1965 No. 1540

FAMILY ALLOWANCES

NATIONAL INSURANCE

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The Family Allowances, National Insurance and Industrial Injuries (Stateless Persons) Order 1965

Made - - - - 3*rd August* 1965

At the Court at Buckingham Palace, the 3rd day of August 1965

Present,
The Queen's Most Excellent Majesty in Council

Whereas at New York on the 28th day of September 1954 a Final Act and Convention relating to the Status of Stateless Persons was agreed between States (which Final Act and Convention is hereinafter referred to as "the Convention" and certain provisions of which are set out in Schedule 1 hereto):

And Whereas by Article 39 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 column (1) of Schedule 2 hereto and their instruments of ratification or accession were deposited on the dates respectively specified opposite to those States in column (2) 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 column (3) of that Schedule:

And Whereas by section 64 of the National Insurance Act 1946(**a**), as extended by subsection (1) of section 4 of the Family Allowances and National Insurance Act 1956(**b**), and section 85 of the National Insurance (Industrial Injuries) Act 1946(**c**), it is provided that Her Majesty may, by Order in Council, make provision for modifying or adapting the Family

(**a**) 1946 c. 67.
(**b**) 1956 c. 50.
(**c**) 1946 c. 62.

Allowances Act 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, Her Majesty, in pursuance of the said section 64 of the National Insurance Act 1946, as extended by subsection (1) of section 4 of the Family Allowances and National Insurance Act 1956, and the said section 85 of the National Insurance (Industrial Injuries) Act 1946, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and interpretation

1.—(1) This Order may be cited as the Family Allowances, National Insurance and Industrial Injuries (Stateless Persons) Order 1965.

(2) The Interpretation Act 1889(b) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Modification of Acts

2. Those provisions contained in the Convention which are set out in Schedule 1 hereto shall have full force and effect, so far as the same relate to England, Wales and Scotland and provide by way of agreement with the governments of the States specified in Schedule 2 hereto for reciprocity in any matters specified in either subsection (1) of section 64 of the National Insurance Act 1946, as extended by subsection (1) of section 4 of the Family Allowances and National Insurance Act 1956, or subsection (1) of section 85 of the National Insurance (Industrial Injuries) Act 1946 (which subsections relate to reciprocal agreements with other governments), and the Family Allowances Acts 1945 to 1964, the National Insurance Acts 1946 to 1964 and the National Insurance (Industrial Injuries) Acts 1946 to 1964 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

W. G. Agnew.

SCHEDULE 1

PROVISIONS OF THE CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS

ARTICLE 1

Definition of the term "Stateless Person"

1. For the purpose of this Convention, the term "stateless person" means a person who is not considered as a national by any State under the operation of its law.

2. This Convention shall not apply:—

(i) To persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance so long as they are receiving such protection or assistance;

(a) 1945 c. 41. (b) 1889 c. 63.

(ii) To persons who are recognised by the competent authorities of the country in which they have taken residence as having the rights and obligations which are attached to the possession of the nationality of that country;

(iii) To persons with respect to whom there are serious reasons for considering that—

(*a*) They have committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;

(*b*) They have committed a serious non-political crime outside the country of their residence prior to their admission to that country;

(*c*) They have been guilty of acts contrary to the purposes and principles of the United Nations.

ARTICLE 24

Labour legislation and social security

3. The Contracting States shall extend to stateless persons the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

ARTICLE 35

Signature, ratification and accession

1. This Convention shall be open for signature at the Headquarters of the United Nations until 31 December 1955.

2. It shall be open for signature on behalf of:—

(*a*) Any State Member of the United Nations;

(*b*) Any other State invited to attend the United Nations Conference on the Status of Stateless Persons; and

(*c*) Any State to which an invitation to sign or to accede may be addressed by the General Assembly of the United Nations.

3. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. It shall be open for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE 36

Territorial application clause

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

ARTICLE 38

Reservations

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16(1) and 33 to 42 inclusive.

2. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

ARTICLE 39

Entry into force

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession(a).

2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

ARTICLE 40

Denunciation

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.

3. Any State which has made a declaration or notification under article 36 may, at any time thereafter, by a notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

(a) 6 June 1960.

SCHEDULE 2

STATES RATIFYING OR ACCEDING TO THE CONVENTION WITH DATES OF DEPOSIT OF THEIR INSTRUMENTS OF RATIFICATION OR ACCESSION AND DATES ON WHICH THE CONVENTION COMES INTO FORCE AS REGARDS THOSE GOVERNMENTS

(1) *State*	(2) *Date of deposit of ratification or accession*	(3) *Date of coming into force of the Convention*
Denmark	17 January 1956	16 April 1956
Norway	19 November 1956	17 February 1957
Israel	23 December 1958	23 March 1959
Yugoslavia	9 April 1959	8 July 1959
France	8 March 1960	6 June 1960
Belgium	27 May 1960	25 August 1960
Luxembourg	27 June 1960	25 September 1960
Guinea	21 March 1962	19 June 1962
Netherlands	12 April 1962	11 July 1962
Republic of Korea	22 August 1962	20 November 1962
Italy	3 December 1962	3 March 1963
Republic of Ireland	17 December 1962	17 March 1963
Algeria	15 July 1964	13 October 1964
Liberia	11 September 1964	10 December 1964
Sweden	2 April 1965	1 July 1965
Uganda	15 April 1965	14 July 1965

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect in England, Wales and Scotland to certain provisions of the Convention relating to the Status of Stateless Persons made between Governments at New York on the 28th September 1954 in so far as these provisions provide for reciprocity with the governments of other countries which have ratified or acceded to the Convention in relation to the Family Allowances Acts 1945 to 1964, the National Insurance Acts 1946 to 1964 and the National Insurance (Industrial Injuries) Acts 1946 to 1964, and modifies those Acts in their application to cases affected by any such provisions of the Convention.