STATUTORY INSTRUMENTS

1969 No. 1494

SOCIAL SECURITY

The National Insurance and Industrial Injuries (Cyprus) Order 1969

Made - - - *22nd October* 1969

At the Court at Buckingham Palace, the 22nd day of October 1969

Present,

The Queen's Most Excellent Majesty in Council

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 Cyprus on social security (which Agreement is set out in the Schedule hereto) was signed on behalf of those Governments:

And Whereas by Article 37 of the said Agreement it was provided that the Agreement should enter into force on 6th October 1969:

And Whereas by section 105(1) of the National Insurance Act 1965(**a**) and section 84(1) of the National Insurance (Industrial Injuries) Act 1965(**b**) it is provided that Her Majesty may, by Order in Council, make provision for modifying or adapting the said Acts of 1965 in their application to cases affected by agreements with other governments providing for reciprocity in matters specified in those sections:

Now, therefore, Her Majesty, in pursuance of the said section 105(1) and the said section 84(1), 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 National Insurance and Industrial Injuries (Cyprus) Order 1969.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**c**) shall apply in relation to this Order and in relation to the Order revoked by it as if this Order and the Order revoked by it were Acts of Parliament, and as if the revocation were a repeal.

Modification of Acts

2. The provisions contained in the Agreement set out in the Schedule to this Order 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 Government of the Republic of Cyprus for reciprocity with the said Government in any

(**a**) 1965 c. 51. (**b**) 1965 c. 52. (**c**) 1889 c. 63.

matters specified in either section 105(1) of the National Insurance Act 1965 or section 84(1) of the National Insurance (Industrial Injuries) Act 1965 ; and the National Insurance Acts 1965 to 1969 and the National Insurance (Industrial Injuries) Acts 1965 to 1969 shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

Revocation of Order

3. The National Insurance (Cyprus) Order 1957(a) is hereby revoked.

W. G. Agnew.

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 ;

(a) S.I. 1957/855 (1957 I, p. 1649).

"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 16th 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—

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

(*b*) only under the legislation of the Republic, if he is ordinarily resident in the island of Cyprus.

ARTICLE 8

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

(2) If a person, ordinarily resident in the territory of one Party, is employed as master or a member of the crew of a ship of the other Party which is registered in the territory of the former Party or calls regularly at ports of that Party, then, in relation to that employment, the legislation of the former Party shall apply to him as if he were employed as master or a member of the crew of a ship of the former Party, and the legislation of the latter Party shall not apply to him.

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

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

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

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

(4) For the purpose of this Article, "ship" means in relation to one Party, a ship or vessel (other than a ship or vessel belonging to Her Majesty) which is owned in the territory of that Party or any other ship or vessel which is registered in that territory and not owned in the territory of the other Party; 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.

ARTICLE 9

(1) Subject to the provisions of paragraph (2) of this Article, where a person, ordinarily resident in the territory of either Contracting Party, is employed as a member of the crew of an aircraft registered in the United Kingdom, the legislation of the United Kingdom shall apply to him as if any conditions relating to residence or domicile in the United Kingdom were satisfied in his case.

(2) Where a person is employed as a member of the crew of an aircraft which is managed by an air transport undertaking whose principal place of business is in the island of Cyprus, the legislation of the Republic shall apply to him unless he is in the service of an undertaking whose principal place of business is in the United Kingdom.

PART IV—BENEFIT

Benefits of one Party payable in the territory of the other or in the Sovereign Base Areas

ARTICLE 10

Where a person would be entitled to receive a marriage grant, maternity grant, maternity allowance, old age pension, widow's benefit, death grant, disablement benefit, hospital treatment allowance, constant attendance allowance, unemployability supplement, exceptionally severe disablement allowance or death benefit under the legislation of one Contracting Party if he were in the territory of that Party, he shall be entitled to receive that benefit if he is in the territory of the other Party or in the Sovereign Base Areas.

ARTICLE 11

(1) Where a person is employed in the territory of one Contracting Party and the legislation of the other Party applies to him in relation to his employment in accordance with the provisions of Article 4 and 5 of this Agreement, he shall be treated—

(*a*) for the purpose of any right to receive sickness benefit under that legislation, as if he were in the territory of the latter Party;

(*b*) for the purpose of any right to receive benefit under that legislation for an industrial accident happening or an industrial disease contracted in the course of that employment, as if the accident had happened or the disease had been contracted in the territory of the latter Party and as if he were in that territory.

(2) Where a person is employed in the Sovereign Base Areas, and the legislation of either Party applies to him in relation to his employment in accordance with the provisions of Articles 5 and 6 of this Agreement, he shall be treated—

(*a*) for the purpose of any right to receive sickness benefit under that legislation, as if he were in the territory of that Party;

(*b*) for the purpose of any right to receive benefit under that legislation for an industrial accident happening or an industrial disease contracted in the course of that employment, as if the accident had happened or the disease had been contracted in the territory of that Party and as if he were in that territory.

(3) If an accident happens to an employed person after he leaves the territory of one Party to go, in the course of his employment, to the territory of the other Party, and before he arrives in the latter territory, then, for the purpose of any claim to receive benefit in respect of that accident—

(*a*) the accident shall be treated as if it had happened in the territory of the Party whose legislation was expected to apply to him in relation to his employment in the territory of the latter Party; and

(*b*) his absence from the territory of either Party shall be disregarded in determining whether his employment was insurable under that legislation.

(4) For the purpose of paragraph (3) of this Article, the word "territory", in relation to the Republic, shall include the whole island of Cyprus.

ARTICLE 12

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

ARTICLE 13

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

Maternity grants and maternity allowances

ARTICLE 14

(1) If a man is insured under the legislation of both Contracting Parties, then, for the purpose of any claim to receive a maternity grant under that legislation under which he is paying contributions at the time when his wife is confined or (if he is not paying contributions at that time) was last paying contributions before that time, his wife shall be treated as if any contribution paid by him or credited to him under the other legislation were a contribution, respectively, paid by him or credited to him under the former legislation.

(2) If a woman is insured under the legislation of both Parties, then, for the purpose of any claim to receive a maternity grant or maternity allowance under that legislation under which she was last paying contributions before she was confined, she shall be treated as if any contribution paid by her or credited to her under the other legislation were a contribution, respectively, paid by her or credited to her under the former legislation.

(3) For the purpose of any claim to receive a maternity grant or maternity allowance under the legislation of one Party, a woman who is confined in the territory of the other Party or in the Sovereign Base Areas shall be treated as if she had been confined in the territory of the former Party.

(4) Where a woman would be entitled, but for this paragraph, to receive maternity grants under the legislation of both Parties 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.

(5) Where a woman would be entitled, but for this paragraph, to receive maternity allowances under the legislation of both Parties for the same period, she shall not be entitled to receive both allowances, but shall be entitled to choose which allowance she will receive.

(6) For the purpose of this Article, "contribution" means, in relation to the United Kingdom, a contribution which an insured person pays or has credited to him under the legislation of the United Kingdom as an employed person or as a self-employed person (other than a contribution which he is entitled but not liable to pay), and, in relation to the Republic, a contribution which an insured person pays or has credited to him under the legislation of the Republic as an employed person.

Sickness benefit

ARTICLE 15

(1) If a person is insured under the legislation of both Contracting Parties, then, for the purpose of any claim to receive sickness benefit under that legislation under which he is paying contributions at the time when he makes his claim or (if he is not paying contributions at that time) was last paying contributions before that time, he shall be treated as if—

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

(*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 other legislation;

(*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 other legislation.

(2) For the purpose of this Article "contribution" means, in relation to the United Kingdom, a contribution which an insured person pays or has credited to him under the legislation of the United Kingdom as an employed person or as a self-employed person (other than a contribution which he is entitled but not liable to pay), and in relation to the Republic, a contribution which an insured person pays or has credited to him under the legislation of the Republic as an employed person.

Unemployment benefit

ARTICLE 16

(1) If a person is in the territory of one Contracting Party and has, since his last arrival in that territory, paid at least thirteen contributions under the legislation of that Party, 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 Party;

(*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 Party;

(*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 Party;

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

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

(3) For the purpose of this Article, "contribution" means, in relation to either Party, a contribution which an insured person pays or has credited to him as an employed person, under the legislation of that Party.

Widow's benefit

ARTICLE 17

(1) If a man was insured under the legislation of both Contracting Parties, then—

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

(*b*) if the widow is entitled to receive widow's benefit under the legislation of the former Party, the rate of that benefit shall be a part of the rate of the benefit which would have been paid to her under that legislation if every contribution paid by her husband or credited to him under the legislation of the latter Party had been a contribution respectively paid by him or credited to him under the legislation of the former Party, 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 Party bears to the total number of contributions paid by him or credited to him under the legislation of both Parties.

(2) Where, under the legislation of one Party, a woman would be entitled to receive widow's benefit if a child or young person had been in the territory of that Party at the time when her husband died, she shall be entitled to receive that benefit if the child or young person, as the case may be, was in the territory of the other Party or in the Sovereign Base Areas at that time.

(3) Where, under the legislation of one Party, a woman would be entitled to receive widow's benefit if a child or young person were in the territory of that Party, she shall be entitled to receive that benefit while the child or young person, as the case may be, is in the territory of the other Party or in the Sovereign Base Areas.

Orphan's benefit

ARTICLE 18

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

Adoption of children

ARTICLE 19

Where a child has been adopted in a manner which is recognised under the laws of one Contracting Party concerning the adoption of children, he shall be treated, for the purpose of any claim to receive benefit under the legislation of the other Party, as if he had been adopted in a manner which is recognised under the laws of the latter Party concerning the adoption of children.

Old Age pension

ARTICLE 20

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

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

(*b*) if he is entitled to receive an old age pension under the legislation of the former Party, 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 Party had been a contribution, respectively, paid by him or credited to him under the legislation of the former Party, 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 Party bears to the total number of contributions paid by him or credited to him under the legislation of both Parties.

(2) Where the person claiming a retirement pension is a woman who claims by virtue of her husband's insurance or a woman whose husband's contributions are taken into account in determining her right to receive a pension by virtue of her own insurance, her marriage having been terminated by his death or otherwise, any reference in paragraph (1) of this Article to a contribution paid by a person or credited to a person shall be construed, for the purpose of ascertaining her husband's yearly average of contributions paid or credited, as including a reference to a contribution paid by her husband or credited to him.

(3) For the purpose of applying the provisions of paragraphs (1) and (2) of this Article, no account shall be taken of any graduated contributions paid under the legislation of the United Kingdom, but any graduated retirement benefit which is payable by virtue of such contributions shall be paid in addition to any old age pension which is calculated in accordance with the provisions of paragraphs (1) and (2) of this Article.

Death grant

ARTICLE 21

(1) For the purpose of any claim to receive a death grant under the legislation of one Contracting Party—

(*a*) a death, which has occurred in the territory of the other Party or in the Sovereign Base Areas, shall be treated as if it had occurred in the territory of the former Party;

(*b*) a claimant, who is in the territory of the other Party or in the Sovereign Base Areas, shall be treated as if he were in the territory of the former Party.

(2) If a person has been insured under the legislation of both Parties, then, for the purpose of any claim to receive a death grant for his death under the legislation under which he was last paying contributions or having contributions credited to him, any contribution paid by him or credited to him under the other legislation shall be treated as if it were a contribution, respectively, paid by him or credited to him under the former legislation.

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

(4)(*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 Party exists independently of the provisions of this Agreement, that right shall be preserved and the right under the legislation of the other Party 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 the territory of one Party, the right under the legislation of that Party shall be preserved, and the right under the legislation of the other Party shall be extinguished;

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

Crediting of Contributions

ARTICLE 22

If a person who is insured under the legislation of both Contracting Parties applies, on grounds of unemployment or incapacity for work, to be excepted from liability to contribute under the legislation of the United Kingdom or to have contributions credited to him under that legislation, then, for the purpose of that application, he shall be treated as if—

(*a*) he had been employed in employed contributor's employment during any period for which he has paid contributions as an employed person under the legislation of the Republic;

(*b*) he had paid a contribution as an employed person under the legislation of the United Kingdom for every week for which he has paid a contribution, as an employed person under the legislation of the Republic;

(*c*) he had had a contribution credited to him as an employed person under the legislation of the United Kingdom for every week for which he has had a contribution credited to him as an employed person under the legislation of the Republic.

Contributions credited for weeks before entry into insurance

ARTICLE 23

For the purpose of Articles 14, 15, 16 and 22, any contribution credited to an insured person under the legislation of one Contracting Party for any week before the week in which he became insured under that legislation but after the week in which he became insured under the legislation of the other Party shall be ignored.

Contributions to be ignored

ARTICLE 24

(1) For the purpose of determining, in accordance with the provisions of Articles 15, 16, 17 and 20 of this Agreement, whether a person is entitled to receive benefit under the legislation of the Republic and for the purpose of determining, in accordance with the provisions of Articles 17 and 20, 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 the Republic, 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 7 January 1957.

(2) For the purpose of applying the provisions of sub-paragraph (*b*) of paragraph (1) of Article 17 and sub-paragraph (*b*) of paragraph (1) of Article 20, 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 25

(1) Where a person who is receiving benefit under the legislation of one Contracting Party claims benefit under the legislation of the other Party, any provision of the legislation of the latter Party which restricts the right to receive one benefit by reason of the receipt of another benefit shall apply to him as if the benefit received under the legislation of the former Party were the corresponding benefit payable under the legislation of the latter Party.

(2) The provisions of paragraph (1) of this Article shall not apply in any case where one of the benefits is an old age pension payable to a woman by virtue of her husband's insurance and the other is widow's benefit, or where both the benefits are old age pensions payable to a man or woman by virtue of his or her own insurance, or where both are widow's benefits or both disablement benefits.

Claims made independently of the Agreement

ARTICLE 26

Any person claiming sickness benefit, unemployment benefit, widow's benefit or an old age pension may choose not to take advantage of the provisions of this Agreement. In that case, his or her rights under the legislation of each Contracting Party shall be determined without regard to insurance under the legislation of the other Party.

Industrial diseases

ARTICLE 27

Where a person has contracted an industrial disease and has been employed in the territories of both Contracting Parties in occupations involving the risk of that disease, he shall, subject to the provisions of Article 28 of this Agreement, be treated, for the purpose of any claim to receive benefit for that disease under the legislation of the Party in whose territory he was last so employed as if he had been so employed only in that territory.

Disablement Benefit

ARTICLE 28

Where a person who is receiving or has received disablement benefit under the legislation of one Contracting Party claims disablement benefit under the legislation of the other Party, account shall be taken of the former benefit as if it were the benefit which would be paid or would have been paid under the legislation of the latter Party for disablement assessed for the same period at the same percentage.

Recovery of overpayments

ARTICLE 29

Where a person becomes entitled, under the legislation of one Contracting Party, to receive arrears of benefit for any period, the competent authority responsible for the payment of these arrears may, at the request of a competent authority of the other Party, deduct from these arrears any amount by which the latter authority has paid sums by way of benefit under the legislation of the latter Party in excess of the benefit which was actually due to the person for that period under that legislation, and may transmit this amount to the latter authority.

PART V—MISCELLANEOUS PROVISIONS

ARTICLE 30

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 each other with regard to any matter relating to the application of the Agreement;

(iv) shall communicate to each other, as soon as possible, information regarding any change in their legislation which may affect the application of the Agreement.

ARTICLE 31

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

ARTICLE 32

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

ARTICLE 33

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

ARTICLE 34

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

ARTICLE 35

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

ARTICLE 36

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 acquision by virtue of those provisions.

ARTICLE 37

(1) This Agreement shall come into force on 6 October 1969, and shall remain in force for a period of one year from that date. Thereafter, it shall remain in force from year to year unless notice of termination is given in writing by either Contracting Party at least three months before the expiry of any such yearly period.

(2) No provision of this Agreement shall affect any rights which a person has acquired under the legislation of either Party before the date of the coming into force of this Agreement, whether by virtue of the 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 which was signed on behalf of those Governments in 1957 or otherwise.

(3) Subject to the provisions of paragraph (2) of this Article the said Agreement between the Government of the United Kingdom and the Government of Cyprus shall be terminated on the date upon which this Agreement comes into force.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed this Agreement.

DONE in duplicate at Nicosia this 6th day of October nineteen hundred and sixty-nine.

For the Government of the United Kingdom of Great Britain and Northern Ireland	For the Government of the Republic of Cyprus:
(Sgd.) Peter E. Ramsbotham	(Sgd.) Tassos Papadopoulos

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect in England, Wales and Scotland to the Agreement (set out in the Schedule) made between the Governments of the United Kingdom and of Cyprus in so far as it relates to the matters for which provision is made by the National Insurance Acts 1965 to 1969 and the National Insurance (Industrial Injuries) Acts 1965 to 1969.