Given under my hand at Stormont this first day of January, 1957.

Ivan Neill,
Minister of Labour and National Insurance for Northern Ireland.

Refugees

ORDER IN COUNCIL, DATED 9TH JANUARY, 1957, MADE UNDER SECTION SIXTY-ONE OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946, AS EXTENDED BY SECTION FIVE OF THE FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1956, AND SECTION EIGHTY-FOUR OF THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1957. No. 13 **[NC]**

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

Whereas at Geneva on the twenty-eighth day of July, nineteen hundred and fifty-one, a Convention relating to the Status of Refugees was agreed between States (which Convention is hereinafter referred to as "the Convention" and certain provisions of which are set out in the First Schedule hereto):

And whereas by Article 43 of the Convention it was provided that the Convention should come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession with the Secretary-General of the United Nations, and that as regards any State ratifying or acceding subsequently the Convention should enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession:

And whereas the Convention has been ratified or acceded to by the States specified in the first column of the Second Schedule hereto and their instruments of ratification or accession were deposited on the dates respectively specified opposite to those States in the second column of that Schedule and the Convention has accordingly come into operation as regards those States on the dates respectively specified opposite to those States in the third column of that Schedule:

And whereas by section sixty-one of the National Insurance Act (Northern Ireland), 1946(a), as extended by section five of the Family Allowances and National Insurance Act (Northern Ireland), 1956(b), and section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(c), it is provided that the Governor of Northern Ireland may, by Order in Council, make provision for modifying or adapting the

(a) 1946. c. 23. (b) 1956. c. 8. (c) 1946. c. 21.

Family Allowances Act (Northern Ireland), 1945(a), and the said Acts of 1946 in their application to cases affected by Agreements with other Governments providing for reciprocity in the matters specified in those sections:

Now, therefore, I, John de Vere, Baron Wakehurst, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, in pursuance of the said section sixty-one, extended as aforesaid by section five of the Family Allowances and National Insurance Act (Northern Ireland), 1956, and the said section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, 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:—

1. This Order may be cited as the Family Allowances, National Insurance and Industrial Injuries (Refugees) Order (Northern Ireland), 1957.

2. Those provisions contained in the Convention which are set out in the First Schedule hereto shall have full force and effect, so far as the same relate to Northern Ireland and provide by way of agreement with the governments of the States specified in the Second Schedule hereto for reciprocity in any matters specified in either subsection (1) of section sixty-one of the National Insurance Act (Northern Ireland), 1946, as extended by section five of the Family Allowances and National Insurance Act (Northern Ireland), 1956, or subsection (1) of section eighty-four of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946 (which subsections relate to reciprocal agreements with other governments), and the Family Allowances Acts (Northern Ireland), 1945 to 1956, the National Insurance Acts (Northern Ireland), 1946 to 1956, and the National Insurance (Industrial Injuries) Acts (Northern Ireland), 1946 to 1956, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

Given at Stormont Castle, Belfast, this ninth day of January, one thousand nine hundred and fifty-seven.

Terence O'Neill
W. B. Topping
Ivan Neill
Dehra Parker

(a) 1945. c. 19.

FIRST SCHEDULE

PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES

ARTICLE 1

Definition of the Term "Refugee"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who—

(1) Has been considered a refugee under the Arrangements of May 12, 1926, and June 30, 1928, or under the Conventions of October 28, 1933,(a) and February 10, 1938,(b) the Protocol of September 14, 1939,(c) or the Constitution of the International Refugee Organisation;(d)

Decisions of non-eligibility taken by the International Refugee Organisation during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph (2) of this section;

(2) As a result of events occurring before January 1, 1951, and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B.—(1) For the purposes of this Convention, the words "events occurring before January 1, 1951," in article 1, section A, shall be understood to mean either

(*a*) "events occurring in Europe before January 1, 1951"; or

(*b*) "events occurring in Europe or elsewhere before January 1, 1951";

and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State which has adopted alternative (*a*) may at any time extend its obligations by adopting alternative (*b*) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily re-acquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

(a) "Treaty Series No. 4 (1937)," Cmd. 5347.
(b) "Treaty Series No. 8 (1939)," Cmd. 5929.
(c) "Treaty Series No. 20 (1940)," Cmd. 6232.
(d) "Treaty Series No. 25 (1950)," Cmd. 7934.