

2007 No. 3472

ELECTRONIC COMMUNICATIONS

BROADCASTING

The Digital Switchover (Disclosure of Information) (Isle of Man) Order 2007

Made - - - - *12th December 2007*

Coming into force - - *1st January 2008*

At the Court at Buckingham Palace, the 12th day of December 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 6(3) of the Digital Switchover (Disclosure of Information) Act 2007(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Digital Switchover (Disclosure of Information) (Isle of Man) Order 2007 and shall come into force on 1st January 2008.

(2) Any reference to an enactment shall, unless the contrary intention appears, be construed as a reference to that enactment as it has effect in the Isle of Man.

(3) Any reference to an Act of Tynwald, or to a provision of such an Act, shall be construed, unless the contrary intention appears, as a reference to that Act of provision as amended or replaced by or under any other such enactment.

Extension of the Digital Switchover (Disclosure of Information) Act 2007

2. Sections 1 to 5 of the Digital Switchover (Disclosure of Information) Act 2007 shall extend to the Isle of Man subject to the modifications specified in the Schedule to this Order.

Judith Simpson
Clerk of the Privy Council

Modifications subject to which the provisions of the Digital Switchover (Disclosure of Information) Act 2007 shall extend to the Isle of Man

1. In section 1 (disclosure of information)—

- (a) in subsection (1)—
 - (i) for “Secretary of State and the Northern Ireland department” substitute “Department of Health and Social Security”, and
 - (ii) for the words from “social security information” to the end of the subsection substitute “social security information, war pensions information and visual impairment information for use (by the person to whom it is supplied or by another relevant person) in connection with switchover help functions.”;
- (b) for subsection (2) substitute—

“(2) In this Act “Department of Health and Social Security” means the body of that name continued under section 1(1) of the Government Departments Act 1987 (an Act of Tynwald)(a).”; and
- (c) leave out subsection (3).

2. In section 2 (kinds of information referred to in section 1) for subsections (2) to (7) substitute—

“(2) “Social security information, war pensions information and visual impairment information” means information which—

- (a) relates to a qualifying individual or a person who has died but who was a qualifying individual immediately before he or she died, and
 - (b) is of a description given in subsection (3).
- (3) The information for the purposes of section 2(2) is—
- (a) the qualifying individual’s name and any alias;
 - (b) that individual’s date of birth;
 - (c) that individual’s address;
 - (d) the name, any alias and address of any other person appointed to act on behalf of a qualifying individual;
 - (e) whether the qualifying individual is entitled to receive assistance free of charge under the switchover help scheme;
 - (f) in the case of a qualifying individual who has died, that fact and the date on which he or she died;
 - (g) for the purposes of social security information and war pensions information only—
 - (i) the qualifying individual’s national insurance number, and
 - (ii) whether the qualifying individual lives in a care home or an independent hospital; and
 - (h) for the purposes of visual impairment information only, the qualifying individual’s preferred method for receiving communication from the Department of Health and Social Security.

(4) In subsection (3)—

- (a) “care home” means—

(a) 1987 c. 13 (Isle of Man).

- (i) a residential care home, a mental nursing home or a nursing home as defined in section 1 of the Nursing and Residential Homes Act 1988 (an Act of Tynwald)(a), or
- (ii) any premises which would otherwise be one of the homes in (i) but for subsections (2)(c) and (3) of that section;
- (b) “independent hospital” means an establishment which—
 - (i) is not vested in the Department of Health and Social Security for the purposes of its functions under the National Health Service Act 2001 (an Act of Tynwald)(b), and
 - (ii) is an establishment to which subsection (5) applies or in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1998 (an Act of Tynwald)(c).
- (5) This subsection applies to any establishment—
 - (a) the main purpose of which is to provide medical or psychiatric treatment for illness or mental disorder or palliative care; or
 - (b) in which any of the following services are provided (whether or not other services are also provided)—
 - (i) medical treatment under anaesthesia or sedation;
 - (ii) dental treatment under general anaesthesia;
 - (iii) obstetric services and, in connection with childbirth, medical services;
 - (iv) termination of pregnancies;
 - (v) cosmetic surgery; or
 - (vi) treatment using techniques or technology prescribed by order made by the Department of Health and Social Security.
- (6) In this section “qualifying individual” means an individual who is—
 - (a) entitled to one or more benefits listed in subsection (8);
 - (b) aged 73 years or over; or
 - (c) registered as blind or partially sighted.
- (7) In subsection (6) “registered as blind or partially sighted” means registered as blind or partially sighted in a register maintained by or on behalf of the Department of Health and Social Security under section 27 of the National Assistance (Isle of Man) Act 1951(an Act of Tynwald)(d).
- (8) The benefits in this subsection, which may be modified by order made by the Department of Health and Social Security, are—
 - (a) attendance allowance;
 - (b) constant attendance allowance;
 - (c) disability living allowance; and
 - (d) mobility supplement.
- (9) In subsection (8)—
 - (a) “attendance allowance” means an attendance allowance awarded under section 64 of the Social Security Contributions and Benefits Act 1992 (as that Act has effect in the Isle of Man)(e);
 - (b) “constant attendance allowance” means—

(a) 1988 c. 9 (Isle of Man).

(b) 2001 c. 14 (Isle of Man).

(c) 1998 c. 3 (Isle of Man).

(d) Vol XVII p1008 (Isle of Man).

(e) 1992 c. 4; section 64(4) was added by the Welfare Reform and Pensions Act 1999 (c. 30), section 66(1).

- (i) an allowance awarded under Article 14 of the Personal Injuries (Civilians) Scheme 1983(a) or by application of Article 8 of the Naval, Military and Air Forces (Death and Disablement) Service Pensions Order 2006(b);
- (ii) the benefits awarded pursuant to section 104 of, and paragraph 8 of Schedule 6 to, the Social Security Contributions and Benefits Act 1992 (as that Act has effect in the Isle of Man);
- (iii) a payment under regulations 19 to 21 of the Social Security (General Benefit) Regulations 1982 (as those Regulations have effect in the Isle of Man)(c);
- (iv) a payment under regulation 44 of the Social Security (Industrial Injuries) (Benefit) Regulations 1975 (as those Regulations have effect in the Isle of Man)(d) in respect of the need of constant attendance; or
- (v) a payment under section 111 of the Social Security Contributions and Benefits Act 1992 (as that Act has effect in the Isle of Man);
- (c) “disability living allowance” means a disability living allowance awarded under section 71 of the Social Security Contributions and Benefits Act 1992 (as that Act has effect in the Isle of Man)(e); and
- (d) “mobility supplement” means a supplement awarded under Article 25A of the Personal Injuries (Civilians) Scheme 1983(f) or by application of Article 20 of the Naval, Military and Air Forces (Death and Disablement) Service Pensions Order 2006.

(10) An order made under this section shall be laid before Tynwald as soon as may be after it is made and if Tynwald at the sitting at which it is laid, or at the next following sitting, fails to approve it, the order shall cease to have effect.”.

3. In section 3 (offences)—

- (a) in subsection (7)(a) for “indictment”, substitute “information” and for “imprisonment”, substitute “custody”;
- (b) in subsection (7)(b) for “imprisonment”, substitute “custody” and for “12”, substitute “6”; and
- (c) leave out subsection (8).

4. In section 5 (interpretation)—

- (a) in subsection (1) leave out the definitions of “local authority” and “the Northern Ireland department”; and
- (b) in subsection (2)—
 - (i) in the definition of “digital switchover”, for “United Kingdom” substitute “Isle of Man”; and
 - (ii) in the definition of “broadcasting”, after “(c. 36)” insert “(as that Act has effect in the Isle of Man)”.

(a) S.I. 1983/686; Article 14 was substituted by the Personal Injuries (Civilians) Amendment Scheme 2001/420, Schedule 1, paragraph 3.
(b) S.I. 2006/606; paragraph (1) was amended by the Naval, Military and Air Forces Etc. (Death and Disablement) Service Pensions (Amendment) (No.2) Order 2006/1455, Article 3.
(c) S.I. 1982/1408.
(d) S.I. 1975/559; revoked in the United Kingdom by the Social Security (General Benefit) Regulations 1982/1408.
(e) 1992 c. 4; section 71(3) was amended by the Welfare Reform and Pensions Act 1999 (c. 30), section 67(1).
(f) S.I. 1983/686; Article 25A was inserted by the Personal Injuries (Civilians) Amendment (No.2) Scheme 1983/1164, Article 3 and was amended by the Personal Injury (Civilians) Amendment Scheme 2001/420, Schedule 1, paragraph 9(c).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Isle of Man, with modifications, certain provisions of the Digital Switchover (Disclosure of Information) Act 2007 (“the Act”), which makes provision for the disclosure of certain information for purposes connected with digital switchover (as defined in section 5 of the Act).

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**The Digital Switchover (Disclosure of Information) (Isle of
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