1969. No. 317 [NC]

NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Cyprus

ORDER IN COUNCIL, DATED 26TH NOVEMBER 1969, MADE UNDER SECTION 99 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966 AND SECTION 79 OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND) 1966.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GREY OF NAUNTON

WHEREAS at Nicosia on 6th October 1969 an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus on social security (which Agreement is set out in the Schedule and is hereinafter referred to as "the Agreement") was signed on behalf of those Governments:

AND WHEREAS by Article 37 of the Agreement it is provided that the Agreement should enter into force on 6th October 1969:

AND WHEREAS by section 99 of the National Insurance Act (Northern Ireland) 1966(a) and section 79 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(b) it is provided that the Governor of Northern Ireland may by Order in Council make provision for modifying or adapting the said Acts of 1966 in their application to cases affected by agreements with other governments providing for reciprocity in matters specified in those sections:

NOW, THEREFORE, I, RALPH FRANCIS ALNWICK, BARON GREY OF NAUNTON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Officer of the Most Excellent Order of the British Empire, Governor of Northern Ireland, in pursuance of the said section 99 and the said section 79, and of all other powers enabling me in that behalf, by and with the advice of the Privy Council of Northern Ireland, do hereby order as follows:

Citation and commencement

1. This Order may be cited as the National Insurance and Industrial Injuries (Cyprus) Order (Northern Ireland) 1969 and shall come into operation with effect from 6th October 1969.

Modification of Acts

2. The provisions contained in the Agreement shall have full force and effect so far as they relate to Northern Ireland and provide with the Government of the Republic of Cyprus for reciprocity in any matters specified in either section 99(1) of the National Insurance Act (Northern Ireland) 1966 or section 79(1) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966; and the National Insurance Acts (Northern Ireland) 1966 to

(a) 1966. c. 6 (N.I.). (b) 1966. c. 9 (N.I.).

1969 and the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1966 to 1969 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to those provisions.

Revocation of Order

3. The National Insurance (Reciprocal Agreement with Cyprus) Order (Northern Ireland) 1957(c) is hereby revoked.

GIVEN at Government House, Hillsborough, this 26th day of November 1969.

W. K. Fitzsimmons
W. J. Long
Robert Simpson

(c) S.R. & O. (N.I.) 1957, No. 96.

SCHEDULE

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF CYPRUS ON SOCIAL INSURANCE.

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus,

Being resolved to co-operate in the field of social insurance,

Desiring to make arrangements enabling persons who go from the territory of one Contracting Party to the territory of the other to keep those social insurance rights which they have acquired under the legislation of the former Party or to acquire corresponding rights under the legislation of the latter,

Desiring also to make arrangements enabling persons employed in the British Sovereign Base Areas of Akrotiri and Dhekelia to be insured under the legislation of the Republic of Cyprus,

Have agreed as follows:

PART I—DEFINITIONS AND SCOPE

Article 1

(1) For the purpose of this Agreement, unless the context otherwise requires—

"benefit" means any pension, allowance, or other benefit payable under the legislation of one (or the other) Contracting Party, and includes any increase payable for a dependant;

"child" means, in relation to any person, a child, as defined by the legislation which is being applied, who is treated under that legislation as being a child of that person or included in his family;

"competent authority" means, in relation to the United Kingdom, the Secretary of State for Social Services, the Ministry of Health and Social Services for Northern Ireland, the Isle of Man Board of Social Services, the Social Security Committee of the States of Jersey or the State Insurance Authority of Guernsey, as the case may require, and, in relation to the Republic, the Chief Insurance Officer;

"contribution" means a flat rate contribution;

"dependant" means a person for whom an increase of benefit is payable under the legislation which is being applied;

"legislation" means, according to the context, the legislation specified in Article 2 in force in any part of the territory of one (or the other) Party;

"national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to the Republic, a citizen of the Republic of Cyprus;

"old age pension" means, in relation to the United Kingdom, a retirement pension or contributory old age pension payable under the legislation of the United Kingdom and, in relation to the Republic, an old age pension payable under the legislation of the Republic;

"orphan's benefit" means, in relation to the United Kingdom, guardian's allowance payable under the legislation of the United Kingdom, and, in relation to the Republic, orphan's benefit payable under the legislation of the Republic;

"parent" includes a person who is treated as a parent under the legislation which is being applied;

"the Republic" means the Republic of Cyprus;

"territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland, the Isle of Man, Jersey, Guernsey, Alderney, Herm and Jethou and, in relation to the Republic, the island of Cyprus with the exception of the Sovereign Base Areas;

"the Sovereign Base Areas" means the British Sovereign Base Areas of Akrotiri and Dhekelia;

"widow's benefit" means, in relation to the United Kingdom, Widow's benefit payable under the legislation of the United Kingdom, and, in relation to the Republic, a widow's pension payable under the legislation of the Republic.

(2) For the purpose of this Agreement, unless the context otherwise requires, words and expressions which are not defined in paragraph (1) of this Article have the meanings respectively assigned to them in the legislation of the United Kingdom or the Republic, as the case may require.

Article 2

(1) This Agreement shall apply—

(*a*) in relation to the United Kingdom, to—

(i) the National Insurance Act 1965, the National Insurance Act (Northern Ireland) 1966, the National Insurance (Isle of Man) Act 1948, and the legislation which was consolidated by or repealed by legislation consolidated by, those Acts;

(ii) the National Insurance (Industrial Injuries) Act 1965, the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, and the National Insurance (Industrial Injuries) (Isle of Man) Act 1948;

(iii) the Insular Insurance (Jersey) Law 1950;

(iv) the Social Insurance (Guernsey) Law 1964 and the legislation repealed by that Law;

(*b*) in relation to the Republic, to the Social Insurance Law 1964, and the legislation repealed by that Law.

(2) Subject to the provisions of paragraph (3) of this Article, the Agreement shall apply also to any Law, order or regulation which replaces, amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) The Agreement shall apply, only if the Contracting Parties so agree, to laws, orders or regulations, which amend or supplement the legislation specified in paragraph (1) of this Article for the purpose of giving effect to any reciprocal agreement on social security which a Contracting Party has made with a third party.

PART II—EQUALITY OF TREATMENT

Article 3

The legislation of one Contracting Party shall apply to a national of the other Party in the same way as it applies to a national of the former Party.

PART III—CONTRIBUTIONS

Article 4

(1) If a person, in the service of an employer having a place of business in the territory of one Contracting Party, is sent by that employer to work temporarily in the territory of the other Party immediately after a period for which he has paid contributions as an employed person under the legislation of the former Party or for which he has had contributions so credited to him, then, in relation to that employment—

(*a*) the legislation of the former Party shall apply to him during the first three years of that employment as if he were employed in the territory of that Party; and

(*b*) the legislation of the latter Party shall not apply to him during that period.

(2) The provisions of sub-paragraphs (*a*) and (*b*) of paragraph (1) of this Article shall apply to an employed person in relation also to any other employment in which he may be engaged at a time when the provisions of paragraph (1) apply to him.

(3) Where the employment specified in paragraph (1) of this Article lasts longer than three years, the provisions of paragraphs (1) and (2) of this Article shall continue to apply to the employed person if the competent authority of the territory where he is employed agrees thereto before the end of the period of three years specified in that paragraph.

(4) The provisions of paragraphs (1), (2) and (3) of this Article shall not apply to members of the armed forces of either Party or to any person to whom any of the provisions of Articles 5, 7, 8 and 9 of this Agreement apply.

Article 5

(1) If a person in the Government service of one Contracting Party is employed in the territory of the other Party, having been engaged for that employment outside that territory, and is not ordinarily resident in that territory, then, in relation to that employment and in relation to any other employment which he may undertake in that territory—

(*a*) the legislation of the former Party shall apply to him as if he were employed in the territory of that Party; and

(*b*) the legislation of the latter Party shall not apply to him.

(2) For the purposes of this Article the word "territory", in relation to the Republic, shall include the whole island of Cyprus.

Article 6

(1) Subject to the provisions of paragraphs (2) and (3) of this Article, the legislation of the Republic shall apply to persons employed in the Sovereign Base Areas as if they were employed in the Republic.

(2) If a person, in the service of an employer having a place of business in the United Kingdom, is sent by that employer to work temporarily in the Sovereign Base Areas immediately after a period for which he has paid contributions as an employed person under the legislation of the United Kingdom or for which he has had contributions so credited to him, then, in relation to that employment—

(*a*) the legislation of the United Kingdom shall apply to him as if he were employed in the United Kingdom; and

(*b*) the legislation of the Republic shall not apply to him.

(3) The provisions of sub-paragraphs (*a*) and (*b*) of paragraph (2) of this Article shall apply to an employed person in relation also to any other employment in which he may be engaged, either in the Republic or in the Sovereign Base Areas, at a time when the provisions of paragraph (2) apply to him.

(4) The provisions of paragraphs (1), (2) and (3) of this Article shall not apply to any person to whom the provisions of any of the Articles 5, 7, 8 and 9 of this Agreement apply.

(5) This Article shall have effect as from 16 August 1960.

Article 7

If a person is employed as master or a member of the crew of any ship or vessel belonging to Her Majesty which is stationed in the island of Cyprus, and is not a member of any of the armed forces of the United Kingdom, he shall be insured, in relation to that employment—