EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, which are made in consequence of those provisions of the National Insurance Act (Northern Ireland), 1957, which provide for the payment of increases of retirement pensions in respect of certain female persons who have the care of a child or children of the beneficiary's family or of a child or children treated as such, extend certain provisions of the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland), 1948, applying to increases of such pensions in respect of wives so as to apply to such female persons.

Reciprocal Agreement with Cyprus

ORDER IN COUNCIL, DATED 17TH MAY, 1957, MADE UNDER SECTION SIXTY-ONE OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1957. No. 96 **[NC]**

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

I, John de Vere, Baron Wakehurst, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, do hereby, in pursuance of section sixty-one of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling me in that behalf, by and with the advice of the Privy Council of Northern Ireland, order as follows:—

1. This Order may be cited as the National Insurance (Reciprocal Agreement with Cyprus) Order (Northern Ireland), 1957.

2. The provisions contained in the Agreement on Insurance against Unemployment, Sickness, Maternity, Widowhood, Orphanhood, Old Age and Death between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Cyprus set out in the Schedule to this Order shall have full force and effect, so far as the same relate to Northern Ireland, and accordingly the National Insurance Acts (Northern Ireland), 1946 to 1956(b), shall, as from the 7th day of January, 1957, (being the date referred to in Article 28 of the said Agreement), have effect subject to such modifications as may be required therein for the purpose of giving effect to the said provisions.

(a) 1946. c. 23.
(b) 1946. c. 23; 1949. c. 20; 1951. c. 18; 1952. c. 14; 1953. c. 27; 1955. c. 1; 1955. c. 10; 1956. c. 8.

Given at Government House, Hillsborough, this seventeenth day of May, one thousand nine hundred and fifty-seven.

Brookeborough
Terence O'Neill
Ivan Neill
W. M. May
Glentoran
J. L. O. Andrews
Alex. R. G. Gordon

SCHEDULE

AGREEMENT ON INSURANCE AGAINST UNEMPLOYMENT, SICKNESS, MATERNITY, WIDOWHOOD, ORPHANHOOD, OLD AGE AND DEATH, BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE GOVERNMENT OF CYPRUS

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Cyprus have agreed as follows:—

PART I—DEFINITIONS AND SCOPE

Article 1

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

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

(*b*) "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;

(*c*) "competent authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Ministry of Labour and National Insurance for Northern Ireland or the Isle of Man Board of Social Services, as the case may require, and, in relation to Cyprus, the Chief Insurance Officer;

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

(*e*) "legislation" means, according to the context, the laws and regulations specified in Article 2 in force in any part of one (or the other) territory;

(*f*) "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 Cyprus, an old age pension payable under the legislation of Cyprus;

(*g*) "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 Cyprus, orphan's benefit payable under the legislation of Cyprus;

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

(*i*) "territory" means the United Kingdom or Cyprus, as the case may require;

(*j*) "the United Kingdom" means England, Scotland, Wales, Northern Ireland and the Isle of Man;

(*k*) "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 Cyprus, a widow's pension payable under the legislation of Cyprus.

Article 2

(1) The provisions of the present Agreement shall apply—

(*a*) in relation to the United Kingdom, to the National Insurance Act, 1946, the National Insurance Act (Northern Ireland), 1946, the National Insurance (Isle of Man) Act, 1948, and the legislation in force before the 5th July, 1948, which was replaced by those Acts;

(*b*) in relation to Cyprus, to the Social Insurance Law, 1956.

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

(3) The Agreement shall apply, only if the Governments of both territories 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 one (or the other) Government has made with the Government of a third territory.

Part II—CONTRIBUTIONS

Article 3

(1) If a person is temporarily employed in one territory in the service of an employer who is resident in the other territory or has his principal place of business there, and the person is not ordinarily resident in the former territory, then, in relation to that employment—

(*a*) those provisions of the legislation of the latter territory which concern the payment of contributions shall apply to him during the first twelve months of that employment as if he were employed in the latter territory;

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

(2) The provisions of sub-paragraphs (*a*) and (*b*) of paragraph (1) shall apply to an employed person in relation also to any other employment which he may undertake in the territory where he is temporarily employed during the period of twelve months specified in that paragraph.

(3) Where the employment specified in paragraph (1) of this Article lasts longer than twelve months, the provisions of paragraphs (1) and (2) 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 twelve months specified in paragraph (1).

(4) The provisions of paragraph (1), (2) and (3) of this Article shall not apply to any person to whom the provisions of any of the Articles 4, 5 and 6 apply.

Article 4

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

(*a*) those provisions of the legislation of the latter territory which concern the payment of contributions shall apply to him as if he were employed in that territory;

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

Article 5

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 Cyprus, and is not a member of any of the naval, military or air forces of the Crown, he shall be insured in relation to that employment—

(*a*) only under the legislation of the United Kingdom if he is ordinarily resident in that territory;

(*b*) only under the legislation of Cyprus if he is ordinarily resident in that territory.

Article 6

(1) For the purpose of this Article, "ship" means, in relation to one territory, a ship or vessel which is registered in that territory and is not owned in the other territory, or any other British ship or vessel which is owned in the former territory other than a ship or vessel belonging to Her Majesty; and a ship or vessel shall be deemed to be owned in one (or the other) territory if the owner or, where there is more than one owner, the managing owner or manager resides or has his principal place of business in that territory.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, if a person, ordinarily resident in one territory, is employed on board a ship of the other territory, then, in relation to that employment, the legislation of the latter territory shall apply to him as if he were ordinarily resident in the latter territory, and the legislation of the former territory shall not apply to him.

(3) If a person, ordinarily resident in one territory, is employed as master or a member of the crew of a ship of the other territory

which is registered in the former territory or calls regularly at ports of the former territory, then, in relation to that employment, the legislation of the former territory shall apply to him as if he were employed as master or a member of the crew of a ship of the former territory, and the legislation of the latter territory shall not apply to him.

(4) If a person, ordinarily resident in one territory, is employed on board a ship of the other territory, and is in the service of an employer having a place of business in the former territory and not being the owner of the ship, then, in relation to that employment—

(*a*) the legislation of the former territory shall apply to him as if he were employed on board a ship of that territory;

(*b*) contributions under that legislation shall be paid by that employer; and

(*c*) the legislation of the latter territory shall not apply to him.

Part III—BENEFIT

Benefit of one territory payable in the other territory

Article 7

Where under the legislation of one territory a person would be entitled to receive a marriage grant, maternity grant, old age pension, widow's benefit or death grant, if he were in that territory, he shall be entitled to receive that benefit if he is in the other territory.

Article 8

Where a person is employed in one territory and those provisions of the legislation of the other territory which concern the payment of contributions apply to him in accordance with the provisions of Article 3 or Article 4, he shall be treated for the purpose of any claim to receive sickness benefit under that legislation as if he were in the latter territory.

Article 9

Where a person would be entitled to receive sickness benefit under the legislation of one territory if he were in that territory, he shall, subject to the approval of the competent authority of that territory, be entitled to receive that benefit while he is in the other territory for such period as that authority may determine.

Beneficiary of one territory with dependant in the other

Article 10

Where a person, who is entitled to receive any benefit under the legislation of one territory, would be entitled to receive an increase of that benefit if a dependant of his were in that territory, he shall be entitled to receive that increase while the dependant is in the other territory.