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.

MATERNITY GRANT

Article 11

(1) If a man is in one territory at the time when his wife is confined and, since his last arrival in that territory, has become liable to pay contributions under the legislation of that territory, then, for the purpose of any claim to receive a maternity grant under the legislation of that territory, his wife shall be treated as if any contribution paid by him or credited to him under the legislation of the other territory were a contribution respectively paid by him or credited to him under the legislation of the former territory.

(2) If a woman is confined in one territory and, since her last arrival in that territory, has become liable to pay contributions under the legislation of that territory, then, for the purpose of any claim to receive a maternity grant under the legislation of that territory, she shall be treated as if any contribution paid by her or credited to her under the legislation of the other territory were a contribution respectively paid by her or credited to her under the legislation of the former territory.

(3) For the purpose of this Article, the word "contribution" shall not include a contribution which a person has paid or had credited to him as a non-employed person under the legislation of the United Kingdom or a contribution which he has paid voluntarily under the legislation of Cyprus.

(4) For the purpose of any claim to receive a maternity grant under the legislation of one territory, a woman who is confined in the other territory shall be treated as if she were confined in the former territory.

(5) Where a woman would be entitled, but for this paragraph, to receive maternity grants under the legislation of both territories in respect of the same confinement she shall not be entitled to receive both grants but shall be entitled to choose which grant she will receive.

SICKNESS BENEFIT

Article 12

(1) Where a person is in one territory and has, since his last arrival in that territory, become liable to pay contributions under the legislation of that territory, he shall be treated, for the purpose of any claim to receive sickness benefit under that legislation, as if—

(*a*) he had paid a contribution under that legislation for every week for which he has paid a contribution under the legislation of the other territory;

(*b*) he had had a contribution credited to him under that legislation for every week for which he has had a contribution credited to him under the legislation of the other territory;

(*c*) he had received sickness benefit or unemployment benefit under that legislation for every day for which he has respectively received sickness benefit or unemployment benefit under the legislation of the other territory.

(2) For the purpose of this Article, the word "contribution" shall not include a contribution which a person has paid or had credited to him as a non-employed person under the legislation of the United Kingdom or a contribution which he has paid voluntarily under the legislation of Cyprus.

(3) The provisions of this Article shall not apply to a person who is an exempt person as defined in the legislation of Cyprus.

UNEMPLOYMENT BENEFIT

Article 13

(1) Where a person is in one territory and has, since his last arrival in that territory, become liable to pay contributions under the legislation of that territory, he shall be treated, for the purpose of any claim to receive unemployment benefit under that legislation, as if—

(*a*) he had paid a contribution under that legislation for every week for which he has paid a contribution under the legislation of the other territory;

(*b*) he had had a contribution credited to him under that legislation for every week for which he has had a contribution credited to him under the legislation of the other territory;

(*c*) he had received sickness benefit or unemployment benefit under that legislation for every day for which he has respectively received sickness benefit or unemployment benefit under the legislation of the other territory;

(*d*) he had been resident in the former territory during any period during which he was resident in the latter territory.

(2) For the purpose of this Article the word "contribution" shall not include a contribution which a person has paid or had credited to him as a self-employed or non-employed person under the legislation of the United Kingdom or a contribution which he has paid voluntarily under the legislation of Cyprus.

(3) The provisions of this Article shall not apply to a person who is an exempt person as defined in the legislation of Cyprus.

WIDOW'S BENEFIT

Article 14

(1) If a man has been insured under the legislation of both territories, then—

(*a*) for the purpose of determining whether his widow is entitled to receive benefit for widowhood under the legislation of either of the territories, any contribution, paid by him or credited to him under the legislation of the other territory, shall be treated as if it were a contribution respectively paid by him or credited to him under the legislation of the former territory; and

(*b*) if the widow is entitled to receive benefit for widowhood under the legislation of the former territory, the rate of that benefit shall be a part of the rate of the benefit which would have been payable to her under that legislation if

every contribution paid by her husband or credited to him under the legislation of the latter territory had been a contribution respectively paid by him or credited to him under the legislation of the former territory, namely, that part which bears the same relation to the whole as the number of contributions paid by him or credited to him under the legislation of the former territory bears to the total number of contributions paid by him or credited to him under the legislation of both territories.

(2) Where, under the legislation of one territory, a woman would be entitled to receive widow's benefit if a child had been in that territory at the time when her husband died, she shall be entitled to receive that benefit if the child was in the other territory at that time.

(3) Where, under the legislation of one territory, a woman would be entitled to receive widow's benefit if a child were in that territory, she shall be entitled to receive that benefit while the child is in the other territory.

ORPHAN'S BENEFIT

Article 15

For the purpose of any claim to receive orphan's benefit under the legislation of one territory for a child who is resident in that territory, the child, if one of his parents was insured under the legislation of the other territory, shall be treated as if that parent had been insured under the legislation of the former territory.

OLD AGE PENSIONS

Article 16

(1) If a person has been insured under the legislation of both territories, then—

(*a*) for the purpose of determining whether he is entitled to receive an old age pension under the legislation of either of the territories, any contribution, paid by him or credited to him under the legislation of the other territory, shall be treated as if it were a contribution respectively paid by him or credited to him under the legislation of the former territory; and

(*b*) if he is entitled to receive an old age pension under the legislation of the former territory, the rate of that pension shall be a part of the rate of the pension which would have been payable to him under that legislation if every contribution paid by him or credited to him under the legislation of the latter territory had been a contribution respectively paid by him or credited to him under the legislation of the former territory, namely, that part which bears the same relation to the whole as the number of contributions paid by him or credited to him under the legislation of the former territory bears to the total number of contributions paid by him or credited to him under the legislation of both territories.

(2) If a woman claims an old age pension under the legislation of one (or the other) territory wholly or partly by virtue of her

husband's contributions, the provisions of paragraph (1) of this Article shall apply to her, subject to the modification that any reference in that paragraph to a contribution paid by her or credited to her shall be construed as including a reference to a contribution respectively paid by her husband or credited to him.

DEATH GRANT

Article 17

(1) For the purpose of any claim to receive a death grant under the legislation of one territory for the death of a person who has been insured under the legislation of both territories—

(*a*) if his death occurred in the other territory, it shall be treated as if it had occurred in the former territory;

(*b*) if the person claiming the death grant is in the other territory, he shall be treated as if he were in the former territory;

(*c*) if the last contribution paid by the deceased person or credited to him was paid or credited under the legislation of the former territory, any contribution paid by him or credited to him under the legislation of the other territory shall be treated as if it were a contribution respectively paid by him or credited to him under the legislation of the former territory.

(2) Death grants shall not be payable under the legislation of both territories in respect of the same death unless the right to receive death grants under the legislation of both territories exists independently of the provisions of the present Agreement.

(3) (*a*) In any case where the preceding paragraph of this Article prevents a double payment and the right to receive a death grant under the legislation of one territory exists independently of the provisions of the present Agreement, that right shall be preserved and the right under the legislation of the other territory shall be extinguished.

(*b*) In any other case where the preceding paragraph of this Article prevents a double payment, the following provisions shall apply:

(i) if the death occurs in one territory, the right under the legislation of that territory shall be preserved, and the right under the legislation of the other territory shall be extinguished;

(ii) if the death does not occur in either territory, the right under the legislation of the territory where the deceased was last resident before his death shall be preserved, and the right under the legislation of the other territory shall be extinguished.

INSURANCE PERIODS TO BE IGNORED

Article 18

(1) For the purpose of determining, in accordance with the provisions of Articles 11, 12, 13, 14, 16 and 17, whether a person is entitled to receive benefit under the legislation of Cyprus and

for the purpose of determining, in accordance with the provisions of Articles 14 and 16 what benefit would have been payable under that legislation if every contribution paid by a person or credited to him under the legislation of the United Kingdom had been a contribution respectively paid by him or credited to him under the legislation of Cyprus, no account shall be taken of any contribution paid or credited under the legislation of the United Kingdom for any week before the week beginning on the 7th January, 1957.

(2) For the purpose of applying the provisions of sub-paragraph (*b*) of paragraph (1) of Article 14 and sub-paragraph (*b*) of paragraph (1) of Article 16, no account shall be taken of any contribution which a person has paid or had credited to him under the legislation of the United Kingdom if, in the calculation of the yearly average of contributions paid by him or credited to him under that legislation, no account is taken of that contribution.

DUPLICATE RIGHTS

Article 19

If a person who is receiving widow's benefit or an old age pension under the legislation of one territory—

(*a*) claims any benefit other than widow's benefit or an old age pension under the legislation of the other territory;

(*b*) would be entitled but for this Article to receive the latter benefit;

(*c*) would not be entitled under the legislation of the latter territory to receive in full at the same time both the latter benefit and the benefit which would have been awarded under that legislation in the circumstances in which the former benefit was awarded;

then he shall be entitled to receive under the legislation of the latter territory only any amount by which the former benefit is less than the latter.

CLAIMS MADE INDEPENDENTLY OF THE AGREEMENT

Article 20

Subject to the provisions of paragraph (5) of Article 11 and of Article 19, any person claiming benefit under the legislation of either territory may choose to have his claim determined without regard to the provisions of this Part of the Agreement.

PART IV—MISCELLANEOUS PROVISIONS

Article 21

The competent authorities—

(i) shall make such administrative arrangements as may be required for the application of this Agreement;

(ii) shall communicate to each other information regarding any measure taken by them for the application of the Agreement;

(iii) shall furnish assistance to one another with regard to any matter relating to the application of the Agreement

Article 22

Where, under the provisions of this Agreement, any benefit is payable by the competent authority of one territory to a person who is in the other territory, the payment may, at the request of that authority, be made by the competent authority of the latter territory as agent for the competent authority of the former territory.

Article 23

No benefit paid under the legislation of one territory by virtue of this Agreement shall be reimbursed out of any fund established under the legislation of the other territory.

Article 24

Where a person who is in one territory has claimed benefit under the legislation of the other territory, the competent authority of the former territory, at the request of the competent authority of the latter territory, shall arrange, at its own expense, for him to be medically examined.

Article 25

Any exemption from, or reduction of, legal dues, charges and fees, provided for in the legislation of one territory in connection with the issue of any certificate or document required to be produced for the purposes of that legislation, shall be extended to certificates and documents required to be produced for the purposes of the legislation of the other territory.

Article 26

Any claim, notice or appeal which should, for the purposes of the legislation of one territory, have been presented within a prescribed period to an authority of that territory, but which is in fact presented within the same period to the corresponding authority of the other territory, shall be treated as if it had been presented to the authority of the former territory. In such cases, the authority of the latter territory shall, as soon as possible, arrange for the claim, notice or appeal to be sent to the competent authority of the former territory.

Article 27

In the event of the termination of this Agreement, any right acquired by a person in accordance with its provisions shall be maintained, and negotiations shall take place for the settlement of any rights then in course of acquisition by virtue of those provisions.

Article 28

This Agreement shall enter into force on the 7th January, 1957, and shall remain in force for a period of one year from that date. Thereafter, it shall continue in force from year to year unless notice of termination is given in writing by the Government of either territory at least three months before the expiry of any such yearly period.