



Isle of Man

Ellan Vannin

AT 3 of 1951

**NATIONAL ASSISTANCE (ISLE OF MAN)
ACT 1951**



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<i>Received Royal Assent:</i>	<i>15 March 1951</i>
<i>Passed:</i>	<i>20 March 1951</i>
<i>Commenced:</i>	<i>12 May 1951</i>

AN ACT to terminate the existing poor law and to provide in lieu thereof for the assistance of persons in need by the Isle of Man Board of Social Services; to make further provision for the welfare of disabled, sick, aged and other persons and for regulating homes for disabled and aged persons and charities for disabled persons; to amend the law relating to non-contributory old age pensions; to make provision as to the burial or cremation of deceased persons; and for purposes connected with the matters aforesaid.

GENERAL NOTE: 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*.

PART I

1 [Repealed]¹

PART II – ENDOWMENTS²

2 [Repealed]³

3 **Endowments**

[1948/3]

(1) [Repealed]⁴

- (a) Endowments which, on the appointed day, were held by the rector, vicar, incumbent or chaplain and wardens of a parish or any other body or person or persons, for the benefit of the general poor, shall continue to be so held, in trust, to pay over the income thereof annually to the appropriate Endowments Committee constituted in accordance with the Third Schedule to this Act.

- (b) Endowments which, on the appointed day, were held by a Board of Guardians shall be transferred to and vested in the Department to be held in trust, to pay over the income thereof annually to the appropriate Endowments Committee constituted as aforesaid.⁵
 - (c) The provisions set out in the Third Schedule to this Act shall apply to endowments.
- (2) [Repealed]⁶

4 to 21 [Repealed]⁷

PART III – WELFARE SERVICES

Provision of Accommodation

22 Duty of Department to provide accommodation

[1948/21]

- (1) It shall be the duty of the Department, subject to and in accordance with the provisions of this Part of this Act, to provide —
 - (a) residential accommodation in the Infirmary or elsewhere in the Island for persons aged 18 or over who by reason of age, infirmity or any other circumstances are in need of care and attention which is not otherwise available to them;⁸
 - (b) temporary accommodation for persons who are in urgent need thereof, being need arising in circumstances which could not reasonably have been foreseen or in such other circumstances as the Department may in any particular case determine.⁹
- (2) In the exercise of their said duty the Department shall have regard to the welfare of all persons for whom accommodation is provided, and in particular to the need for providing accommodation of different descriptions suited to different descriptions of such persons as are mentioned in the last foregoing subsection.¹⁰
- (3) References in this Act to accommodation provided under this Part thereof shall be construed as references to accommodation provided in accordance with this and the four next following sections, and as including references to board and other services, amenities and requisites provided in connection with the accommodation except where in the opinion of the Department their provision is unnecessary.¹¹
- (4) Without prejudice to the generality of the foregoing provisions of this section, the Department may —

- (a) provide, in such cases as they may consider appropriate, for the conveyance of persons to and from premises in which accommodation is provided for them under this Part of the Act;
- (b) themselves provide on the premises in which accommodation is being provided such health services, not being specialist services or services of a kind normally provided only on admission to a hospital, as appear to the Department requisite;¹²
- (c) arrange for the provision on the premises of health services.

In this subsection the expression “health services” means the like services as are provided under sections 17 to 23 of the Health Service Act, for persons in their own homes; and the Department shall by virtue of this subsection have power to provide any health services to which arrangements under this subsection relate.¹³

- (5) Save as provided in the last foregoing subsection, nothing in this section shall authorise or require the Department to make any provision authorised or required to be made by or under any enactment not contained in this Part of this Act.¹⁴
- (6) Notwithstanding the provisions of the preceding subsections of this section, it shall not be the duty of the Department to provide residential accommodation for any person unless —
 - (a) he was born in the Isle of Man; or
 - (b) he has been ordinarily resident in the Isle of Man for a period of five consecutive years immediately preceding the date of the taking effect of the *Supplementary Benefit and National Assistance (Amendment) Act 1975*; or
 - (c) he has been ordinarily resident in the Isle of Man for a period of ten consecutive years immediately preceding the date of the application for such accommodation; or
 - (d) he satisfies any of the conditions which the Department may by regulation prescribe.¹⁵

23 Charges to be made for accommodation

[1948/22]

- (1) Persons for whom accommodation is provided under this Part of this Act shall pay for the accommodation in accordance with the following provisions of this section.
- (2) Subject to the following provisions of this section, the payment for any such accommodation shall be in accordance with a standard rate fixed for that accommodation by the Department.¹⁶
- (3) Where a person for whom accommodation in premises managed by the Department is provided, or proposed to be provided, under this Part of this Act satisfies the Department that he is unable to pay therefor at the

standard rate, the Department shall assess his ability to pay (apart from any supplementation of his resources which he will receive under section 124 of the Social Security Contributions and Benefits Act 1992 (as that section has effect in the Island)), and accordingly determine at what lower rate he shall be liable to pay for the accommodation:

Provided that the liability shall in no case be reduced below such sum per week as may be prescribed by the Department.¹⁷

- (4) In assessing for the purposes of the last foregoing subsection a person's ability to pay, the Department shall assume that he will need for his personal requirements such sum per week as may be prescribed or such other sum as in special circumstances the Department may consider appropriate.¹⁸
- (5) In assessing as aforesaid a person's ability to pay, the Department shall give effect to section 124 of the Social Security Contributions and Benefits Act 1992 (an Act of Parliament) as applied to the Isle of Man.¹⁹
- (6) Where temporary accommodation is provided for a person for less than 3 weeks, or it appears to the Department in any case where temporary accommodation is being provided for a person that by reason of special circumstances charges therefor cannot appropriately be made in accordance with the provisions of subsections (2) and (3) of this section, those provisions shall not apply but the said person shall pay for the accommodation at such rate as the Department may determine.²⁰
- (7) Where accommodation is provided for a child accompanied by a person over the age of sixteen, the foregoing provisions of this section shall have effect subject to the following modifications:
 - (a) in respect of the accommodation provided for the child payment shall be made by the person by whom the child is accompanied.
 - (b) the personal requirements of the child shall be treated as personal requirements of the person by whom the child is accompanied, and for the purposes of subsection (4) of this section the fact that that person is accompanying the child may be treated as special circumstances.
- (8) Where the whole or part of a liability arising under this section is taken into account by the Department in awarding benefit under section 124 of the Contributions and Benefits Act 1992 (an Act of Parliament) as applied to the Isle of Man, the Department may, instead of issuing the whole amount of the benefit to the person entitled to it retain in or towards the satisfaction of the liability so much of it as relates to that liability.²¹
- (9) Subject to the provisions of section 26 of the *Trustee Act 1961*, payment recoverable under this section may be recovered as a civil debt or summarily or otherwise in proceedings commenced within three years of

the resident's leaving the premises in which the accommodation has been provided, or if he dies in such premises, from the date of death.²²

24 Management of premises in which accommodation provided

[1948/23]

- (1) Subject to the provisions of this Part of this Act, the Department may make rules as to the conduct of premises under their management in which accommodation is provided under this Part of this Act and as to the preservation of order in the premises.²³
- (2) Rules under this section may provide that where by reason of any change in a person's circumstances he is no longer qualified to receive accommodation under this Part of this Act or where a person has otherwise become unsuitable therefor, he may be required by the Department to leave the premises in which the accommodation is provided.²⁴
- (3) Rules under this section may provide for the waiving of part of the payments due under the last foregoing section where in compliance with the rules persons for whom accommodation is provided assist in the running of the premises.

25 Provision of accommodation in premises maintained by voluntary organisations

[1948/26]

- (1) Notwithstanding anything in the foregoing provisions of this Part of this Act, the Department may in lieu or in supplementation of the provision of accommodation in premises managed by them make arrangements with a voluntary organisation managing any premises for the provision of accommodation in those premises.²⁵
- (2) Any such arrangements as aforesaid shall provide for the making by the Department to the organisation of payments in respect of the accommodation provided at such rates as may be determined by or under the arrangements.²⁶
- (3) A person for whom accommodation is provided under any such arrangements shall, in lieu of being liable to make payment therefor in accordance with section twenty-three of this Act, refund to the Department any payments made in respect of him under the last foregoing subsection:

Provided that where a person for whom accommodation is provided, or proposed to be provided, under any such arrangements satisfies the Department that he is unable to make a refund at the full rate determined under that subsection, subsections (3) to (5) of section twenty-three of this Act shall, with the necessary modifications, apply as

they apply where a person satisfies the Department of his inability to pay at the standard rate as mentioned in the said subsection (3).²⁷

- (4) Subsections (6), (7) and (8) of the said section twenty-three shall, with the necessary modifications, apply for the purposes of the last foregoing subsection as they apply for the purposes of the said section twenty-three.
- (5) Where in any premises accommodation is being provided under subsection (1) of this section in accordance with arrangements made by the Department, any person authorised in that behalf by the Department may at all reasonable times enter and inspect the premises.²⁸
- (6) The Department may make contributions to the funds of any voluntary organisation providing, or proposing to provide, accommodation for the like purposes as accommodation provided by the Department under the foregoing provisions of this Part of this Act.²⁹

26 Investigation of resources, etc, by Department

[1948/27]

The Department may investigate any question arising as to the resources or other circumstances of a person applying for accommodation under this Part of this Act or for whom such accommodation is being provided.³⁰

27 Welfare arrangements for blind, deaf, dumb, and crippled persons, etc

[1948/29]

- (1) The Department shall have power to make arrangements for promoting the welfare of persons to whom this section applies, that is to say persons who are blind, deaf or dumb, and other persons who are substantially and permanently handicapped by illness, injury, or congenital deformity or such other disabilities as may be prescribed.³¹
- (2) The arrangements made by the Department under this section shall be carried into effect in accordance with a scheme made thereunder, such scheme to be subject to the approval of Tynwald.³²
- (3) Without prejudice to the generality of the provisions of subsection (1) of this section, arrangements may be made thereunder —
 - (a) for informing persons to whom arrangements under that subsection relate of the services available for them thereunder;
 - (b) for giving such persons instruction in their own homes or elsewhere in methods of overcoming the effects of their disabilities;
 - (c) for making available workshops where such persons may be engaged (whether under a contract of service or otherwise) in suitable work, and hostels where persons engaged in the workshops, and other persons to whom arrangements under

- subsection (1) of this section relate and for whom work or training is being provided in pursuance of the *Disabled Persons (Employment) Act, 1946*, may live;
- (d) for providing persons to whom arrangements under subsection (1) of this section relate with suitable work (whether under a contract of service or otherwise) in their own homes or elsewhere;
 - (e) for helping such persons in disposing of the produce of their work;
 - (f) for providing such persons with recreational facilities in their own homes or elsewhere;
 - (g) for compiling and maintaining classified registers of the persons to whom arrangements under subsection (1) of this section relate.
- (4) The Department may recover from persons availing themselves of any service provided under this section such charges (if any) as, having regard to the cost of the service, the Department may determine, whether generally or in the circumstances of any particular case.³³
- (5) Nothing in the foregoing provisions of this section shall authorise or require –
- (a) the payment of money to persons to whom this section applies, other than persons for whom work is provided under arrangements made by virtue of paragraph (c) or paragraph (d) of subsection (3) of this section or who are engaged in work which they are enabled to perform in consequence of anything done in pursuance of arrangements made under this section; or
 - (b) the provision of any accommodation or services required to be provided under the Health Service Act.

28 Voluntary organisations for disabled persons' welfare

[1948/30]

- (1) The Department may, if the scheme under the last foregoing section so provides, employ as their agent for the purposes of that section any voluntary organisation for the time being registered in accordance with this Act being an organisation having for its sole or principal object or among its principal objects the promotion of the welfare of persons to whom the last foregoing section applies, and shall in particular co-operate as far as practicable with the Manx Blind Welfare Society in the interests of blind persons.³⁴
- (2) The Department may make contributions to the funds of any such organisation as is referred to in the last foregoing subsection.³⁵

28A Contributions to old people's organisations

The Department may make contributions to the funds of any voluntary organisation whose activities consist in or include the provision of recreation or meals for old people.³⁶

PART IV – GENERAL AND SUPPLEMENTARY*Charities for disabled persons***29 to 32 [Repealed]³⁷***Charities and endowments***32A The Department may act as trustees and accept gifts for a charity**

[1948/4]

The Department may be constituted trustees for any charity or endowment whether such charity or endowment was established before or after the passing of this Act, and shall have power to accept real or personal property given to the Department as a charity or endowment or upon trust for any purposes in connection with the charity or endowment and may act as sole trustee of any charity or endowment notwithstanding more than one trustee was either originally appointed or substituted and whether such trustees were appointed by the court or otherwise.³⁸

32B Trustees of any endowment may transfer to the Department

[1948/5]

The trustees of any endowment may transfer or convey any endowment to the Department and, if the Department thinks fit, the Department may accept such transfer or conveyance and thereafter the Department shall be the trustee thereof.³⁹

*Recovery of Expenses***33 Liability to maintain spouse or civil partner and children**

- (1) For the purposes of this Act a person is liable to maintain –
 - (a) that person's spouse or civil partner; and
 - (b) that person's children.⁴⁰
- (2) Any reference in this section to a person's children shall be construed in accordance with section 5 of the *Children and Young Persons Act 2001*.⁴¹

34 Recovery of cost of assistance from persons liable for maintenance

[1948/43]

- (1) Where assistance is given or applied for by reference to the requirements of any person (in this section referred to as a person assisted), the Department may make a complaint to the court against any other person who for the purposes of this Act is liable to maintain the person assisted.⁴²
- (2) On a complaint under this section the court shall have regard to all the circumstances and in particular to the resources of the defendant, and may order the defendant to pay such sum, weekly or otherwise, as the court may consider appropriate.
- (3) For the purposes of the application of the last foregoing subsection to payments in respect of assistance given before the complaint was made, a person shall not be treated as having at the time when the complaint is heard any greater resources than he had at the time when the assistance was given.
- (4) In this section the expression “assistance” means the provision of accommodation under Part III of this Act (hereinafter referred to as “assistance under Part III of this Act”); and the expression “the court” means a court of summary jurisdiction.⁴³
- (5) Payments under subsection (2) of this section shall be made —
 - (a) to the Department in respect of the cost of assistance, whether given before or after the making of the order, or⁴⁴
 - (b) to the applicant for assistance or any other person being a person assisted, or
 - (c) to such other person as appears to the court expedient in the interests of the persons assisted,or as to part in one such manner and as to part in another, as may be provided by the order.
- (6) Section 47(1) of this Act shall not apply to an order under this section (whenever made).⁴⁵
- (7) [Repealed]⁴⁶

35 [Repealed]⁴⁷**36 Recovery in cases of misrepresentation or non-disclosure**

[1948/45]

- (1) If, whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact, and in consequence of the misrepresentation or failure —

- (a) the Department incur any expenditure under Part III of this Act, or⁴⁸
- (b) any sum recoverable under this Act by the Department is not recovered,⁴⁹

the Department shall be entitled to recover the amount thereof from the said person.⁵⁰

- (2) to (4) [Repealed]⁵¹

Miscellaneous

37 [Repealed]⁵²

38 Removal to suitable premises of persons in need of care and attention

[1948/47]

- (1) The following provisions of this section shall have effect for the purposes of securing the necessary care and attention for persons who —
 - (a) are suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and
 - (b) are unable or unwilling to devote to themselves, and are not receiving from other persons, proper care and attention.
- (2) If a director of public health certifies in writing to the Department that he is satisfied after thorough inquiry and consideration that, in the interests of any such person, or for preventing injury to the health of or serious nuisance to other persons, it is necessary to remove any such person from the premises in which he is residing, the Department may apply to a court of summary jurisdiction for an order under subsection (3).⁵³
- (3) On any such application the court may, if satisfied on oral evidence of the allegations in the certificate, and that it is expedient so to do, order the removal of the person to whom the application relates, by such officer of the Department as may be specified in the order, to such hospital or other suitable place in the Island as may be so specified, and his detention and maintenance therein.⁵⁴
- (3A) An order under subsection (3) may be made so as to authorise a person's detention for any period not exceeding 3 months, and a court of summary jurisdiction may from time to time by order extend that period for such further period, not exceeding 3 months, as the court may determine.⁵⁵
- (3B) An order under subsection (3) may be varied by order of a court of summary jurisdiction so as to substitute for the place specified in the original order such other suitable place in the Island as may be specified in the order under this subsection.⁵⁶

- (3C) The court shall not specify any premises in an order under subsection (3) or (3B) other than hospital accommodation provided under the Health Service Act or premises where accommodation is provided by the Department under Part III of this Act, unless either —
- (a) the person managing the premises has been heard in the proceedings, or
 - (b) 7 days' notice has been given to him of the intended application and of the time and place at which it is proposed to be heard.⁵⁷
- (3D) At any time after the expiration of 6 weeks from the making of an order under subsection (3) or (3A), an application may be made to a court of summary jurisdiction by or on behalf of the person in respect of whom the order was made, and on any such application the court may, if in the circumstances it appears expedient to do so, revoke the order.⁵⁸
- (3E) No application under this section shall be entertained by the court unless 7 days' notice of the intended application and of the time and place at which it is proposed to be heard has been given —
- (a) in the case of an application for an order under subsection (3), (3A) or (3B), to the person in respect of whom the application is made or to some person in charge of him;
 - (b) in the case of an application under subsection (3D), to the Department.⁵⁹
- (4) Where in pursuance of this section a person is maintained neither in hospital accommodation provided under the Health Service Act, nor in premises where accommodation is provided by, or by arrangement with the Department under Part III of this Act, the cost of his maintenance shall be borne by the Department.⁶⁰
- (5) Any expenditure incurred under the last foregoing subsection shall be recoverable from the person maintained or from any person who for the purposes of this Act is liable to maintain that person; and any expenditure incurred by virtue of this section in connection with the maintenance of a person in premises where accommodation is provided under Part III of this Act shall be recoverable in like manner as expenditure incurred in providing accommodation under the said Part III.
- (6) The provisions of section 22 of the Health Service Act, (which requires the Department to secure that ambulances and other means of transport are available for the conveyance of certain persons) shall apply to the conveyance of persons removed in pursuance of this section as they apply to the conveyance of the persons specified in the said section 22.⁶¹
- (7) Any person who wilfully obstructs the removal of a person under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

- (8) The foregoing provisions of this section shall have effect in substitution for any provisions for the like purposes contained in, or having effect under, any Act passed before the passing of this Act:

Provided that nothing in this subsection shall be construed as affecting any enactment providing for the removal to, or detention in, hospital of persons suffering from notifiable or infectious diseases.

39 Temporary protection for property of persons admitted to hospitals, etc
[1948/48]

- (1) Where a person —
- (a) is admitted as a patient to any hospital, or
 - (b) is admitted to accommodation provided under Part III of this Act, or
 - (c) is removed to any other place under subsection (2) or subsection (3) of the last foregoing section,

and it appears to the Department that there is a danger of loss of, or damage to, any movable property of his by reason of his temporary or permanent inability to protect or deal with the property, and that no other suitable arrangements have been or are being made for the purposes of this subsection, it shall be the duty of the Department to take reasonable steps to prevent or mitigate the loss or damage.⁶²

- (2) For the purpose of discharging the said duty, the Department shall have power at all reasonable times to enter any premises which immediately before the person was admitted or removed as aforesaid were his place of residence or usual place of residence, and to deal with any movable property of his in any way which is reasonably necessary to prevent or mitigate loss thereof or damage thereto.⁶³
- (3) The Department may recover from a person admitted or removed as aforesaid, or from any person who for the purposes of this Act is liable, to maintain him, any reasonable expenses incurred by the Department in relation to him under the foregoing provisions of this section.⁶⁴

40 [Repealed]⁶⁵

41 Burial or cremation of the dead

[1948/50]

- (1) It shall be the duty of the Department to cause to be buried or cremated the body of any person who has died or been found dead in this Isle, in any case where it appears to the Department that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the Department.⁶⁶

- (2) The Department may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under Part III of this Act by, or by arrangement with the Department or was living in a hostel provided by the Department under section twenty-seven of this Act.⁶⁷
- (3) The Department may recover from the estate of the deceased person or from any person who for the purposes of this Act was liable to maintain the deceased person immediately before his death expenses incurred under subsection (1) or subsection (2) of this section.⁶⁸
- (4) Nothing in the foregoing provisions of this section shall affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person; and the Department shall not cause a body to be cremated under this section where they have reason to believe that cremation would be contrary to the wishes of the deceased or his or her relatives.⁶⁹

42 Failure to maintain

[1948/51]

- (1) Where a person persistently refuses or neglects to maintain himself or any person whom he is liable to maintain for the purposes of this Act, and in consequence of his refusal or neglect accommodation under Part III thereof is provided for, himself or any other person, he shall be guilty of an offence.⁷⁰
- (2) For the purposes of this section, a person shall not be deemed to refuse or neglect to maintain himself or any other person by reason only of anything done or omitted in furtherance of a trade dispute.
- (3) A person guilty of an offence under this section shall be liable on summary conviction —
 - (a) where the accommodation was provided for him, to imprisonment for a term not exceeding three months;⁷¹
 - (b) in any other case, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

43 False statements

[1948/52]

- (1) If any person —
 - (a) for the purpose of obtaining, either for himself or for another person, any benefit under Part III of this Act; or⁷²
 - (b) for the purpose of avoiding or reducing any liability under this Act,

makes any statement or representation which he knows to be false, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

- (2) Notwithstanding anything in any enactment, proceedings for an offence under this section may be begun at any time within three months from the date on which evidence sufficient in the opinion of the Department to justify a prosecution for the offence comes to the knowledge of the Department or within twelve months from the commission of the offence, whichever period is the longer.⁷³
- (3) For the purposes of the last foregoing subsection, a certificate of the Department as to the date on which such evidence as aforesaid came to the knowledge of the Department shall be conclusive proof thereof.⁷⁴

Supplementary

44 [Repealed]⁷⁵

45 Inquiries

[1948/54]

The Department may cause such inquiries to be held as they may deem necessary or desirable for the purposes of this Act.⁷⁶

46 Provisions as to entry and inspection

[1948/55]

- (1) A person who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (2) Any person who obstructs the exercise of any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.⁷⁷

47 Legal proceedings

[1948/56]

- (1) Without prejudice to any other method of recovery, any sum due under this Act to the Department shall be recoverable summarily as a civil debt.⁷⁸
- (2) Notwithstanding anything in any Act, proceedings for the recovery of any sum in the manner provided by the last foregoing subsection may be brought at any time within six years after the sum became due.
- (3) The Department may prosecute for any offence under this Act.⁷⁹

48 [Repealed]⁸⁰**49 Accounts of Department**

[1948/59]

The Department shall keep accounts of the sums received and expended by them in the exercise of their functions under this Act, and those accounts shall be kept separately from their other accounts.⁸¹

50 Expenses

[1948/61]

There shall be defrayed out of moneys provided by Tynwald —

- (a) the expenses of the Department incurred in exercising generally all their functions under this Act or any functions transferred to the Department under this Act.⁸²
- (b) [Repealed]⁸³
- (c) any increase attributable to this Act in the sums payable out of moneys provided by Tynwald under the Health Service Act.⁸⁴
- (d) the administrative expenses incurred under this Act by the Treasury.⁸⁵

51 Consequential adaptation of enactments

[1948/62]

- (1) The transitional provisions set out in the Fifth Schedule to this Act shall have effect for the purposes of this Act.
- (2) Any enactment passed before the passing of this Act which refers to or is dependent on any provision of the existing poor law shall have effect subject to such adaptations as may be provided by regulations of the Department, being adaptations appearing in them consequential on the cesser of the existing poor law and the replacement thereof by provisions of this Act or of any other Act.⁸⁶
- (3) [Repealed]⁸⁷
- (4) [Repealed]⁸⁸

Abolition of Poor Rate

- (5) No person shall in respect of any period beginning on or after the twelfth day of May, 1951, be liable to pay District Poor Rates.

52 Regulations and rules

[1948/63]

- (1) Without prejudice to any specific provision in this Act, any regulations or rules under this Act may contain such incidental or supplementary provisions as appear to the Department to be expedient for the purposes of such regulations or rules.⁸⁹
- (2) [Repealed]⁹⁰
- (3) All regulations or rules made (whether by the Department or otherwise) under this Act shall be laid before Tynwald as soon as may be after they are made and shall not have effect until approved by Resolution of Tynwald.⁹¹
- (4) Any power conferred by this Act to make an order shall, save where the context otherwise requires, be construed as including a power, exercisable in the like manner and subject to the like conditions, to vary or revoke the order.

53 Interpretation

[1948/64]

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively that is to say: —

“**appointed day**” means such day as the Governor may by order appoint and different days may be appointed for the purposes of different provisions of this Act and for the repeal or amendment of different enactments by this Act;

“**Bastardy Acts**” [Repealed]⁹²

“**blind person**” means a person so blind as to be unable to perform any work for which eyesight is essential;

“**Board of Guardians**” means the Board of Guardians of the Poor of any district and shall include in the case of a parish where there is no Board of Guardians the rector, vicar, incumbent or chaplain and wardens of any such parish in so far as they are the poor authority in such parish;

“**Charity Commissioners**” [Repealed]⁹³

“**child**” means a person under the age of sixteen;

“**the Department**” means the Department of Health and Social Care;⁹⁴

“**dependant**” [Repealed]⁹⁵

“**disability**” includes mental as well as physical disability;

“**disabled persons**” or old persons” home” [Repealed]⁹⁶

“**endowment**” means any real or personal property vested in or controlled by any Board of Guardians or the rector, vicar or incumbent and churchwardens of a parish or any other body or person or persons, for the general poor of any district, not being endowments —

- (a) applicable to specified objects of charity amongst the poor, other than for the general poor of any district; or
- (b) for special purposes for the benefit of the poor; or
- (c) for any benevolent or charitable institution in which the poor may be interested;

“**existing poor law**” [Repealed]⁹⁷

“**functions**” includes powers and duties;

“**the Health Service Act**” means the *National Health Service Act 2001*,⁹⁸

“**hospital**” has the same meaning as in the Health Service Act,⁹⁹

“**National Insurance Act**” means the National Insurance (Isle of Man) Acts, 1948 and 1950; and “**National Insurance Acts**” means that Act and the National Insurance (Industrial Injuries) (Isle of Man) Acts, 1948 and 1949;

“**place of employment**” [Repealed]¹⁰⁰

“**prescribed**” means prescribed by regulations under this Act;

“**requirements**” does not include any medical, surgical, optical, aural or dental requirements;

“**trade dispute**” has the same meaning as in section 27 of the Social Security Contributions and Benefits Act 1992 (as that Act of Parliament has effect in the Isle of Man);¹⁰¹

“**voluntary organisation**” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

- (2) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any enactment, including this Act.
- (3) For the purposes of this Act, a person shall be deemed according to the law in the Isle of Man not to have attained the age of sixteen years until the commencement of the sixteenth anniversary of the day of his birth.

54 Exercise of statutory power between commencement of Act and appointed day

The Board may at any time before the appointed day exercise any power conferred upon the Board under the provisions of this Act so far as may be necessary or expedient for the purpose of bringing into operation on the appointed day the different provisions of this Act.

55 Short title

This Act may be cited as the National Assistance (Isle of Man) Act, 1951.

56 Commencement

This Act shall come into operation when 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 but shall take effect from the appointed day.¹⁰²

FIRST SCHEDULE¹⁰³**SECOND SCHEDULE¹⁰⁴****THIRD SCHEDULE****ENDOWMENTS**

Section 3

Part I: Endowments Committees

1.

- (a) An Endowments Committee shall be constituted by the Department for the Borough of Douglas and each town and parish and the Department shall declare the name of the Committee.¹⁰⁵
- (b) An Endowments Committee shall consist of five persons resident in the borough, town or parish. In the case of a borough or town one member of the Endowments Committee shall be appointed by the Local Authority, and four members shall be appointed by the Department. In the case of a parish, other than the parish of Maughold, four members of the Endowments Committee shall be appointed by the Department and one shall be nominated by the rector, vicar or incumbent and churchwardens of the parish (hereinafter referred to as “the vicar and wardens of the parish”). In the case of the parish of Maughold, one member of the Endowments Committee shall be appointed by the Department and four shall be nominated by the vicar and wardens of the parish. In appointing persons to be members of Endowments Committees the Department shall have regard to utilising the services of persons experienced in the administration of relief.¹⁰⁶
- (c) The vicar and wardens of a parish shall nominate a person to be a member of an Endowments Committee by delivering or posting a written notice of the name and address of the person nominated to the Secretary of the Department at the Department’s office.¹⁰⁷
- (d) Endowments Committees shall be constituted as soon as may be after the appointed day, and shall hold office until three years after the appointed day, and thereafter shall be reconstituted every third year.
- (e) A casual vacancy on an Endowments Committee may be filled at any time in the same manner as the seat vacated, but any person appointed to fill a casual vacancy shall hold office during the residue of the then current term only.

- (f) No act or proceeding of an Endowments Committee shall be invalidated on account of any vacancy or vacancies.

2.

- (a) An Endowments Committee at its first meeting after its constitution or reconstitution (which shall be convened by the Department) shall appoint a member to be Chairman for the term of office of the Committee. Any casual vacancy in the office of chairman shall be filled by an Endowments Committee by the election of one of its members to the office.¹⁰⁸
- (b) In the absence of the chairman the members of an Endowments Committee present at the time appointed for the meeting shall appoint a chairman of such meeting.
- (c) An Endowments Committee shall meet from time to time for the despatch of business and shall, from time to time, make regulations with respect to the summoning, notice, place, management and adjournment of such meetings and generally with respect to the transaction and management of business: Provided that such regulations be not repugnant to any express provision of this Act.
- (d) Three members of an Endowments Committee personally present shall be a quorum.
- (e) Every question shall be decided by a majority of votes of the members of an Endowments Committee present and voting on the question; and in the case of an equality of votes at any meeting the chairman for the time being of such meeting shall have a second or casting vote.
- (f) An Endowments Committee shall keep minutes of its proceedings and the names of the members present at each meeting of an Endowments Committee shall be recorded in the minutes of the meeting.
- (g) All accounts of an Endowments Committee shall be audited in accordance with the *Audit Act 2006*.¹⁰⁹
- (h) An Endowments Committee shall submit to the Department such returns as may from time to time be required by the Department.¹¹⁰

Part II: General

3. All endowment moneys received by an Endowments Committee shall be held by the Endowments Committee as trustee upon trust to assist persons resident in the district or place for which the endowments were originally given whose resources (including benefits receivable under the National Insurance Acts or the *Old Age Pensions Act, 1939*, as amended, or this Act), in the opinion of the Endowments

Committee, may properly be supplemented, or generally for the benefit of such persons, in accordance with schemes prepared by the Endowments Committee and approved by the Department, but so as to secure that the benefits shall be in addition to and not by way of substitution for or brought into account in the provision of assistance under this Act.¹¹¹

4. Except as otherwise provided by this Schedule, the provisions of section 8 of the *Social Services Act, 1948*, shall apply to endowments.

FOURTH AND FIFTH SCHEDULES¹¹²

SIXTH SCHEDULE

PART I¹¹³

PART II¹¹⁴

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 1 repealed by Health and Social Security Act 1986 Sch 3.

² Heading substituted by SD359/11.

³ S 2 repealed by Isle of Man Board of Social Security Act 1970 Sch 6.

⁴ Subs (1) repealed by Health and Social Security Act 1986 Sch 3.

⁵ Para (b) amended by Health and Social Security Act 1986 Sch 2.

⁶ Subs (3) repealed by Health and Social Security Act 1986 Sch 3.

⁷ Ss 4 to 21 repealed by Isle of Man Board of Social Security Act 1970 Sch 6.

⁸ Para (a) amended by Children and Young Persons Act 2001 Sch 12.

⁹ Subs (1) amended by Health and Social Security Act 1986 Sch 2. Para (b) amended by Health and Social Security Act 1986 Sch 2.

¹⁰ Subs (2) amended by Health and Social Security Act 1986 Sch 2.

¹¹ Subs (3) amended by Health and Social Security Act 1986 Sch 2.

¹² Para (b) amended by Health and Social Security Act 1986 Sch 2.

¹³ Subs (4) amended by Health and Social Security Act 1986 Sch 2 and by National Health Service Act 2001 Sch 4.

¹⁴ Subs (5) amended by Health and Social Security Act 1986 Sch 2.

¹⁵ Subs (6) substituted by Supplementary Benefit and National Assistance (Amendment) Act 1975 s 2 and amended by Health and Social Security Act 1986 Sch 2. Para (d) amended by Health and Social Security Act 1986 Sch 2.

¹⁶ Subs (2) amended by Health and Social Security Act 1986 Sch 2.

¹⁷ Subs (3) amended by Health and Social Security Act 1986 Sch 2 and by SD32/00.

¹⁸ Subs (4) amended by Health and Social Security Act 1986 Sch 2.

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- ¹⁹ Subs (5) amended by GC249/80, by Health and Social Security Act 1986 Sch 2 and by SD32/00.
- ²⁰ Subs (6) amended by Health and Social Security Act 1986 Sch 2 and by Statute Law Revision Act 1989 Sch 1.
- ²¹ Subs (8) substituted by Isle of Man Board of Social Security Act 1970 Sch 4 and amended by GC249/80, by Health and Social Security Act 1986 Sch 2 and by SD32/00.
- ²² Subs (9) amended by Statute Law Revision Act 1989 Sch 1.
- ²³ Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- ²⁴ Subs (2) amended by Health and Social Security Act 1986 Sch 2.
- ²⁵ Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- ²⁶ Subs (2) amended by Health and Social Security Act 1986 Sch 2.
- ²⁷ Subs (3) amended by Health and Social Security Act 1986 Sch 2.
- ²⁸ Subs (5) amended by Health and Social Security Act 1986 Sch 2.
- ²⁹ Subs (6) amended by Health and Social Security Act 1986 Sch 2.
- ³⁰ S 26 amended by Health and Social Security Act 1986 Sch 2.
- ³¹ Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- ³² Subs (2) amended by Governor's General Functions (Transfer) Act 1980 Sch 2 and by Health and Social Security Act 1986 Sch 2.
- ³³ Subs (4) amended by Health and Social Security Act 1986 Sch 2.
- ³⁴ Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- ³⁵ Subs (2) amended by Health and Social Security Act 1986 Sch 2.
- ³⁶ S 28A inserted by Isle of Man Board of Social Security Act 1970 s 32 and amended by Health and Social Security Act 1986 Sch 2.
- ³⁷ Ss 29 to 32 repealed by Nursing and Residential Homes Act 1988 Sch 3.
- ³⁸ S 32A inserted by Isle of Man Board of Social Security Act 1970 Sch 4 and amended by Health and Social Security Act 1986 Sch 2.
- ³⁹ S 32B inserted by Isle of Man Board of Social Security Act 1970 Sch 4 and amended by Health and Social Security Act 1986 Sch 2.
- ⁴⁰ Subs (1) substituted by Civil Partnership Act 2011 Sch 14.
- ⁴¹ S 33 amended by Civil Partnership Act 2011 Sch 14. Subs (2) substituted by Family Law Act 1991 Sch 5 and amended by Children and Young Persons Act 2001 Sch 12.
- ⁴² Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- ⁴³ Subs (4) amended by Isle of Man Board of Social Security Act 1970 Sch 6.
- ⁴⁴ Para (a) amended by Health and Social Security Act 1986 Sch 2.
- ⁴⁵ Subs (6) substituted by Family Law Act 1991 Sch 5.
- ⁴⁶ Subs (7) repealed by Statute Law Revision Act 1986 Sch 2.
- ⁴⁷ S 35 repealed by Family Law Act 1991 Sch 6.
- ⁴⁸ Para (a) amended by Isle of Man Board of Social Security Act 1970 Sch 6 and by Health and Social Security Act 1986 Sch 2.
- ⁴⁹ Para (b) amended by Health and Social Security Act 1986 Sch 2.
- ⁵⁰ Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- ⁵¹ Subs (2) to (4) repealed by Isle of Man Board of Social Security Act 1970 Sch 6.

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- ⁵² S 37 repealed by Isle of Man Board of Social Security Act 1970 Sch 6.
- ⁵³ Subs (2) substituted by Statute Law Revision Act 1992 s 4 and amended by Public Health (Amendment) Act 2000 s 12.
- ⁵⁴ Subs (3) substituted by Statute Law Revision Act 1992 s 4.
- ⁵⁵ Subs (3A) inserted by Statute Law Revision Act 1992 s 4.
- ⁵⁶ Subs (3B) inserted by Statute Law Revision Act 1992 s 4.
- ⁵⁷ Subs (3C) inserted by Statute Law Revision Act 1992 s 4.
- ⁵⁸ Subs (3D) inserted by Statute Law Revision Act 1992 s 4.
- ⁵⁹ Subs (3E) inserted by Statute Law Revision Act 1992 s 4.
- ⁶⁰ Subs (4) amended by Health and Social Security Act 1986 Sch 2.
- ⁶¹ Subs (6) amended by Health and Social Security Act 1986 Sch 2 and by National Health Service Act 2001 Sch 4.
- ⁶² Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- ⁶³ Subs (2) amended by Health and Social Security Act 1986 Sch 2.
- ⁶⁴ Subs (3) amended by Health and Social Security Act 1986 Sch 2.
- ⁶⁵ S 40 repealed by Mental Health Act 1974 Sch 5.
- ⁶⁶ Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- ⁶⁷ Subs (2) amended by Health and Social Security Act 1986 Sch 2.
- ⁶⁸ Subs (3) amended by Health and Social Security Act 1986 Sch 2 and by GC85/87.
- ⁶⁹ Subs (4) amended by Health and Social Security Act 1986 Sch 2.
- ⁷⁰ Subs (1) amended by Isle of Man Board of Social Security Act 1970 Sch 6.
- ⁷¹ Para (a) amended by Isle of Man Board of Social Security Act 1970 Sch 6 and by Supplementary Benefit, National Insurance Etc. (Miscellaneous Provisions) Act 1974 s 8.
- ⁷² Para (a) amended by Isle of Man Board of Social Security Act 1970 Sch 6.
- ⁷³ Subs (2) amended by Health and Social Security Act 1970 Sch 6.
- ⁷⁴ Subs (3) amended by Health and Social Security Act 1970 Sch 6.
- ⁷⁵ S 44 repealed by GC85/87.
- ⁷⁶ S 45 amended by Health and Social Security Act 1986 Sch 2.
- ⁷⁷ Subs (2) amended by Fines Act 1986 Sch 2.
- ⁷⁸ Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- ⁷⁹ Subs (3) amended by Health and Social Security Act 1986 Sch 2.
- ⁸⁰ S 48 repealed by Isle of Man Board of Social Security Act 1970 Sch 6.
- ⁸¹ S 49 amended by Audit Act 1983 Sch 2 and by Health and Social Security Act 1986 Sch 2.
- ⁸² Para (a) amended by Isle of Man Board of Social Security Act 1970 Sch 6 and by Health and Social Security Act 1986 Sch 2.
- ⁸³ Para (b) repealed by Isle of Man Social Security Act 1970 Sch 6.
- ⁸⁴ Para (c) amended by Isle of Man Board of Social Security Act 1970 Sch 6.
- ⁸⁵ Para (d) amended by Statute Law Revision Act 1989 Sch 1.
- ⁸⁶ Subs (2) amended by Health and Social Security Act 1986 Sch 2.
- ⁸⁷ Subs (3) repealed by Governor's General Functions (Transfer) Act 1980 Sch 2.

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- ⁸⁸ Subs (4) repealed by Statute Law Revision Act 1983 Sch 2.
- ⁸⁹ Subs (1) amended by Governor's General Functions (Transfer) Act 1980 Sch 1 and by Health and Social Security Act 1986 Sch 2.
- ⁹⁰ Subs (2) repealed by Governor's General Functions (Transfer) Act 1980 Sch 2.
- ⁹¹ Subs (3) amended by Statute Law Revision Act 1982 Sch 1 and by Health and Social Security Act 1986 Sch 2.
- ⁹² Definition of "Bastardy Acts" repealed by Isle of Man Board of Social Security Act 1970 Sch 6.
- ⁹³ Definition of "Charity Commissioners" repealed by Isle of Man Board of Social Security Act 1970 Sch 6.
- ⁹⁴ Definition of "the Department" inserted by Health and Social Security Act 1986 Sch 2 and amended by SD155/10 Sch 6 and by SD2014/08.
- ⁹⁵ Definition of "dependant" repealed by Isle of Man Board of Social Security Act 1970 Sch 6.
- ⁹⁶ Definition of "disabled persons' or old persons' home" repealed by Nursing and Residential Homes Act 1988 Sch 3.
- ⁹⁷ Definition of "existing poor law" repealed by Statute Law Revision Act 1997 Sch 2.
- ⁹⁸ Definition of "the Health Service Act" (previously "Health Service Act") substituted by National Health Service Act 2001 Sch 4.
- ⁹⁹ Definition of "hospital" substituted by National Health Service Act 2001 Sch 4.
- ¹⁰⁰ Definition of "place of employment" repealed by Isle of Man Board of Social Security Act 1970 Sch 6.
- ¹⁰¹ Definition of "trade dispute" substituted by SD507/94.
- ¹⁰² ADO (provisions still in force) 12/05/1951 (GC53/51).
- ¹⁰³ Sch 1 repealed by National Assistance (Isle of Man) Act 1956 s 2.
- ¹⁰⁴ Sch 2 repealed by Isle of Man Board of Social Security Act 1970 Sch 6.
- ¹⁰⁵ Subpara (a) amended by Health and Social Security Act 1986 Sch 2.
- ¹⁰⁶ Subpara (b) amended by Health and Social Security Act 1986 Sch 2.
- ¹⁰⁷ Subpara (c) amended by Health and Social Security Act 1986 Sch 2.
- ¹⁰⁸ Subpara (a) amended by Health and Social Security Act 1986 Sch 2.
- ¹⁰⁹ Subpara (g) inserted by Audit Act 2006 Sch 1. Original subpara (g) repealed by Audit Act 1983. Sch 2.
- ¹¹⁰ Subpara (h) amended by Health and Social Security Act 1986 Sch 2.
- ¹¹¹ Para 3 amended by Health and Social Security Act 1986 Sch 2.
- ¹¹² Schs 4 and 5 repealed by Isle of Man Board of Social Security Act 1970 Sch 6.
- ¹¹³ Part I repealed by Isle of Man Social Security Act 1970 Sch 6.
- ¹¹⁴ Part II repealed by Statute Law Revision Act 1983 Sch 2.