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STATUTORY INSTRUMENTS

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**1994 No. 1646**

**SOCIAL SECURITY**

**The Social Security (Cyprus) Order 1994**

*Made* - - - - 22nd June 1994

*Coming into force* - - 4th July 1994

At the Court at Buckingham Palace, the 22nd day of June 1994

Present,

The Queen's Most Excellent Majesty in Council

Whereas at Nicosia on the 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 (hereinafter referred to as "the Convention")<sup>(1)</sup> was signed on behalf of those Governments and effect was given to the Convention by the Social Security (Cyprus) Order 1983<sup>(2)</sup> (hereinafter referred to as the "Principal Order"):

And Whereas the Convention was amended by the Agreement<sup>(3)</sup> contained in Notes exchanged on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus on 9th May 1994 (which Notes are set out in the Schedule to this Order):

And Whereas by section 179(1)(a) and (2) of the Social Security Administration Act 1992<sup>(4)</sup> it is provided that Her Majesty may by Order in Council make provision for modifying or adapting that Act and the Social Security Contributions and Benefits Act 1992<sup>(5)</sup> in their application to cases affected by agreements with the Governments of countries outside the United Kingdom providing for reciprocity in matters specified in the said section:

Now, therefore, Her Majesty, in pursuance of section 179(1)(a) and (2) of the Social Security Administration Act 1992 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:—

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(1) Cmnd. 9142.

(2) S.I.1983/1698 as amended by S.I. 1988/591.

(3) Cm 2585.

(4) 1992 c. 5.

(5) 1992 c. 4.

### **Citation and commencement**

1. This Order may be cited as the Social Security (Cyprus) Order 1994 and shall come into force on 4th July 1994.

### **Modification of the Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992 and amendment of the Principal Order**

2. The Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992 shall be modified and the Principal Order shall be amended so as to give effect to the Convention as amended by the Agreement set out in the Schedule to this Order, so far as the same relate to England, Wales and Scotland.

### **Amendment of Order**

3. The reference to the Social Security (Cyprus) Order 1983 shall be omitted in the Schedule to the Social Security (Reciprocal Agreements) Order 1988(6).

*N. H. Nicholls*  
Clerk of the Privy Council

## SCHEDULE

### NOTES EXCHANGED ON 9th MAY 1994 BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF CYPRUS

#### No. 1

H.E. Mr Andreas Moushoutas, Minister of Labour and Social Insurance

British High Commission, Nicosia

9th May 1994

Your Excellency,

I have the honour to refer to the 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 was signed at Nicosia on 18 December 1982, (hereinafter referred to as “the Convention”), and to recent correspondence between the Department of Social Security in the United Kingdom and the Ministry of Labour and Social Insurance in Cyprus concerning the need to amend the Convention and to propose the following amendments to the said Convention:

(A) In Article 1, paragraph (1) shall be replaced by the following:

“(1) For the purpose 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 to 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;

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“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.”.

(B) In Article 2 paragraphs (1)(a) and (1)(b) shall be replaced by the following:

- “(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.”
- (C) In Article 6 paragraph (1) shall be replaced by the following:
- “(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.”
- (D) In Article 7, paragraph (3) shall be replaced by the following:
- “(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.”
- (E) Article 12 shall be amended as follows:
- (a) in paragraph (1) the words from the beginning of that paragraph to the word “Party” in the second line thereof shall be replaced by the following words:
- “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,”;
- (b) in paragraph (4)
- (i) at the end of the opening paragraph, after the word “Party”, the following words shall be inserted:  
“or in the Sovereign Base Areas”;
  - (ii) in sub-paragraph (a) after the word “Party” where it is first mentioned the following words shall be inserted:  
“or in the Sovereign Base Areas”;
  - (iii) at the end of sub-paragraph (b) the following words shall be inserted before the semi-colon:

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“or, to return to the Sovereign Base Areas where he resides, or to transfer his residence to the Sovereign Base Areas”;

(iv) in sub-paragraph (c) after the word “Party” where it is mentioned the second time the words “or to the Sovereign Base Areas” shall be inserted;

(c) after paragraph (4) the following paragraph shall be inserted:

“(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 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 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.”;

(d) at the end of paragraph (5) before the full stop the following words shall be inserted:

“or, where the incapacity began in the Sovereign Base Areas, under the legislation which applied to him at the time the incapacity began”;

(e) at the end of paragraph (6) before the full stop the following words shall be inserted:

“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.”;

(f) after paragraph (6) the following paragraph shall be inserted:

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

(F) Section 3 shall be amended as follows:

(a) the following words shall be inserted after the words “MATERNITY GRANT” in the heading:

*“UNDER THE LEGISLATION OF JERSEY, GUERNSEY OR CYPRUS”;*

- (b) in paragraph (1) of Article 13 the following words shall be deleted:  
“Subject to the provisions of paragraph (5) of this Article,”;
- (c) In paragraph (2) of Article 13 the words from the beginning of that paragraph to the word “Party” in the second line thereof shall be replaced by the following words:  
“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,”;
- (d) Paragraph (5) of Article 13 shall be replaced by the following:  
“(5) For the purposes of this Article, “Party” means Jersey, Guernsey or Cyprus.”;
- (e) Paragraphs (6) and (7) of Article 13 shall be deleted.
- (G) Article 14 shall be amended as follows:
  - (a) At the beginning of paragraph (1) the following words shall be inserted:  
“Subject to paragraph (2B) of this Article,”;
  - (b) At the end of paragraph (2) the following paragraphs shall be inserted:  
“(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 legislation of Great Britain, Northern Ireland or the Isle of Man, or Guernsey requalifies 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.”.
- (H) In Article 15 the words “additional component” in the first line of paragraph (3) shall be replaced by the words “additional pension”.
- (I) Article 16 shall be amended as follows:
  - (a) in paragraph (1) the words “basic component” shall be replaced by “basic pension”;
  - (b) in paragraph (2), wherever the words “additional component” appear, they shall be replaced by “additional pension”.
- (J) In Article 17, paragraph (4)(c) shall be replaced by the following:  
“(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.”.
- (K) Article 18 shall be replaced by the following:  
“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.”.
- (L) In Section 8 the following words shall be inserted after the words “DEATH GRANT” in the heading:

*“UNDER THE LEGISLATION OF JERSEY, GUERNSEY OR CYPRUS”.*

*Status: This is the original version (as it was originally made).*

(M) After Article 25 the following Article shall be inserted:

## “ARTICLE 25A

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

(N) In Article 27 the words “supplementary benefit” wherever they appear in paragraph (2) shall be replaced by the words “social assistance”.

(O) Article 32 shall be amended as follows:

(a) in paragraph (1) the word “, notice” shall be deleted;

(b) paragraphs (3) and (4) shall be deleted.

If the foregoing proposals are acceptable to the Government of the Republic of Cyprus, I have the honour to propose that this Note, together with Your Excellency’s reply to that effect, shall constitute an Agreement between our two Governments which shall enter into force on 4th July 1994.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

C. B. Jennings

Acting High Commissioner

## No. 2

H.E. C. B. Jennings, Acting High Commissioner, British High Commission

Nicosia

9th May 1994

Your Excellency,

I have the honour to acknowledge receipt of your Note of 9th May 1994 which in translation reads as follows:

[The Note here sets out the text of No. 1].

I have the honour to inform you that these proposals are acceptable to the Government of the Republic of Cyprus and that they agree that your Note and this reply shall constitute an Agreement between our two Governments which shall enter into force on 4th July 1994.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Andreas Moushoutas

Minister



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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for modification of the Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992 so as to give effect in England, Wales and Scotland to the provisions contained in Notes (set out in the Schedule) exchanged between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Cyprus. The Exchange of Notes amends the Convention set out in the Schedule to the Social Security (Cyprus) Order 1983 and extends sickness and maternity benefit provisions to the Sovereign Base Areas in Cyprus.

This Order does not impose any costs on business.