

No. 18946

**UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND
and
CYPRUS**

**Agreement concerning public officers' pensions. Signed at
Nicosia on 27 July 1979**

Authentic text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
25 June 1980.*

**ROYAUME-UNI DE GRANDE-BRETAGNE ET
D'IRLANDE DU NORD
et
CHYPRE**

**Accord relatif aux pensions des agents de la fonction pu-
blique. Signé à Nicosie le 27 juillet 1979**

Texte authentique : anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
25 juin 1980.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF CYPRUS CONCERNING PUBLIC OFFICERS' PENSIONS

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

Whereas by Section 5 of, and the Schedule to, Annex "E" to the Treaty of Establishment concerning the establishment of the Republic of Cyprus signed at Nicosia on 16 August 1960² (hereinafter referred to as "the Schedule") the Government of the Republic of Cyprus has the responsibility for the award, control, administration and payment of pensions of certain officers, amongst whom there are officers who are not citizens of the Republic of Cyprus, and for the award, control, administration and payment of pensions to the widows, children and personal representatives of such officers non-citizens of the Republic of Cyprus;

And whereas the Government of the United Kingdom and the Government of the Republic of Cyprus are desirous of having economic cooperation regarding the aforesaid award, control, administration and payment of pensions to the aforementioned officers who are not citizens of the Republic of Cyprus and to their widows, children and personal representatives;

And whereas for that purpose the Government of the United Kingdom and the Government of the Republic of Cyprus have agreed that the Government of the United Kingdom shall assume, as from the appointed day, the responsibility for the control, administration and payment of the aforesaid pensions and for the award, control, administration and payment of pensions which would fall to be awarded on or after the appointed day, under the terms and conditions hereinafter set out;

Have agreed as follows:

Article 1. INTERPRETATION

- (1) In this Agreement, except where the context otherwise requires:
 - (a) "Actuary" means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland;
 - (b) "The appointed day" means the day mutually arranged between the Government of the United Kingdom and the Government of the Republic of Cyprus;
 - (c) "The Cyprus element" in relation to a pension (other than a widows' and orphans' pension) means:
 - (i) In respect of a pension arising from death resulting from an injury on duty, or a pension or additional pension arising from such an injury, being a pension which results from an occurrence during relevant service, the whole cost;
 - (ii) In the case of any other pension, that proportion of the pension which the total pensionable emoluments enjoyed by the officer during his

¹ Came into force on 27 August 1979, the date of the last of the notifications by which the Parties informed each other of the completion of the required procedures, in accordance with article 9.

² United Nations, *Treaty Series*, vol. 382, p. 8.

relevant service bears to the total pensionable emoluments enjoyed by him throughout his public service under the Government of the Republic of Cyprus which have been taken into account in determining the amount of that pension;

- (d) “Officer” means an officer to whom the Schedule applies or applied and who was not a citizen of the Republic of Cyprus on 1 April 1971, or who, having retired from the public service or having died in public service after that date, is not or was not a citizen of the Republic of Cyprus at the time of his retirement or death, as the case may be;
- (e) “Other public service” means public service not under the Government of the Republic of Cyprus;
- (f) “Pension” means any pension, gratuity, or any retiring allowance or other like benefit, or any increase of pension, or any contributions repayable to, or interest on contributions payable to, any officer, payable under the pensions laws by the Government of the Republic of Cyprus to or in respect of that officer, or to the widow or child of that officer or to his legal personal representative;
- (g) “Pensionable emoluments” means:
 - (i) In respect of public service under the Government of the Republic of Cyprus, emoluments which count for pension under the pensions laws;
 - (ii) In respect of other public service, emoluments which count for pension in accordance with the law or regulations in force in such service;
- (h) “Pensions laws” means:
 - (i) In relation to pensions other than widows’ and orphans’ pensions, any law, regulation or administrative direction providing for the payment of pensions to officers in respect of public service (whether as defined in this Agreement or in any such law, regulation or administrative direction) and in force in Cyprus at any time prior to 6 July 1973, and enacted prior to that date;
 - (ii) In relation to widows’ and orphans’ pensions, the Widows’ and Orphans’ Pensions Law, Chapter 314 of the laws of Cyprus (now revoked) in so far as the rights of beneficiaries and potential beneficiaries thereunder have been preserved by the Widows’ and Orphans’ Pensions Fund (Dissolution) Law of 1967 of the Republic of Cyprus and by the Widows’ and Orphans’ Pensions Fund (Dissolution) (Amendment) Law of 1977 of the Republic of Cyprus (hereinafter all the three aforesaid Laws referred to as “Chapter 314”); and
 - (iii) In relation to both the widows’ and orphans’ pensions and the other pensions, any other law, regulation or administrative direction accepted by the Government of the United Kingdom and the Government of the Republic of Cyprus for the purposes of this Agreement;
- (i) “Public service” means:
 - (i) Service in a civil capacity under the Government of the Republic of Cyprus or any other country or territory in the Commonwealth;
 - (ii) Service under the East African High Commission, the East African Common Services Organisation, the East African Posts and Telecommunications Administration, the East African Railways and

Harbours Administration, the East African Community, the East African Harbours Corporation, the East African Posts and Telecommunication Corporation or the East African Railways Corporation;

(iii) Service which is pensionable:

(aa) Under the Overseas Superannuation Scheme; or

(bb) Under any Act relating to the superannuation of teachers in the United Kingdom; or

(cc) Under a local authority in the United Kingdom;

(dd) Under the National Health Service of the United Kingdom;

(iv) Any other service accepted by the Government of the United Kingdom and the Government of the Republic of Cyprus to be public service for the purposes of this Agreement;

(v) Except for the purposes of computation of a pension, gratuity or other allowance and of determination of the maximum pension grantable, service as a Governor in respect of which a pension may be granted under the Overseas Pensions Act 1973 or any Act amending or replacing that Act;

(vi) Service as the holder of the office of President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa established by the Eastern Africa Court of Appeal Order in Council, 1961 (United Kingdom S.I. 1961 No. 2323) or the Court of Appeal for East Africa;

(vii) Service in the service of the Interim Commissioner for the West Indies;

(j) "Relevant service" means public service under the Government of the Republic of Cyprus on or after 16 August 1960;

(k) "Widows' and orphans' pensions" means pensions payable under Chapter 314.

(2) In relation to any period before 16 August 1960 references to the Government of the Republic of Cyprus shall be construed as references to the Government of Cyprus.

Article 2. RESPONSIBILITY IN RESPECT OF PENSIONS AFTER THE APPOINTED DAY

As from the appointed day:

- (a) The Government of the United Kingdom shall assume from the Government of the Republic of Cyprus the responsibility for the control, administration and payment of pensions which have been awarded before the appointed day and for the award, control, administration and payment of pensions which would fall to be awarded on or after the appointed day; and
- (b) The Government of the Republic of Cyprus shall have no responsibility for the control, administration and payment of pensions awarded before the appointed day and for the award, control, administration and payment of pensions which would fall to be awarded on or after the appointed day, except as provided in this Agreement.

Article 3. OBLIGATIONS OF THE GOVERNMENT
OF THE UNITED KINGDOM

The Government of the United Kingdom undertake:

- (a) That they shall award, control, administer and pay the pensions referred to in sub-paragraph (a) of Article 2 of this Agreement to or in respect of the persons concerned in accordance with the principles and rules contained in the pensions laws, and that they shall, both as regards pensions which have been awarded before the appointed day and pensions which would fall to be awarded on or after the appointed day, act in accordance with and fully comply with the principles contained in paragraphs 3 and 4 of the Schedule;
- (b) That apart from any modifications arising from the pensions being payable out of public moneys of the United Kingdom they shall not apply to or in respect of any officer different provisions from those contained in the pensions laws and paragraphs 3 and 4 of the Schedule, so as to make such provisions less favourable to any beneficiary or potential beneficiary than the provisions applicable to him on the appointed day: Provided that if a beneficiary or potential beneficiary elects to have any provision applied to him, that provision shall be taken to be more favourable to him;
- (c) That if, owing to failure of the Government of the United Kingdom to pay any sum for which they have assumed responsibility under this Agreement, the Government of the Republic of Cyprus pays such sum to or in respect of an officer or to the widow or child or legal personal representative of an officer, the Government of the United Kingdom shall repay to the Government of the Republic of Cyprus the sum so paid, and in the currency it was paid, and in case legal proceedings in respect of any such sum are instituted against the Government of the Republic of Cyprus and the Government of the Republic of Cyprus, in consequence thereof pays any sum as legal fees or expenses or costs in respect of or in relation to the said legal proceedings, the Government of the United Kingdom shall repay such sum to the Government of the Republic of Cyprus; but in this event the Government of the United Kingdom shall be free to recover the sum so repaid (other than the said legal fees or expenses or costs in respect of or in relation to the legal proceedings) by reducing, or totally withholding, any payments of the pension to or in respect of that officer or other person which would otherwise fall to be made by them under this Agreement;
- (d) That if in any case (other than the case of failure of the Government of the United Kingdom mentioned in the preceding sub-paragraph (c)) the Government of the Republic of Cyprus should be adjudged by the order of a competent court of law having jurisdiction in Cyprus to be liable to pay to or in respect of an officer or the widow or child or legal personal representative of an officer any sum for which the Government of the United Kingdom have assumed responsibility under this Agreement, the Government of the United Kingdom shall repay to the Government of the Republic of Cyprus any sum paid, and in the currency it was paid, to such person for the purpose of complying with the order of the court; but in this event the Government of the United Kingdom shall be free to recover the sum so repaid by reducing, or totally withholding, any payments of the pension to or in respect of that officer or other person which would otherwise fall to be made by them under this Agreement.

Article 4. OBLIGATIONS OF THE GOVERNMENT
OF THE REPUBLIC OF CYPRUS

(1) The Government of the Republic of Cyprus undertake:

- (a) That they shall remain responsible for any instalments of pension granted to or in respect of an officer which remain unpaid on the appointed day;
- (b) That they shall pay to the Government of the United Kingdom in accordance with such arrangements as may be accepted by the two Governments:
 - (i) In respect of any pension (other than a widows' and orphans' pension) awarded before the appointed day to or in respect of an officer, a sum representing the cost, if any, of the Cyprus element of such pension;
 - (ii) In respect of any pension (other than a widows' and orphans' pension) awarded on or after the appointed day to or in respect of an officer, that part of the sum which would represent the Cyprus element of such pension if the service of the officer ceased on the appointed day, which is attributable to the officer's relevant service up to the day immediately preceding the appointed day; and
 - (iii) In respect of widows' and orphans' pensions, a sum which in the opinion of the Actuary represents the value of the pensions and potential pension (including increases of pension equal to those awarded under the provisions of the Widows' and Orphans' Pensions Fund (Dissolution) Law of 1967 of the Republic of Cyprus and the Widows' and Orphans' Pensions Fund (Dissolution) (Amendment) Law of 1977 of the Republic of Cyprus) payable to beneficiaries and potential beneficiaries alive on the appointed day.

(2) The sums payable under sub-paragraphs (1)(b)(i), (ii) and (iii) of this Article shall be actuarially determined by an actuary nominated by the Government of the United Kingdom and acceptable to the Government of the Republic of Cyprus.

Article 5. GOVERNMENT OF THE REPUBLIC OF CYPRUS
NON-APPLICATION OF PARAGRAPHS 3 AND 4 OF SCHEDULE

On and after the appointed day the provisions of paragraphs 3 and 4 of the Schedule shall, as regards the Government of the Republic of Cyprus, cease to apply to or in respect of officers to whom this Agreement applies, or to or in respect of widows, children and personal representatives of such officers.

Article 6. SUPPLY OF INFORMATION

Each of the Parties to this Agreement shall, whenever requested to do so by the other Party, supply to that Party such information in connection with the operation of the arrangements contained in this Agreement as may be specified in such request.

Article 7. MODIFICATION OF PREVIOUS AGREEMENTS

On and after the appointed day the provisions of any agreement or arrangement relating to the reimbursement of the Government of the Republic of Cyprus by the Government of the United Kingdom of a proportion of the cost of a pension shall cease to apply to any pension payable to or in respect of an officer to whom this Agreement applies in respect of any period beginning on the appointed day.

Article 8. MODIFICATION OF THIS AGREEMENT

If the Government of the United Kingdom and the Government of the Republic of Cyprus mutually decide that this Agreement should be modified in any particular

case or class of cases, foregoing provisions of this Agreement shall be applied to such case or cases with such modifications, additions or exceptions as may be necessary to give effect to such mutual decision.

Article 9. ENTRY INTO FORCE

Each of the Parties to this Agreement shall notify the other Party in writing as soon as it has completed the domestic arrangements necessary to enable it to carry out this Agreement, and this Agreement shall enter into force on the date of the later of these two notifications.

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

DONE in duplicate at Nicosia in the English language this 27th day of July 1979.

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

P. A. RHODES

For the Government
of the Republic of Cyprus:

A. C. PATSALIDES
