient so to do having regard to the nature of the work for which the applicant desires to take a person or persons into his employment and the qualifications and the suitability for the work of any person or persons registered as handicapped by disablement who may be available therefor, or if it is satisfied that there is no such person or an insufficient number of such persons available therefor.<sup>32</sup>
- (2) A permit may be granted either unconditionally or subject to any conditions relating to the employment of the person or persons to whom the permit relates, and may be granted as respects the employment either of one or more persons specified or described therein or of a specified number of persons.
- (3) [Repealed]<sup>33</sup>

## **12 Appropriation of vacancies in certain employments to registered persons only**

- (1) The Department may, after consultation with such organisations representing employers and workers respectively, or both employers and workers, as it thinks fit, by order designate classes of employment as classes to which this section is to apply, being such classes of employment as appear to it to afford specially suitable opportunities for the employment of disabled persons.<sup>34</sup>
- (2) Subject as mentioned in the next succeeding subsection no person shall take, or offer to take, into his employment in an employment of a class to which this section applies any person other than a person registered as handicapped by disablement, or cause or permit a person in his employment other than a person registered as handicapped by disablement to take up with him employment of a class to which this section applies.

- (3) The provisions as to taking a person into employment in pursuance of a statutory or contractual obligation, and as to permits, of subsections (3) and (4) of section nine, and of section eleven, of this Act shall have effect in relation to the last preceding subsection as they have effect in relation to subsection (2) of section nine of this Act.
- (4) Any person who contravenes subsection (2) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

### **13 Provisions for interpretation etc, of preceding sections**

- (1) In this Act references to employment shall be construed as references to any relationship, whether entered into for business or other purposes, the legal character of which is that of master and servant, or is that of master and apprentice or a relationship similar to that of master and apprentice.
- (2) In this Act references to taking into employment shall be construed —
  - (a) as including references to the engagement by an employer of a person previously in his employment, but not if the new period of employment begins immediately on the ending of an earlier period or after an interval attributable to the employed person's illness or being on holiday or to other temporary causes;
  - (b) as not including any reference to the taking into his employment, by a person taking over a business or establishment at any time in succession to, or jointly with, another person who was carrying it on immediately before that time, of a person employed in that business or establishment immediately before that time.
- (3) With respect to part-time employment, or to employment part-time with one employer and part-time with another or with the same employer part-time in one class of employment and part-time in another, the Department may make regulations prescribing the extent and manner to and in which such employment is to be regarded for the purposes of this Act.<sup>35</sup>
- (4) Where a person who is a trustee or is acting in any other fiduciary capacity has employees the expenses (if any) of whose employment are or would be chargeable in his accounts in that capacity, he shall be treated for the purposes of the provisions of this Act relating to the duty of employers to give employment to persons registered as handicapped by disablement as one person in relation to that capacity and a different person in relation to any other capacity.
- (5) The fact that the making, termination or variation of a contract involves a contravention of any of the provisions of this Act relating to the duty of employers to give employment to persons registered as handicapped by

disablement, or of the last preceding section, shall not affect the operation in law of the contract, or of its termination or variation as the case may be.

- (6) Where a person registered as handicapped by disablement ceases to be so registered at a time when he is in employment with any employer, and for any period thereafter continues, either without any interval or with such interval only as is mentioned in paragraph (a) of subsection (2) of this section, in employment with that employer, or with a person taking over in succession (whether directly or indirectly) to, or jointly with, that employer a business or establishment in which the person who was so registered was employed at that time, he shall, for the purposes of the application of this Act during that period to that employer or to any person taking over as aforesaid, be treated as if he had continued to be a person so registered.

#### **14 Records to be kept by employers**

- (1) Every person to whom section nine of this Act applies shall record particulars showing the number of persons employed by him, the number of persons registered as handicapped by disablement employed by him, and the names of such persons respectively, and particulars of all other matters which may be relevant for showing compliance on his part with the provisions of subsections (2) and (5) of that section, being particulars giving all such information, and recorded in such form, as may be requisite for that purpose.
- (2) Every person who employs any person or persons in employment of a class designated under section twelve of this Act shall record particulars showing his or their name or names, and particulars of all other matters which may be relevant for showing compliance on his part with the provisions of subsection (2) of that section, being particulars giving all such information, and recorded in such form, as may be requisite for that purpose.
- (3) The Department may make regulations as to the matters of which particulars ought to be recorded under this section, the nature of the particulars proper to be recorded, and the form appropriate for the recording thereof, and records conforming in any respect with regulations so made shall be treated as sufficient in that respect for the purposes of this section.<sup>36</sup>
- (4) A person as respects whose employees records of such particulars as are mentioned in subsection (1) or (2) of this section are made shall preserve them for such period as may be prescribed, and shall on being required so to do by a person authorised by the Department in that behalf produce them for his inspection.<sup>37</sup>

- (5) On a prosecution for an offence under subsection (2) or (5) of section nine of this Act, or for an offence under subsection (2) of section twelve of this Act, a record of such particulars as are mentioned in subsection (1) or (2), as the case may be, of this section made by or on behalf of a person by whom the offence is alleged to have been committed shall be sufficient evidence, until the contrary is shown, of the facts stated herein.
- (6) If any person contravenes or fails to comply with any of the provisions applicable to him of subsection (1), (2) or (4) of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500, and if a failure to produce records in respect of which a person has been convicted under this subsection is continued after conviction, he shall, unless he proves that the failure is due to his not having made or not having preserved the required records, be guilty of a further offence and liable on summary conviction to a fine not exceeding £5 for each day on which the failure is so continued.
- (7) If any person includes, or causes or knowingly allows to be included, in a record of such particulars as are mentioned in subsection (1) or (2) of this section, any particulars which he knows to be false in a material respect, or for purposes connected with this Act produces or furnishes or causes or knowingly allows to be produced or furnished, any record or information which he knows to be false in a material respect, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,500 or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

## **15 Provisions for registered persons who are seriously disabled of employment, or work on their own account, under special conditions**

- (1) Facilities may be provided as specified in this section for enabling persons registered as handicapped by disablement who by reason of the nature or severity of their disablement are unlikely either at any time or until after the lapse of a prolonged period to be able otherwise to obtain employment, or to undertake work on their own account (whether because employment or such work would not be available to them or because they would be unlikely to be able to compete therein on terms comparable as respects earnings and security with those enjoyed by persons engaged therein who are not subject to disablement), to obtain employment or to undertake such work under special conditions, and for the training of such persons for the employment or work in question.
- (2) The nature of the facilities to be provided under this section shall be such as the Department may determine, and the Department may make arrangements for the provision thereof by any of one or more companies which may be formed for that purpose and incorporated under the *Companies Act, 1931*, at its instance, being a company required by its constitution to apply its profits, if any, or other income in promoting its

objects and prohibited thereby from paying any dividend to its members, or by any association or body, being an association or body so required and prohibited, which appears to the Department to be able and willing to provide the requisite facilities in an efficient and proper manner.<sup>38</sup>

- (3) The objects of any company to be formed for the purposes of this section may include all such objects as appear to the Department to be requisite for enabling it to act effectively for those purposes, and any such company shall be constituted so as to enable all or any of its operations to be controlled by the Department or persons acting on its behalf as may appear to the Department to be requisite.<sup>39</sup>
- (4) The Department, or with its authorisation any such company association or body as aforesaid providing facilities under this section, may defray or contribute towards expenses incurred by persons for whom facilities are provided under this section in travelling to and from the place where they are employed or work or where training is provided, and may make payments to or in respect of such persons, up to such amounts as the Department may determine and in such manner as it may determine.<sup>40</sup>
- (5) Payments may be made by the Department —
  - (a) in respect of the expenses of the formation and incorporation of any such company as aforesaid;
  - (b) to any such company association or body as aforesaid in respect of expenses incurred by them in providing facilities under this section, or of expenses incurred by them under the last preceding subsection; and
  - (c) to any local authority in respect of expenses incurred by them under any enactment conferring powers on them in that behalf in providing under arrangements made between the Department and the authority facilities approved by it for any of the purposes mentioned in subsection (1) of this section, in defraying or contributing towards expenses incurred by persons for whom such facilities are so provided in travelling as mentioned in the last preceding subsection, or in making payments to or in respect of such persons;

up to such amounts as the Department may determine.<sup>41</sup>

- (6) Expenses incurred by the Department under this section shall be defrayed by the Treasurer of the Isle of Man out of monies provided by Tynwald.<sup>42</sup>

*Administration***16 Preference for ex-service men and women**

The Department shall so exercise its discretion in selecting persons for vocational training and industrial rehabilitation courses and facilities under section fifteen of this Act at any time while it appears to it that they cannot for the time being be provided for all persons in need of them, and in selecting persons registered as handicapped by disablement with a view to submitting their names for engagements, as to secure that, so far as consistent with the efficient exercise of its powers, preference shall be given to persons of the following classes, that is to say –

- (a) men who have served whole time in the armed forces of the Crown or in the merchant navy or the mercantile marine; and
- (b) women who have served whole time in any of the capacities mentioned in the First Schedule to this Act.<sup>43</sup>

**17 [Repealed]<sup>44</sup>****18 Officers, etc**

- (1) The Department may appoint officers and servants to act for the purposes of this Act, and may, in lieu of or in addition to appointing persons under this section arrange with any government, or government department, or Board of Tynwald, that officers or servants of that department shall act for the purposes of this Act.<sup>45</sup>
- (2) There shall be paid to officers and servants appointed under this section such salaries or remuneration as the Department with the approval of Tynwald may determine, and the expenses of the payment thereof, and any other administrative expenses incurred for the purposes of this Act by any government, or government department, or Board of Tynwald shall be defrayed by the Treasury out of moneys provided by Tynwald.<sup>46</sup>

**19 Provisions as to offences**

- (1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Attorney General or by an officer authorised in that behalf by special or general directions of the Attorney General.<sup>47</sup>
- (2) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Attorney General to justify a prosecution for the offence, comes to his knowledge, or within the period of twelve months from the

date on which the offence was committed, whichever period last expires, and for the purposes of this subsection a certificate purporting to be signed by or on behalf of the Attorney General as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.<sup>48</sup>

- (3) Where the person convicted of an offence under this Act in respect of which a fine up to a maximum amount of £1,000 may be imposed under any of the preceding provisions thereof is a body corporate, the maximum amount of the fine which may be imposed on that body shall be £2,500 in lieu of £1,000.
- (4) Where an offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.
- (5) Proceedings against a person for an offence under this Act alleged to have been committed outside the Isle of Man may be taken before the appropriate court in the Isle of Man having jurisdiction in the place where that person is for the time being.

## 20 Regulations and orders

- (1) The Department may make regulations for prescribing anything which under this Act is to be prescribed.<sup>49</sup>
- (2) Any regulations or order made by the Department under this Act shall, as soon as may be after the making thereof, be laid before Tynwald, and shall not come into force until approved by resolution of Tynwald.<sup>50</sup>
- (3) An order made under this Act may be varied or revoked by a subsequent order.

*Application, Commencement, Etc.*

## 21 Application as respects place of employment and nationality

- (1) In the provisions of this Act relating to the duty of employers to give employment to persons registered as handicapped by disablement or to employments of classes designated under section twelve of this Act, references to employment shall be construed, subject to the provisions of the next succeeding subsection, as references to employment in the Isle of Man.

- (2) In the said provisions of this Act references to employment shall include references to employment in the capacity of master or of a member of the crew of a British ship (other than a ship employed exclusively outside the Isle of Man) if the owner or managing owner or person having the management of the ship is resident or has his principal place of business in the Isle of Man.

Provided that subsection (2) of section nine of this Act and subsection (2) of section twelve thereof shall, in relation to the taking into employment of a person in any such capacity as aforesaid or the taking up by a person employed in any such capacity as aforesaid of an employment of a class designated under section twelve of this Act, have effect only if the engagement under which he is taken into employment is entered into, or if his employment in the employment of that class begins, in the Isle of Man.

- (3) This Act shall, subject as may be prescribed, apply to persons who are not British subjects in the same manner as it applies to persons who are British subjects.

## **22 Proceedings**

All fines, penalties and forfeitures for offences against the provisions of this Act may be recovered at the suit of the Chief Constable or an Inspector or any officer of police, and may be sued for and recovered in the name of the Attorney General.

## **23 Short title, interpretation and commencement**

- (1) This Act may be cited as the Disabled Persons (Employment) Act, 1946.
- (2) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.
- (3) This Act shall come into operation after the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys and shall take effect on such day or days as the Governor may by Order appoint, and different days may be appointed for different purposes and different provisions of this Act.<sup>51</sup>



**FIRST SCHEDULE****WOMEN'S SERVICES**

Sections 7, 16

1. Member of Queen Alexandra's Royal Naval Nursing Service or any reserve thereof.
2. Member of the Women's Royal Naval Service.
3. Woman medical practitioner serving in the Royal Navy or any naval reserve.
4. Member of Queen Alexandra's Imperial Military Nursing Service or any reserve thereof.
5. Member of the Territorial Army Nursing Service or any reserve thereof.
6. Member of the Auxiliary Territorial Service.
7. Woman employed with the Royal Army Medical Corps or the Army Dental Corps with relative rank as an officer.
8. Member of Princess Mary's Royal Air Force Nursing Service or any reserve thereof.
9. Member of the Women's Auxiliary Air Force.
10. Women employed with the Medical Branch or the Dental Branch of the Royal Air Force with relative rank as an officer.
11. Member of the Voluntary Aid Detachments employed under the Admiralty, Army Council or Air Council.

**SECOND SCHEDULE<sup>52</sup>**



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Subs (1) substituted by Disability Discrimination Act 2006 Sch 5.

<sup>2</sup> Subs (2) repealed by Disability Discrimination Act 2006 Sch 6.

<sup>3</sup> Subs (3) substituted by Health and Social Security Act 1986 Sch 2 and amended by SD155/10 Sch 6amd by SD2014/08.

<sup>4</sup> Subs (1) amended by Health and Social Security Act 1986 Sch 2.

<sup>5</sup> Subs (2) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by Health and Social Security Act 1986 Sch 2.

<sup>6</sup> Subs (3) amended by Health and Social Security Act 1986 Sch 2.

<sup>7</sup> Subs (1) amended by Health and Social Security Act 1986 Sch 2.

<sup>8</sup> Subs (2) amended by Health and Social Security Act 1986 Sch 2.

<sup>9</sup> Subs (3) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by Health and Social Security Act 1986 Sch 2.

<sup>10</sup> S 4 amended by Treasury Act 1985 Sch 2 and by Health and Social Security Act 1986 Sch 2.

<sup>11</sup> S 5 amended by Treasury Act 1985 Sch 2 and by Health and Social Security Act 1986 Sch 2.

<sup>12</sup> Subs (1) amended by Health and Social Security Act 1986 Sch 2.

<sup>13</sup> Subs (2) amended by Health and Social Security Act 1986 Sch 2.

<sup>14</sup> Subs (4) amended by Health and Social Security Act 1986 Sch 2.

<sup>15</sup> Subs (1) amended by Health and Social Security Act 1986 Sch 2.

<sup>16</sup> Para (a) amended by Health and Social Security Act 1986 Sch 2.

<sup>17</sup> Subs (2) amended by Health and Social Security Act 1986 Sch 2 and by Statute Law Revision Act 1997 Sch 2. Para (b) repealed by Government Departments Act 1987 Sch 4.

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- <sup>18</sup> Subss (3) and (4) repealed by Statute Law Revision Act 1997 Sch 2.
- <sup>19</sup> Subs (1) amended by Health and Social Security Act 1986 Sch 2 and by Statute Law Revision Act 1997 Sch 2.
- <sup>20</sup> Subs (2) amended by Health and Social Security Act 1986 Sch 2.
- <sup>21</sup> Subs (3) amended by Health and Social Security Act 1986 Sch 2 and by Statute Law Revision Act 1997 Sch 2.
- <sup>22</sup> Para (b) repealed by Statute Law Revision Act 1997 Sch 2.
- <sup>23</sup> Subs (4) amended by Health and Social Security Act 1986 Sch 2.
- <sup>24</sup> Subs (5) amended by Health and Social Security Act 1986 Sch 2.
- <sup>25</sup> Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- <sup>26</sup> Subs (4) amended by Health and Social Security Act 1986 Sch 2.
- <sup>27</sup> Subs (7) repealed by Government Departments Act 1987 Sch 4.
- <sup>28</sup> Para (b) amended by Health and Social Security Act 1986 Sch 2.
- <sup>29</sup> Subs (3) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by Health and Social Security Act 1986 Sch 2.
- <sup>30</sup> Subs (5) amended by Governor's General Functions (Transfer) Act 1980 s 3, by Health and Social Security Act 1986 Sch 2 and by Statute Law Revision Act 1997 Sch 2.
- <sup>31</sup> Subs (6) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by Health and Social Security Act 1986 Sch 2.
- <sup>32</sup> Subs (1) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by Health and Security Act 1986 Sch 2.
- <sup>33</sup> Subs (3) repealed by Government Departments Act 1987 Sch 4.
- <sup>34</sup> Subs (1) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by Health and Social Security Act 1986 Sch 2.
- <sup>35</sup> Subs (3) amended by Health and Social Security Act 1986 Sch 2.
- <sup>36</sup> Subs (3) amended by Health and Social Security Act 1986 Sch 2.
- <sup>37</sup> Subs (4) amended by Health and Social Security Act 1986 Sch 2.
- <sup>38</sup> Subs (2) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by Health and Social Security Act 1986 Sch 2.
- <sup>39</sup> Subs (3) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by Health and Social Security Act 1986 Sch 2.
- <sup>40</sup> Subs (4) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by Health and Social Security Act 1986 Sch 2.
- <sup>41</sup> Subs (5) amended by Health and Social Security Act 1986 Sch 2. Para (c) amended by Governor's General Functions (Transfer) Act 1980 s 3 and by Health and Social Security Act 1986 Sch 2.
- <sup>42</sup> Subs (6) amended by Health and Social Security Act 1986 Sch 2.
- <sup>43</sup> S 16 amended by Governor's General Functions (Transfer) Act 1980 s 3 and by Health and Social Security Act 1986 Sch 2.
- <sup>44</sup> S 17 repealed by Government Departments Act 1987 Sch 4.
- <sup>45</sup> Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- <sup>46</sup> Subs (2) amended by Treasury Act 1985 Sch 2 and by Health and Social Security Act 1986 Sch 2.

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<sup>47</sup> Subs (1) amended by Governor's General Functions (Transfer) Act 1980 Sch 1.

<sup>48</sup> Subs (2) amended by Governor's General Functions (Transfer) Act 1980 Sch 1.

<sup>49</sup> Subs (1) amended by Health and Social Security Act 1986 Sch 2.

<sup>50</sup> Subs (2) amended by Health and Social Security Act 1986 Sch 2.

<sup>51</sup> ADO (whole Act) 1/11/1946 (GC4178).

<sup>52</sup> Sch 2 repealed by Government Departments Act 1987 Sch 4.