

1983 No. 1698

SOCIAL SECURITY

The Social Security (Cyprus) Order 1983

Made - - - - 18th November 1983

Coming into Operation 1st January 1984

[Under art. 2 of SI 1995/767 the SSC&B Act 1996 (c.4), the SSA Act 1992 (c.5) and the Jobseekers Act 1995 (c.18) are modified so that the effect can be given to the proposal that any references in the Agreement set out in the Schedule to this Order, to sickness benefit, invalidity benefit or invalidity pension under UK legislation shall include short-term incapacity benefit or long-term incapacity benefit.]

[Under art. 2 of SI 1996/1928, the SSC&B Act 1996 (c.4), the SSA Act 1992 (c.5) and the Jobseekers Act 1995 (c.18) are modified. The effect will be that any reference, in the Agreement set out in the Schedule to this Order, to unemployment benefit shall include a reference to contribution-based jobseeker's allowance. Also any definition, in that Agreement, of legislation to which the Agreement applies shall be read as including a reference to the Jobseekers Act 1995.]

At the Court of Saint James, the 18th day of November 1983

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 3rd day of November 1983, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And Whereas at Nicosia on 18th December 1982 a Convention on social security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus (which Convention is set out in the Schedule to this order and is hereinafter referred to as "the Convention") was signed on behalf of those Governments:

And Whereas by Article 36 of the Convention it is provided that the Convention shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged:

And Whereas the Convention has been ratified by the said Governments and the instruments of ratification were exchanged on 27th October 1983, and accordingly the Convention enters into force on 1st January 1984:

And Whereas by section 143 of the Social Security Act 1975(a) it is provided that Her Majesty may by Order in Council make provision for modifying or adapting the said Social Security Act in its application to cases affected by agreements with other governments providing for reciprocity in matters specified in that section:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in pursuance of the said section 143 and of all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the Social Security (Cyprus) Order 1983 and shall come into operation on 1st January 1984.

Modification of the Social Security Act 1975

2. The Social Security Act 1975 shall be modified to such extent as may be required to give effect to the provisions contained in the Convention on social security set out in the Schedule to this Order, so far as the same relate to England, Wales and Scotland.

Revocation and variation of Orders

3.—(1) The National Insurance and Industrial Injuries (Cyprus) Order 1969(b) is hereby revoked.

(2) The reference to the said Order of 1969 shall be omitted in Schedule 1 to the Social Security (Reciprocal Agreements) Order 1976(c) and in the Schedule to the Social Security (Reciprocal Agreements) Order 1979(d).

N. E. Leigh,
Clerk of the Privy Council.

(a) 1975 c. 14; subsection (1A) of section 143 was inserted by section 6(1) of the Social Security Act 1981 (c. 33).

(b) S.I. 1969/1494.

(c) S.I. 1976/225.

(d) S.I. 1979/290.

SCHEDULE

CONVENTION ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF CYPRUS

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus;

Having established reciprocity in the field of social security by means of the Agreement between them on Social Insurance signed at Nicosia on 6 October 1969.

Desiring to extend and modify the scope of that reciprocity and to take account of changes in their legislation;

Have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1

►(1) For the purposes of this Convention:

“competent authority” means, in relation to the United Kingdom, the Department of Social Security for Great Britain, the Department of health and Social Services for Northern Ireland, the Department of Health and Social Security of the Isle of Man, the Social Security Committee of the States of the Island of Jersey or the Guernsey Social Security Authority as the case may require, and, in relation to the Republic of Cyprus, the Minister of Labour and Social Insurance;

“competent institution” means the institution from which the person concerned is entitled to receive benefit or would be entitled to receive benefit if he were resident in the territory of the Party where that institution is situated;

“contribution period” means a period in respect of which contributions appropriate to the benefit in question are payable, have been paid or treated as paid under the legislation in question;

“death grant” means a death grant payable under the legislation of Jersey or Guernsey, or a funeral grant payable under the legislation of Cyprus;

“dependant” means a person who would be treated as such for the purpose of any claim for an increase of benefit in respect of a dependant under the legislation concerned;

“employed person” means:

- (i) except in Articles 20 and 22, a person who, in the applicable legislation, comes within the definition of an employed person or of an employed earner or is treated as such and the words “person is employed” shall be construed accordingly;
- (ii) in Articles 20 to 22, a person who is, or who is treated as being, an employed person under the legislation of Great Britain, Northern Ireland or the Isle of Man, or Cyprus, or an employed or self-employed person under the legislation of Jersey or Guernsey;

“employment” means employment as an employed person and the words “employ”, “employed” or “employer” shall be construed accordingly;

Art. 1(1) substituted by para. (A) of Schedule to S.I. 1994/1646 as from 4.7.94.

“equivalent period” means a period for which contributions appropriate to the benefit in question have been credited under the legislation concerned;

“gainfully occupied” means employed or self-employed;

“Guernsey” means the Islands of Guernsey, Alderney, Herm and Jethou;

“insurance authority” means the authority competent to decide entitlement to the benefit in question;

“insurance period” means a contribution period or an equivalent period;

“insured” means that contributions have been paid by, or are payable by, or in respect of, or have been credited in respect of, the person concerned;

“invalidity pension” means invalidity pension, additional invalidity pension and invalidity allowance payable under the legislation of Great Britain, Northern Ireland or the Isle of Man, invalidity benefit payable under the legislation of Jersey or Guernsey, and invalidity pension payable under the legislation of Cyprus;

“Jersey” means the Island of Jersey;

“legislation” means in relation to a Party, such of the legislation specified in Article 2 as applies in the territory of that Party or in any part of the territory of that Party;

“old age pension” includes, in relation to the United Kingdom, a retirement pension payable under the legislation of that Party;

“orphan’s benefit” means guardian’s allowance payable under the legislation of Great Britain, Northern Ireland, the Isle of Man, or Guernsey, and orphan’s benefit payable under the legislation of Cyprus;

“pension”, “allowance” or “benefit” includes any increase of, or any additional amount payable with, a pension, allowance or benefit respectively;

“self-employed person” means a person who, in the applicable legislation, comes within the definition of a self-employed person or of a self-employed earner or is treated as such, and the words “person is self-employed” shall be construed accordingly;

“social assistance” means income support payable under the legislation of Great Britain or Northern Ireland and supplementary benefit payable under the legislation of the Isle of Man;

“Sovereign Base Areas”, means the British Sovereign Base Areas of Akrotiri and Dhekelia;

“statutory maternity pay” means a payment which an employer must make under the legislation of Great Britain or Northern Ireland in connection with pregnancy and for a period before and after confinement;

“statutory sick pay” means a payment which an employer must make under the legislation of Great Britain or Northern Ireland in respect of sickness;

“territory” means, in relation to the United Kingdom, Great Britain, Northern Ireland and also the Isle of Man, the Island of Jersey, and Guernsey. and in relation to Cyprus, the Island of Cyprus with the exception of the Sovereign Base Areas, and references to “Cyprus” and to “the United Kingdom” shall be construed accordingly;

“widow’s benefit” means widow’s allowance, widow’s payment, widowed mother’s allowance and widow’s pension payable under the legislation of the United Kingdom and, in addition, widowed father’s allowance payable under the legislation of Jersey and a widow’s pension payable under the legislation of Cyprus. ◀

(2) Other words and expressions which are used in this Convention have the meanings respectively assigned to them in the legislation concerned.

Article 2

- (1) The provisions of this Convention shall apply,
- ▶(a) in relation to the territory of the United Kingdom, to:
 - (i) the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992 and the Social Security (Consequential Provisions) Act 1992;
 - (ii) the Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Social Security (Consequential Provisions) (Northern Ireland) Act 1992;
 - (iii) the Social Security Acts 1975 to 1992 (Acts of Parliament) as those Acts apply to the Isle of Man by virtue of orders made, or having effect as if made, under the Social Security Act 1982 (an Act of Tynwald);
 - (iv) the Social Security (Jersey) Law 1974;
 - (v) the Social Insurance (Guernsey) Law 1978;and the legislation which was repealed or consolidated by those Acts, Laws or Orders or repealed by legislation consolidated by them;
 - (b) in relation to Cyprus, to:
 - the Social Insurance laws of 1980 to 1993.◀

Art. 2(1)(a) and (b) substituted by para. (B) of Schedule to S.I. 1994/646 as from 4.7.94

(2) Subject to the provisions of paragraph (3), (4) and (5) of this Article, this Convention shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) This Convention shall apply, unless the Parties agree otherwise, only to benefits described in the legislation specified in paragraph (1) of this Article at the date of coming into force of this Convention and for which specific provision is made in this Convention.

(4) This Convention shall apply to any legislation which relates to a branch of social security not covered by the legislation specified in paragraph (1) of this Article, only if the two parties make an agreement to that effect.

(5) This Convention shall not apply to Regulations on social security of the Council of the European Communities or to any convention on social security which either Party has concluded with a third party or to any laws or regulations which amend the legislation specified in paragraph (1) of this Article for the purpose of giving effect to such a convention but shall not prevent either Party from taking into account under its legislation the provisions of any other convention which that Party has concluded in a third party.

Article 3

A person subject to the legislation of one Party who becomes resident in the territory of the other Party shall, together with his dependants, be subject to the obligations and shall enjoy the advantages of the legislation of the other Party under the same conditions as a national of that Party, subject to any special provision of this Convention.

Article 4

(1) Subject to the provisions of Articles 15 to 23 of this Convention, a person who would be entitled to receive an old age pension, widow's benefit, invalidity pension, or any pension, allowance or gratuity payable in respect of an industrial injury or industrial disease under the legislation of one party if he were in the territory of that Party shall be entitled to receive that pension, benefit, allowance or gratuity while he is in the territory of the other Party, or in the Sovereign Base Areas, as if he were in the territory of the former Party.

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(2) Where under the legislation of one Party, an increase of any benefit for which specific provision is made in this Convention would be payable for a dependant if he were in the territory of that Party, it shall be payable while he is in the territory of the other Party or in the Sovereign Base Areas.

PART II**PROVISIONS WHICH DETERMINE THE LEGISLATION APPLICABLE****Article 5**

(1) Subject to the following provisions of this Article and the provisions of Articles 6 to 10 of this Convention, where a person is gainfully occupied, his liability to be insured shall be determined under the legislation of the Party in whose territory he is so occupied.

(2) Where a person is employed in the territory of both Parties for the same period, his liability to be insured shall be determined only under the legislation of the Party in whose territory he is ordinarily resident.

(3) Where a person is self-employed in the territory of both Parties for the same period, his liability to be insured shall be determined under the legislation of the Party in whose territory he is ordinarily resident.

(4) Where a person is employed in the territory of one Party and self-employed in the territory of the other Party for the same period, his liability to be insured shall be determined only under the legislation of the former Party.

(5) For the purposes of the provisions of paragraphs 93) and (4) of this Article, “liability to be insured” shall not include liability to pay a Class 4 contribution under the legislation of the United Kingdom.

(6) Where a person is not gainfully occupied, any liability to be insured shall be determined under the legislation of the Party in whose territory he is ordinarily resident.

Article 6

►(1) Where a person insured under the legislation of one Party and employed by an employer in the territory of that Party is sent by that employer to work in the territory of the other Party, the legislation of the former Party concerning liability for contributions shall continue to apply to him as if he were employed in the territory of that Party, provided that the employment in the territory of the other Party is not expected to last for more than three years. No contributions shall be payable in respect of that employment under the legislation of the latter Party.◀

(2) Where a person is gainfully occupied in the United Kingdom and the legislation of Cyprus does not apply to him in accordance with paragraph (1) of this Article or Article 5 of this Convention, the legislation of the United Kingdom shall apply to him as if he were ordinarily resident in the United Kingdom.

(3) The following provisions shall apply to any person employed as a member of the travelling personnel of an undertaking engaged in the transport of passengers or goods by air, whether for another undertaking or on its own account:

- (a) subject to the provisions of sub-paragraphs (b) and (c) of this paragraph, where a person is employed by an undertaking which has its principal

Art. 6(1) substituted by para. (C) of Schedule to S.I. 1994/1646 as from 4.7.94.

place of business in the territory of one Party, the legislation of that Party concerning liability for contributions shall apply to him as if he were employed in its territory, even if he is employed in the territory of the other Party;

- (b) subject to the provisions of sub-paragraph (c) of this paragraph, where the undertaking has a branch or agency in the territory of one Party and a person is employed by that branch or agency, the legislation of that Party concerning liability for contributions shall apply to him;
- (c) where a person is ordinarily resident in the territory of one Party and is employed wholly or mainly in that territory, the legislation of that Party concerning liability for contributions shall apply to him, even if the undertaking which employs him does not have its principal place of business or branch or any agency in that territory.

Article 7

(1) for the purpose of this Article, “ship or vessel” means, in relation to a 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.

(2) Subject to the provisions of paragraphs 93), (4), (5) and (6) of this Article where a person is employed on board any ship or vessel of one Party, the legislation of that Party concerning liability for contributions shall apply to him as if any conditions relating to residence were satisfied in his case, provided that he is ordinarily resident in the territory of either Party.

►(3) Where a person insured under the legislation of one Party and employed either in the territory of that Party or on board any ship or vessel of that Party, is sent by an employer in the territory of that Party to work on board a ship or vessel of the other Party, the legislation of the former Party concerning liability for contributions shall continue to apply to him provided that his employment on board the ship or vessel of the latter Party is not expected to last for more than three years. No contributions shall be payable in respect of that employment under the legislation of the latter Party.◄

Art. 7(3) substituted by para. (D) of Schedule to S.I. 1994/1646 as from 4.7.94.

(4) Where a person who is not normally employed at sea is employed other than as a member of the crew, on board a ship or vessel of one Party, in the territorial waters of, or at a port of, the other Party, the legislation of the latter Party concerning liability for contributions shall apply to him as if any conditions relating to residence were satisfied in his case, provided that he is ordinarily resident in the territory of either Party.

(5) Where a person who is ordinarily resident in the territory of one Party and employed on board any ship or vessel of the other Party is paid remuneration in respect of that employment by a person who is ordinarily resident in, or by an undertaking having its principal place of business in, the territory of the former Party, the legislation of the former Party concerning liability for contributions shall apply to him as if the ship or vessel were a ship or vessel of the former Party, and the person or undertaking by whom the remuneration is paid shall be treated as the employer for the purposes of such legislation.

(6) If a person is employed as a master or 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 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 Cyprus if he is ordinarily resident in Cyprus.

Article 8

(1) This Convention shall not apply to established members of the Diplomatic Service of either Party or to members of the Armed Forces of either Party.

(2) Subject to the provisions of paragraph (1) of this Article, where any person, who is in the Government Service of one Party or in the service of any public corporation of that Party, is employed in the territory of the other Party, the legislation of the former Party concerning liability for contributions shall apply to him as if he were employed in its territory.

(3) Subject to the provisions of paragraphs (1) and (2) of this Article, where a person is employed in a diplomatic mission or consular post of one Party in the territory of the other Party, or in the private service of a member of such a mission or post, the legislation of the latter Party concerning liability for contributions shall apply to him as if he were employed in its territory, unless within three months of the entry into force of this Convention, or within three months of the beginning of the employment in the territory of the latter Party whichever is later, he chooses to be insured under the legislation of the former Party, provided that he was so insured immediately before the commencement of the employment at that mission or post.

Article 9

For the purpose of applying the provisions of Articles 5 to 8 of this Convention, the Sovereign Base Areas shall be treated as if they were in the territory of Cyprus.

Article 10

The competent authorities of the Parties may agree to modify the provisions of Articles 5 to 9 of this Convention in respect of particular persons or categories of persons.

PART III

SPECIAL PROVISIONS

Section 1

Special Provisions relating to the Application of the Legislation of the United Kingdom and Cyprus

Article 11

(1) Subject to paragraph (5) of this Article, for the purpose of determining entitlement, under the legislation of the United Kingdom, to an old age pension in accordance with Article 17 of this Convention, to widow's benefit in accordance with Article 19, or to any benefit specified in Articles 12 to 14 and Articles 24 to 26, contribution periods or equivalent periods completed under the legislation of Cyprus before 6 April 1975 shall be treated as if they had been contribution periods or equivalent periods completed under the legislation of the United Kingdom.

(2) Subject to the provisions of Article 15(3) and of Article 16(2) of this Convention, for the purpose of calculating an earnings-factor for entitlement to any benefit referred to in Articles 12 to 26 of this Convention and provided under the legislation specified in Article 2(1)(a)(i) and (ii) of this Convention, a person shall be treated for each week beginning in a relevant tax year commencing on or after 6 April 1975, the whole of which week is a contribution period completed as an employed person under the legislation of Cyprus, as having paid a contribution as an employed earner on earnings equivalent to two-thirds of that year's upper earnings limit.

(3) For the purpose of determining entitlement, under the legislation of the

United Kingdom, to an old age pension in accordance with Article 17 of this Convention, to widow's benefit in accordance with Article 19, or to any benefit specified in Articles 12 to 14 and Articles 24 to 26, contribution periods completed as a self-employed person or as a voluntary contributor or equivalent periods completed under the legislation of Cyprus after 5 April 1975 shall be treated as if they had been contribution periods completed as a self-employed person or as a non-employed person or equivalent periods completed under the legislation of the United Kingdom.

(4) For the purposes of determining entitlement to benefit in accordance with Articles 12 to 14 and Articles 17, 19, 25 and 26 of this Convention under the legislation specified in Article 1(1)(a)(iv) of this Convention, contribution periods completed as an employed person under the legislation of Cyprus after 5 April 1975 shall be treated as if they had been contribution periods completed as an employed person under the legislation of Guernsey.

(5) For the purpose of calculating the appropriate contribution factor to establish entitlement to any benefit referred to in Articles 12 to 26 of this Convention and provided under the legislation specified in Article 2(1)(a)(iii) of this Convention, a person shall be treated:

- (a) for each week in a contribution period completed under the legislation of Cyprus, being a week in the relevant quarter, as having paid contributions which derive an annual contribution factor of 0.0177 for that year;
- (b) for each week in a contribution period completed under legislation of Cyprus, being a week in the relevant year, as having paid 0.0192 for that year;
- (c) for each week, the whole of which is an equivalent period under the legislation of Cyprus, as if a contribution had been credited to him under the legislation of Jersey in the same manner as a contribution period is treated under the provisions of sub-paragraphs (a) and (b) of this paragraph.

(6) For the purpose of converting insurance periods completed under the legislation of the United Kingdom before 6 April 1975, each contribution period or equivalent period completed under the legislation of the United Kingdom shall be treated as if it had been a contribution period or an equivalent period completed under the legislation of Cyprus.

(7) For the purposes of converting to an insurance period any earnings-factor achieved under the legislation specified in Article 2(1)(a)(i) and (ii) of this Convention during any period commencing on or after 6 April 1975 and ending on or before 5 October 1980, the competent authority of the United Kingdom shall divide the earnings-factor by the lower earnings limit applicable during that period. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so determined, subject to a maximum of the number of weeks during which the person was subject to that legislation in that period, shall be treated as representing the number of weeks in the insurance period completed under that legislation. Each such week shall be treated as if it had been a week for which a contribution had been paid or credited, as the case may be, under the legislation of Cyprus.

(8) For the purpose of converting to an insurance period any earnings-factor achieved as an employed person in any tax year, or part of a tax year, commencing on or after 6 October 1980 under the legislation specified in Article 2(1)(a)(i) and (ii) of this Convention, the competent authority of the United Kingdom shall divide the earnings-factor by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so determined, subject to the number of weeks during which

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the person was subject to that legislation in that year, or part of that year, as the case may be, shall be treated as representing the number of weeks in the insurance period completed under that legislation. Each such week shall be treated as if it had been a week for which insurable earnings equivalent to four times the weekly basic insurable earnings had been achieved under the legislation of Cyprus, provided that the total insurable earnings resulting from such weeks in any one contribution year under the legislation of Cyprus shall be limited to a maximum of fifty-two times the weekly basic insurable earnings applicable at the relevant time under the legislation of Cyprus.

(9) For the purpose of converting to an insurance period any earnings-factor achieved as a self-employed or as a non-employed person in any tax year, or part of a tax year, commencing on or after 6 October 1980 under the legislation specified in Article 2(1)(a)(i) and (ii) of this Convention, the competent authority of the United Kingdom shall divide the earnings-factor by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so determined shall be treated as representing the number of weeks in the insurance period completed under that legislation. Each such week shall be treated as if it had been a week for which insurable earnings had been achieved equal to the weekly basic insurable earnings under the legislation of Cyprus.

(10) For the purpose of converting to an insurance period any contribution factor achieved under the legislation specified in Article 2(1)(a)(iii) of this Convention, the competent authority of the United Kingdom shall:

- (a) in the case of a quarterly contribution factor, multiply the factor achieved by a person in a quarter by thirteen; and
- (b) in the case of an annual contribution factor, multiply the factor achieved by a person in a year by fifty-two.

The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so determined, subject to a maximum of the number of weeks during which the person was subject to that legislation in a quarter or in a year, as the case may be, shall be treated as representing the number of weeks in the insurance period completed under that legislation. Each such week shall be treated as a week for which a contribution had been paid or credited, as the case may be, under the legislation of Cyprus on insurable earnings equal to the weekly basic insurable earnings applicable at the relevant time.

(11) For the purpose of converting insurance periods completed after 5 April 1975 under the legislation specified in Article 2(1)(a)(iv) of this Convention, each weekly contribution period or equivalent period completed under the legislation of that Party shall be treated as if it had been a weekly contribution period or equivalent period completed under the legislation of Cyprus on insurable earnings equal to the weekly basic insurable earnings applicable at the relevant time.

(12) Where it is not possible to determine accurately the periods of time in which certain insurance periods were completed under the legislation of one Party, such periods shall be treated as if they did not overlap with insurance periods completed under the legislation of the other Party, but they shall be taken into account to the best advantage of the beneficiary.

(13) For the purpose of applying the provisions of paragraphs (2) to (5) of this Article for any period on or after 6 October 1980, a week of insurance under the legislation of Cyprus shall be determined by dividing the insurable earnings for the relevant period by the weekly basis insurance earnings applicable in the relevant contribution year. Provided that the number of weeks so determined shall not exceed the number of weeks in the relevant period.

(14) For the purpose of calculating a supplementary benefit under the

legislation of Cyprus, no account shall be taken of any insurance period completed under the legislation of the United Kingdom.

Section 2

Sickness Benefit and Maternity Allowance

Article 12

(1) ►Where a person has completed a contribution period under the legislation of one Party since his last arrival in the territory of that Party, or, as the case may be, in the Sovereign Base Areas,◄ then for the purpose of any claim for sickness benefit or maternity allowance made under the legislation of that Party, any insurance period completed under the legislation of the other Party shall, subject to the provisions of Article 11 of the Convention, be treated as if it were an insurance period completed under the legislation of the former Party.

Words in art. 12(1) substituted by para. (E)(a) of Schedule to S.I. 1994/1646 as from 4.7.94.

(2) Where a person is employed in the territory of one Party and the legislation of the other Party applies to him in accordance with any of the provisions of Articles 5 to 10 of this Convention, he shall be treated under that legislation for the purposes of the claim to sickness benefit or maternity allowance as if he were in the territory of the latter Party.

(3) Where a person is employed in the Sovereign Base Areas and the legislation of either Party applies to him in accordance with any of the provisions of Articles 5 to 10 of this Convention, he shall be treated for the purposes of any right to receive sickness benefit or maternity allowance under that legislation as if he were in the territory of that Party.

(4) Subject to the provisions of paragraphs (5) and (6) of this Articles, where a person would be entitled to sickness benefit or maternity allowance under the legislation of one Party if he were in the territory of that Party he shall be entitled to that benefit or allowance while he is in the territory of the other Party ►or in the Sovereign Base Areas◄ if:

Words inserted into art. 12(4) by para. (E)(b) of Schedule to S.I. 1994/1646 as from 4.7.94.

- (a) his condition necessitates immediate treatment during a stay in the territory of the latter Party ►or in the Sovereign Base Areas◄ and, within six days of commencement of incapacity for work or such longer period as the competent authority or insurance authority may allow, he submits to the competent authority or insurance authority of the former Party a claim for benefit and documentary evidence of incapacity for work issued by the doctor treating him; or
- (b) having claimed and become entitled to sickness benefit or maternity allowance under the legislation of the former Party, he is authorised by the competent institution to return to the territory of the Party where he resides or to transfer his residence to the territory of the other Party ►or, to return to the Sovereign Base Areas where he resides, or to transfer his residence to the Sovereign Base Areas◄; or
- (c) he is authorised by the competent institution of the former Party to go to the territory of the latter Party ►or to the Sovereign Base Areas◄ to receive there the treatment appropriate to his condition.

The authorisation required in accordance with sub-paragraph (b) of this paragraph may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health or the receipt of medical treatment.

►(4A) Subject to the provisions of paragraphs (5) and (6) of this Article, where a person would, if he were in Great Britain or Northern Ireland, be entitled to statutory sick pay or statutory maternity pay under the legislation of Great Britain or Northern Ireland, he shall, provided that he satisfies all the conditions

Art. 12(4A) inserted by para. (E)(c) of Schedule to S.I. 1994/1646 as from 4.7.94.

for entitlement to and payment of sickness benefit or maternity allowance under the legislation of Great Britain or Northern Ireland, with the exception of any conditions as to the residence and presence in Great Britain or Northern Ireland, be entitled to that benefit or allowance while he is in the territory of Cyprus or in the Sovereign Base Areas, if:

- (a) his condition necessitates immediate treatment during a stay in the territory of Cyprus, or in the Sovereign Base Areas and, within six days of commencement of incapacity for work, or such longer period as the competent authority or insurance authority may allow, he submits to the competent authority or insurance authority of Great Britain or Northern Ireland a claim for benefit and documentary evidence of incapacity for work issued by the doctor treating him; or
- (b) having become entitled to statutory sick pay or statutory maternity pay under the legislation of Great Britain or Northern Ireland, he is authorised by the competent authority of Great Britain or Northern Ireland to return to the territory of Cyprus, where he resides, or to transfer his residence to the territory of Cyprus, or to return to the Sovereign Base Areas where he resides, or to transfer his residence to the Sovereign Base Areas; or
- (c) he is authorised by the competent authority of Great Britain or Northern Ireland to go to the territory of Cyprus or to the Sovereign Base Areas, to receive there the treatment appropriate to his condition.

The authorisation required in accordance with sub-paragraph (b) of this paragraph may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health, or to the receipt of medical treatment.◀

(5) Where a person would be entitled to receive sickness benefit under the legislation of both Parties for the same period of incapacity whether by virtue of the provisions of this Convention or otherwise, he shall be entitled to receive sickness benefit only under the legislation of the Party in whose territory the incapacity began ▶or, where the incapacity began in the Sovereign Base Areas, under the legislation which applied to him at the time the incapacity began◀.

(6) EWhere a woman would be entitled to receive maternity allowance under the legislation of both Parties for the same confinement and for the same period whether by virtue of the provisions of this Convention or otherwise, she shall be entitled to receive the allowance only under the legislation of the Party in whose territory she was at the beginning of the period for which the maternity allowance is payable ▶and where she was in the Sovereign Base Areas at the beginning of that period she shall be treated as if she was in the territory of the Party whose legislation applied to her at that time◀.

▶(7) Nothing in this Article shall permit the payment of statutory sick pay or statutory maternity pay outside the territory of the United Kingdom.◀

Words inserted into art. 12(5) by para. (E)(d) of Schedule to S.I. 1994/1646 as from 4.7.94.

Words inserted into art. 12(6) by para. (E)(e) of Schedule to S.I. 1994/1646 as from 4.7.94.

Art. 12(7) inserted by para. (E)(f) of Schedule to S.I. 1994/1646 as from 4.7.94.

Section 3

**Maternity Grant ►under the legislation of Jersey, Guernsey
or Cyprus◄**

Article 13

(1) ►◄Where a woman who, at the date of a claim for maternity grant, is insured under the legislation of one Party, or is the ►spouse or civil partner◄ of a person so insured, is confined in the territory of the other Party or in the Sovereign Base Areas, she shall for the purpose of any right to maternity grant under the legislation of the former Party, be treated as if she had been confined in the territory of the former Party.

(2) ►Where a person has completed a contribution period under the legislation of one Party since his last arrival in the territory of that Party, or, as the case may be, in the Sovereign Base Areas,◄ then for the purpose of any claim for maternity grant under the legislation of that Party, and insurance period which he has completed under the legislation of the other Party shall, subject to the provisions of Article 11 of this Convention, be treated as if it were an insurance period completed under the legislation of the former Party.

(3) Where a person is employed in the Sovereign Base Areas and the legislation of one Party applies to him in accordance with any of the provisions of Articles 5 to 10 of this Convention, he shall be treated for the purpose of any claim or right to receive a maternity grant under that legislation as if he were in the territory of that Party.

(4) Where, but for the provisions of this paragraph, a person would be entitled to receive a maternity grant under the legislation of both Parties in respect of the same confinement, the grant shall be payable only under the legislation of the Party in whose territory the confinement took place. Provided that, if the confinement did not take place in the territory of either Party, the grant shall be payable under the legislation of the Party under whose legislation she, or her ►spouse or civil partner◄, as the case may be, was last insured.

►(5) For the purposes of this Article, "Party" means Jersey, Guernsey or Cyprus.◄

►◄

Words inserted in the heading of Section 3 by para. (F)(a) of Schedule to S.I. 1994/1646 as from 4.7.94.

Words deleted from art. 13(1) by para. (F)(b) of Schedule to S.I. 1994/1646 as from 4.7.94.

(a) Words in art. 13(1) & (4) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

Words in art. 13(2) substituted by para. (F)(c) of Schedule to S.I. 1994/1646 as from 4.7.94.

See note (a) above.

Art 13(5) substituted by para. (F)(d) of Schedule to S.I. 1994/1646 as from 4.7.94.

Art. 13(6) and (7) deleted by para. (F)(e) of Schedule to S.I. 1994/1646 as from 4.7.94.

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Section 4
Unemployment Benefit

Article 14

(1) ►Subject to paragraph (2B) of this Article,◄ where a person has, since his last arrival in the territory of one Party, completed a contribution period under the legislation of that Party, then for the purpose of any claim for unemployment benefit made under the legislation of that Party, any insurance period completed under the legislation of the other Party shall, subject to the provisions of Article 11 of this Convention, be treated as if it were an insurance period or period of employment completed under the legislation of the former Party;

provided that:

- (a) periods of insurance or period of employment completed under the legislation of Jersey shall not be taken into account for the purpose of determining entitlement to unemployment benefit under the legislation of Cyprus; and
- (b) periods of insurance or periods of employment completed under the legislation of Cyprus shall be taken into account for the purpose of determining entitlement to unemployment benefit only under the legislation specified in Article 2(1)(a)(i), (ii) and (iv) of this Convention.

(2) Where a person claims unemployment benefit under the legislation of one Party by virtue of paragraph (1) of this Article, any period for which he received such benefit under the legislation of the other Party shall be taken into account as if it were a period during which he had received unemployment benefit under the legislation of the former Party, provided that that period falls within the last 12 months before the first day for which unemployment benefit becomes payable under the legislation of the former Party.

►(2A) Subject to paragraph (2B) of this Article, periods of employment in Cyprus shall be taken into account for the purpose of determining whether a person who has previously exhausted his right to unemployment benefit under the legalisation of Great Britain, Northern Ireland or the Isle of Man, or Guernsey qualifies for it .

(2B) The provisions of this Article shall not apply to a person who claims unemployment benefit under the legislation of Guernsey and who has not paid 26 contributions as an employed person under the legislation of Guernsey.◄

(3) For the purposes of this Article the word “territory” in relation to Cyprus means the whole Island of Cyprus, including the Sovereign Base Areas.

Words inserted into art. 14(1) by para. (G)(a) of Schedule to S.I. 1994/1646 as from 4.7.94.

Art. 14(2A) and (2B) inserted by para. (G)(b) of Schedule to S.I. 1994/1646 as from 4.7.94.

Section 5
Invalidity Pension

Article 15

(1) Where a person has been insured under the legislation of both Parties, the insurance authority of the Party whose legislation was applicable at the time when incapacity for work followed by invalidity occurred shall determine, in accordance with its legislation, whether the person concerned satisfied the conditions for entitlement to invalidity pension taking account, where appropriate, of any insurance period which that person has completed under the legislation of the other Party as if it were an insurance period completed under its legislation.

(2) Where a person would be entitled to receive for the same incapacity and for the same period invalidity pension under the legislation of both Parties, or invalidity pension under the legislation of one Party and sickness benefit under the legislation of the other Party, whether by virtue of this Convention or otherwise, he shall be entitled to receive only the invalidity pension or sickness benefit, as the case may be, payable in accordance with the provisions of paragraph (1) of this Article, under the legislation of the Party to whose legislation he was subject when the incapacity began.

Words in art. 15(3) substituted by para. (H) of Schedule to S.I. 1994/1646 as from 4.7.94.

(3) For the purpose of determining entitlement to ►additional pension◄ payable under the legislation of the United Kingdom, no account shall be taken of any contribution period completed under the legislation of Cyprus.

Section 6

Old Age pension and Widow's Benefit

Article 16

Words in art. 16 substituted by para. (1) of Schedule to S.I. 1994/1646 as from 4.7.94.
Words in art. 16(1) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

(1) Subject to the provision of paragraph (3) of this Article, where a person is entitled to an old age pension (other than the ►basic pension◄ of a Category B retirement pension payable to a ►married spouse or civil partner◄ under the legislation of the United Kingdom by virtue of the contributions of ►his or her spouse or civil partner◄) under the legislation of one Party, or under the legislation of any one part of the territory of a Party, otherwise than by virtue of the provisions of this Convention, that pension shall be payable and the provisions of Article 17 of this Convention shall not apply under that legislation.

(2) For the purposes of determining entitlement to ►additional pension◄ payable under the legislation of the United Kingdom, no account shall be taken of any contribution period completed under the legislation of Cyprus. For the purposes of this Article and Article 17 of this Convention, ►additional pension◄ payable under the legislation of the United Kingdom and supplementary pension payable under the legislation of Cyprus shall be treated as benefits unrelated to old age pension and the provisions of Article 17 shall not apply to them.

(3) Entitlement to an old age pension in the circumstances referred to in paragraph (1) of this Article shall not preclude either Party from taking into account in accordance with paragraph (3) of Article 17 of this Convention insurance periods completed under the legislation of another part of the territory of that Party or under the legislation of the other Party.

Article 17

(1) The provisions of this Article shall apply for the purpose of determining entitlement to old age pension in respect of a person under the legislation of one Party to the legislation of any one part of the territory of a party under which there is no entitlement in respect of that person in accordance with the provisions of Article 16 of this Convention.

(2) Subject to the provisions of Article 11 of this Convention, the insurance authority of that Party or of that one part of the territory of a Party shall determine:

- (a) the amount of the theoretical pension which would be payable if all the insurance periods completed by that person under the legislation of both Parties had been completed under its own legislation;

- (b) the proportion of such theoretical pension which bears the same relation to the whole as the total of the insurance periods completed by him under the legislation of that Party or of that part bears to the total of all the insurance periods which he has completed under the legislation of both Parties.

The proportionate amount thus calculated shall be the rate of pension actually payable to that person by the competent institution.

(3) For the purpose of the calculation in paragraph (2) of this Article—

- (a) where all the insurance periods completed by any person under the legislation of—
 - (i) either Great Britain, Northern Ireland or the Isle of Man amount to less than one reckonable, or as the case may be qualifying, year, or relate only to periods before 6 April 1975 and in aggregate amount to less than 30 weeks; or
 - (ii) Jersey amount to less than an annual contribution factor of 1.00; or
 - (iii) Guernsey amount to less than 50 weeks;

those periods shall be treated as if they had been completed under the legislation of any other part of the territory of the United Kingdom under which a pension is, or if such periods are taken into account would be, payable, or, where two such pensions are or would be payable, under the legislation of that part which, at the date on which entitlement first arose or arises, is paying or would pay the greater amount. Where no such pension is or would be payable by any other part of the territory of the United Kingdom, the periods shall be treated as if they had been completed under the legislation of Cyprus;

- (b) where all the insurance periods completed by any person under the legislation of Cyprus amount to less than 1.00 insurance point in the lower part of the insurable earnings those periods shall be treated as if they had been completed under the legislation of that part of the territory of the United Kingdom under which a pension is, or if such periods are taken into account would be, payable, or where such a pension is or would be payable under the legislation of two or more parts of the territory of the United Kingdom, under the legislation of that part which, at the date on which entitlement first arose or arises, is paying or would pay the greater or greatest amount.

(4) For the purpose of applying the provisions of paragraph (2) of this Article:

- (a) the insurance authority of the United Kingdom shall take account only of insurance periods (completed under the legislation of either Party) which would be taken into account for the determination of pensions under the legislation of the United Kingdom if they were completed under that legislation, and in relation to a ►person◄ shall where appropriate take into account in accordance with that legislation insurance periods completed by her ►his or her spouse or civil partner◄;
- (b) no account shall be taken of any graduated contributions paid under the legislation of the united Kingdom before 6 April 1975 and the amount of any graduated benefit payable by virtue of such contributions shall be added to the amount of any pension payable in accordance with paragraph (2) of this Article under that legislation;
- (c) no account shall be taken of the following benefits payable under the legislation of Great Britain, Northern Ireland or the Isle of Man:
 - (i) any increase of benefit payable by virtue of deferred retirement or deferred entitlement;
 - (ii) any invalidity allowance payable;but any such benefit shall be added to the amount of any benefit payable under that legislation in accordance with paragraph (2) of this Article;◄

Words in art. 17(4)(a) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

Art. 17(4)(c) substituted by para. (J) of Schedule to S.I. 1994/1646 as from 4.7.94

- (d) where a compulsory insurance period completed under the legislation of one Party coincides with a voluntary insurance period completed under the legislation of the other Party, only the compulsory insurance period shall be taken into account, provided that the amount of pension payable under the legislation of the latter Party under the provisions of paragraph (2) of this Article shall be increased by the amount by which the pension payable under the legislation of that Party would have been increased if all voluntary contributions paid under that legislation had been taken into account;
- (e) where a contribution period completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the other Party, account shall be taken only of the equivalent period completed under the legislation under which the insured person was last insured before the day when the periods in question began or, if he was never insured before that day, under the legislation under which he first became insured after the day when the periods in question ended.

(5) For the purpose of applying the provisions of paragraphs (1) to (4) of this Article, no account shall be taken under the legislation of Cyprus of any contribution paid or credited under the legislation of the United Kingdom for any period which ended before 7 January 1957.

(6) No account shall be taken of any contributions paid after entitlement to an old age pension arises under the legislation of Cyprus, but any increase in benefit which is payable by virtue of such contributions under the legislation of Cyprus shall be paid in addition to any benefit which is calculated in accordance with the provisions of this Article.

Words in art. 17(7) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

(7) Where in accordance with the legislation of Cyprus, a ►person◄ claims an old age pension, that Party shall take into account, where appropriate, insurance periods completed by ►his or her spouse or civil partner◄ under the legislation of either party.

Article 18

Art. 18 substituted by para. (K) of Schedule to S.I. 1994/1646 as from 4.7.94.

►Where a person does not simultaneously satisfy the conditions for entitlement to an old age pension under the legislation of both Parties, his entitlement from each Party shall be established as and when he satisfies the conditions applicable under the legislation of that Party, taking account, where appropriate, of the provisions of Article 17 of this Convention.◄

Article 19

The provisions contained in Articles 16 to 18 of this Convention shall apply with such modifications as the differing nature of the benefits shall require, to widow's benefit.

Section 7
Benefits for Industrial Injuries

Article 20

(1) Where a person is employed in the territory of one Party and the legislation of the other Party applies to him in accordance with any of the provisions of Articles 5 to 10 of this Convention he shall be treated under that legislation for the purpose of any claim for benefit in respect of an industrial accident or an industrial disease contracted during that employment, as if the accident had occurred or the disease had been contracted in the territory of the latter Party. Where benefit would be payable in respect of that claim if the person were in the territory of the latter Party, it shall be payable while he is in the territory of the former Party.

(2) Where a person sustains an accident after he leaves the territory of one Party to go in the course of his employment to the territory of the other Party but before he arrives in the latter territory, then, for the purpose of any claim for benefit in respect of that accident:

- (a) the accident shall be treated as if it occurred in the territory of the Party whose legislation applied to him at the time the accident occurred; and
- (b) his absence from the territory of that Party shall be disregarded in determining whether his employment was as an employed person under that legislation.

(3) Where because of a death resulting from an industrial accident or an industrial disease, a benefit would be payable under the legislation of one Party in respect of a child if that child were in the territory of that Party, that benefit shall be payable while the child is in the territory of the other Party.

(4) For the purposes of this Article, the word "territory" in relation to Cyprus means the whole Island of Cyprus, including the Sovereign Base Areas.

Article 21

(1) Where a person has sustained an industrial injury or contracted an industrial disease, in respect of which the legislation of one Party applies, and later sustains an industrial injury or contracts an industrial disease in respect of which the legislation of the other Party applies, then for the purpose of determining the degree of his disablement under the legislation of the latter Party, account shall be taken of the former injury or disease as if the legislation of the latter Party applied to it.

(2) Where a person contracts an industrial disease, after having been employed in the territory of only one Party in an occupation to which, under the legislation of that Party, the disease may be attributed, the legislation of that Party shall apply in his case, even if the disease is first diagnosed in the territory of the other Party. This shall apply also in relation to any aggravation of the disease, provided that the person has not in the meantime been further exposed to the same risk in the territory of the latter Party.

(3) Where a person contracts an industrial disease, after having been employed in the territories of both Parties in an occupation to which, under the legislation of both Parties, the disease may be attributed and he would be entitled to receive benefit in respect of that disease under the legislation of both Parties, whether by virtue of this Convention or otherwise, the benefit shall be payable only under the legislation of the Party in whose territory he was last employed in that occupation before the disease was diagnosed.

(4) Where a person has suffered an aggravation of an industrial disease for

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which benefit has been paid in accordance with the provisions of paragraph (2) or (3) of this Article, the following provisions shall apply:

- (a) if the person has not had further employment in an occupation to which the disease or the aggravation may be attributed, or has had such employment only in the territory of the Party under whose legislation benefit has been paid, any additional benefit to which he may become entitled as a result of such aggravation shall be payable only under that legislation.
- (b) if the person makes a claim under the legislation of the Party in whose territory he is employed on the grounds that he has suffered an aggravation of the disease while he was employed in the territory of that Party in an occupation to which, under the legislation of that Party, the aggravation may be attributed, the competent institution of that Party shall be liable to pay benefit only in respect of the aggravation as determined under the legislation of that Party.

(5) For the purposes of applying the provisions of this Article, to a person who is or has been employed in the Sovereign Base Areas, that person shall be treated as being, or having been, in the territory of the Party to whose legislation he is, or was, subject at the relevant time.

Article 22

(1) Where but for the provisions of this Article, and subject to the provisions of Article 21(4)(b) of this Convention, a person would have been entitled to any benefit payable in respect of an industrial injury or disease under the legislation of both Parties, that benefit shall be granted exclusively under the legislation of the territory in which the person was last employed.

(2) The provisions of paragraph (5) of Article 21 of this Convention shall also apply to this Article.

Article 23

A person shall not be entitled, whether by virtue of this Convention or otherwise, to sickness benefit, invalidity pension or maternity allowance under the legislation of one Party for any period during which he is entitled to benefit under the legislation of the other Party in respect of incapacity for work which results from an industrial accident or disease.

Section 8**Death Grant ►under the legislation of Jersey, Guernsey or Cyprus◄****Article 24**

For the purpose of any claim for death grant under the legislation of one Party any insurance period completed under the legislation of the other Party shall, subject to the provisions of Article 11 of this Convention, be treated as if it were an insurance period completed under the legislation of the former Party.

Article 25

(1) Where a person dies in the territory of one Party or in the Sovereign Base Areas, his death shall be treated, for the purpose of any claim for a death grant under the legislation of the other Party, as if it had occurred in the territory of the latter Party.

(2) For the purpose of a claim for a death grant under the legislation of one Party, a claimant who is in the territory of the other Party or in the

Words inserted in the heading of Section 8 by para. (L) of Schedule to S.I. 1994/1646 as from 4.7.94.

Sovereign Base Areas shall be treated as if he were in the territory of the former Party.

(3) Where there would be entitlement to death grant under the legislation of both Parties, whether by virtue of this Convention or otherwise, in respect of a death:

- (a) the grant shall be payable only under the legislation of the Party in whose territory the death occurs; or
- (b) if the death does not occur in the territory of either Party, the grant shall be payable only under the legislation of the Party under whose legislation the person on whose insurance the right to the grant is determined was last insured before death.

► **Article 25A**

For the purposes of this Section, “Party” means Jersey, Guernsey or Cyprus. ◀

Art. 25A inserted by para.
(M) of Schedule to S.I.
1994/1646 as from
4.7.94.

Section 9
Orphan’s Benefit

Article 26

(1) For the purpose of any claim for orphan’s benefit under the legislation of one Party any insurance period or period of presence completed under the legislation of or in the territory of the other Party as the case may be, shall be treated as if it were respectively an insurance period or period of presence completed under the legislation of or in the territory of the former Party.

(2) Where orphan’s benefit would be payable to a person under the legislation of one Party if that person or the orphan for whom the benefit is claimed were ordinarily resident in the territory of that Party, it shall be paid while that person, or the orphan, is ordinarily resident in the territory of the other Party.

(3) Where, but for the provisions of this paragraph, a person would be entitled to receive orphan’s benefit under the legislation of both Parties in respect of the same orphan, whether by virtue of this Convention or otherwise, he shall be entitled to receive benefit only under the legislation of the Party in whose territory the orphan is ordinarily resident.

(4) For the purposes of this Article, periods of presence completed in the Sovereign Base Areas shall be treated as if they had been completed in Cyprus.

Section 10

Recovery of Advance Payments and Overpayments of Benefit

Article 27

(1) Where a competent institution of one Party has made a payment of any benefit to a person for any period or event in advance of the period or event to which it relates or has paid him any benefit for a period or event, whether by virtue of the provisions of this Convention or otherwise, and the insurance authority of the other Party afterwards decides that the person is entitled to benefit for that period or event under its legislation, the competent institution of the latter Party, at the request of the competent institution of the former Party, shall deduct from the benefit due for that period or event under its legislation any overpayment which, by virtue of the provisions of this Convention, results from the advance payment of benefit paid by the competent institution of the former Party and shall transmit this sum to the competent institution of the former Party.

Words in art. 27(2) substituted by para. (N) of Schedule to S.I. 1994/1646 as from 4.7.94.

(2) Where a person has received ►social assistance◄ under the legislation of the United Kingdom for a period for which that person subsequently becomes entitled to any benefit under the legislation of Cyprus, the competent institution of Cyprus, at the request of and on behalf of the competent institution of the United Kingdom, shall withhold from the benefit due for that period, the amount by which the ►social assistance◄ paid exceeded what would have been paid had the benefit under the legislation of Cyprus been paid before the amount of United Kingdom ►social assistance◄ was determined, and shall transfer the amount withheld to the competent institution of the United Kingdom.

PART IV

MISCELLANEOUS PROVISIONS

Article 28

(1) The competent authorities of the two Parties shall establish the administrative measures necessary for the application of this Convention.

(2) The competent authorities of the two Parties shall communicate to each other, as soon as possible, all information above the measures taken by them for the application of this Convention or about changes in their national legislation in so far as these changes affect the application of the provisions of this Convention.

Article 29

(1) The competent authorities, insurance authorities and competent institutions of the two Parties shall assist one another on any matter relating to the application of this Convention as if the matter were one affecting the application of their own legislation. This assistance shall be free of charge.

(2) Where any benefit is payable under the legislation of one Party to a person in the territory of the other Party, the payment may be made by the competent institution of the latter Party, at the request of the competent institution of the former Party.

(3) Where a person who is in the territory of one Party has claimed benefit under the legislation of the other Party and a medical examination is necessary, the competent institution of the former Party, at the request of the competent institution of the latter Party, shall arrange for this examination. The cost of such examination shall be met by the competent institution of the former Party.

Article 30

(1) Where the legislation of one Party provides that any certificate or other document which is submitted under the legislation of that Party shall be exempt, wholly or partly, from any taxes, legal dues, consular fees or administrative charges, that exemption shall apply to any certificate or other document which is submitted under the legislation of the other Party or under the provisions of this Convention.

(2) All statements, documents and certificates of any kind required to be produced for the purposes of this Convention shall be exempt from authentication by diplomatic or consular authorities.

Article 31

No certificate, document or statement of any kind written in an official language of either Party shall be rejected on the grounds that it is written in a foreign language.

Article 32

(1) Any claim ►◄ or appeal which should, for the purposes of the legislation of one Party, have been submitted within a prescribed period to the insurance authority or the competent authority of that Party, shall be treated as if it had been submitted to that insurance authority or competent authority if it is submitted within the same period to an insurance authority or competent authority of the other Party.

Word "notice" deleted from art. 32(1) by para. (O)(a) of Schedule to S.I. 1994/1646 as from 4.7.94.

(2) Any claim for benefit submitted under the legislation of one Party shall be deemed to be a claim for the corresponding benefit under the legislation of the other Party in so far as that corresponding benefit is payable in accordance with the provisions of the Convention.



Art. 32(3) and (4) deleted by para. (O)(b) of Schedule to S.I. 1994/1646 as from 4.7.94.

Article 33

(1) Payment of any benefit in accordance with the provisions of this Convention may be made in the currency of the Party whose competent institution makes the payment and any such payment shall constitute a full discharge of the obligation in respect of which payment has been made.

(2) Where the competent institution of one Party has made a payment of benefit on behalf of the competent institution of the other Party in accordance with the provisions of Article 29(2) of this Convention any reimbursement of the amounts paid by the competent institution of the former Party shall be in the currency of the latter Party.

Article 34

(1) Any dispute between the competent authorities of the two Parties about the interpretation or application of this Convention shall be resolved through agreement between the competent authorities of each Party.

(2) If any such dispute cannot be resolved in this manner, it shall be submitted, at the request of either Party, to an arbitration tribunal which shall be composed in the following manner:

- (a) each Party shall appoint an arbitrator within one month from receipt of the demand for arbitration. The two arbitrators shall appoint a third arbitrator, who shall not be a national of either Party, within two months from the date on which the Party which was the last to appoint its arbitrator has notified the other Party of the appointment;
- (b) if within the prescribed period either Party should fail to appoint an arbitrator, the other Party may request the President of the International Court of Justice or, in the event of his having the nationality of one of the Parties, the Vice-President or next senior judge of that Court not having the nationality of either Party, to make the appointment. A similar procedure shall be adopted at the request of either Party if the two arbitrators cannot agree on the appointment of the third arbitrator.

(3) The decision of the arbitration tribunal shall be by majority vote. Its decision shall be binding on both Parties. The costs of the arbitration tribunal shall be borne equally by the two Parties. The arbitration tribunal shall determine its own rules of procedure.

PART V
TRANSITIONAL AND FINAL PROVISIONS

Article 35

(1) Upon the entry into force of this Convention the Agreement on Social Insurance signed at Nicosia on 6 October 1969 ("the 1969 Agreement") shall terminate.

(2) Any right to benefit acquired by a person in accordance with the provisions, of the 1969 Agreement shall be maintained, and any rights in course of acquisition under that Agreement at the date of the entry into force of this Convention shall be settled in accordance with the provisions of this Convention. For the purpose of this paragraph, "any right to benefit acquired" includes any right which a person would have had but for his failure to claim the benefit timeously.

(3) Benefit, other than lump sum payments, shall be payable in accordance with the provisions of this Convention in respect of events which happened before the date of its entry into force, except that an accident which occurred or a disease which developed before that date shall not, solely by virtue of this Convention, be treated as an industrial accident or disease if it would not have been so treated under any legislation or Convention having effect at the time of its occurrence or development. For the purpose of determining claims in accordance with the provisions of this Convention, account shall be taken of insurance periods and periods of residence, employment or presence, complete before the date of its entry into force.

(4) Paragraph (3) of this Article shall not confer any right to receive payment of benefit for any period before the date of entry into force of this Convention.

(5) For the purpose of applying the first sentence of paragraph (3) of this Article:

- (a) any right to benefit acquired by a person in accordance with the provisions of the 1969 Agreement may, at the request of the person concerned, be determined afresh in accordance with the provisions of this Convention from the date of entry into force of this Convention, provided that the request has been made within two years after that date;
- (b) where the request for benefit to be determined afresh is made more than two years after the date of entry into force of this Convention payment shall be made from the date determined under the legislation concerned.

Article 36

This Convention shall be ratified and the instruments of ratification shall be exchanged in London as soon as possible. The Convention shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged.

Article 37

This Convention shall remain in force for an indefinite period. Either Party may denounce it at any time by giving six months' notice in writing to the other Party.

Article 38

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

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Convention.

Done in duplicate at Nicosia this 18th day of December 1982, in the English and Greek languages, both texts being equally authoritative.

For the Government of the
United Kingdom of Great Britain
and Northern Ireland:
Hugh Rossi

For the Government of the
of the Republic of Cyprus:
Pavlos Papageorgiou

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for the modification of the Social Security Act 1975 so as to give effect to the Convention on social security (set out in the Schedule) made between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus. The Convention relates to reciprocity in contributions, sickness benefit, maternity benefits, unemployment benefit, invalidity pension, old age pension and widow's benefit, industrial injuries benefits, death grant and orphan's benefit.

