

No. 23156

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

Convention on social security. Signed at Nicosia on 18 December 1982

Authentic texts: English and Greek.

Registered by the United Kingdom of Great Britain and Northern Ireland on 30 November 1984.

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

Convention relative à la sécurité sociale. Signée à Nicosie le 18 décembre 1982

Textes authentiques : anglais et grec.

Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 30 novembre 1984.

CONVENTION¹ 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 1969,²

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 purpose of this Convention:

(a) "Legislation" means, in relation to a Party, such of the legislation specified in article 2 of this Convention as applies in the territory of that Party or in any part thereof;

(b) "Competent authority" means the authority responsible for the social security schemes in all or part of the territory of each Party; in relation to the United Kingdom, the Secretary of State for Social Services, the Department of Health and Social Services for Northern Ireland, the Isle of Man Board of Social Security, the Social Security Committee of the States of Jersey or the States of Guernsey Insurance Authority, as the case may require, and, in relation to the Republic of Cyprus, the Director of Social Insurance Services;

(c) "Insurance authority" means the authority competent to decide entitlement to the benefit in question;

(d) "Competent institution" means the authority 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 authority is situated;

(e) "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, or for the purposes of articles 20 to 22 of this Convention, that the person is, or is treated as being, an employed person;

(f) "Insurance period" means a contribution period or an equivalent period;

(g) "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;

(h) "Equivalent period" means a period for which contributions appropriate to the benefit in question have been credited under the legislation concerned;

¹ Came into force on 1 January 1984, i.e., the first day of the third month following the month of the exchange of the instruments of ratification, which took place at London on 27 October 1983, in accordance with article 36.

² United Nations, *Treaty Series*, vol. 725, p. 109.

(i) “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;

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

(k) “Invalidity pension” means, in relation to the United Kingdom, invalidity benefit, other than non-contributory invalidity pension, payable under the legislation of that Party and, in relation to the Republic of Cyprus, invalidity pension payable under the legislation of Cyprus;

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

(m) “Widow’s benefit” means, in relation to the United Kingdom, widow’s allowance, widowed mother’s allowance and widow’s pension payable under the legislation of that Party and, in relation to the Republic of Cyprus, a widow’s pension payable under the legislation of Cyprus;

(n) “Orphan’s benefit” means, in relation to the United Kingdom, guardian’s allowance payable under the legislation of that Party and, in relation to the Republic of Cyprus, orphan’s benefit payable under the legislation of Cyprus;

(o) “Death grant” means, in relation to the Republic of Cyprus, a funeral grant payable under the legislation of that Party;

(p) “Gainfully occupied” means being an employed or self-employed person or earner;

(q) “Employed person” means a person who comes within the definition of an employed person or of an employed earner or a person who is treated as such in the applicable legislation and the words “person is employed” shall be construed accordingly;

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

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

(t) “Territory” means, in relation to Cyprus, the Island of Cyprus with the exception of the Sovereign Base Areas and, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland, the Isle of Man, Guernsey, Jersey, Alderney, Herm and Jethou; and references to “Cyprus” and to “the United Kingdom” shall be construed accordingly;

(u) “Sovereign Base Areas” means the British Sovereign Base Areas of Akrotiri and Dhekelia.

(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 United Kingdom, to:

(i) The Social Security Acts 1975 to 1981 and the Social Security (Northern Ireland) Acts 1975 to 1981;

- (ii) The Social Security Acts 1975 to 1981 (Acts of Parliament) as applied to the Isle of Man by orders made under the provisions of the Social Security Legislation (application) Acts 1974 and 1980 (Acts of Tynwald);
 - (iii) The Social Security (Jersey) Law 1974;
 - (iv) The Social Insurance (Guernsey) Law 1978;
- and the legislation which was 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 and 1982.

(2) Subject to the provisions of paragraphs (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 with 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.

(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 (3) 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 who is insured under the legislation of one Party and is employed by an employer in the territory of that Party is sent by that employer to work temporarily in the territory of the other Party, the legislation of the former Party concerning liability for contributions shall continue to apply to him for the first three years of that employment as if he were employed in the territory of that Party. No contributions shall be payable in respect of his employment under the legislation of the latter Party. Where his employment in the territory of the latter Party continues after such period of three years, the legislation of the former Party shall continue to apply to him, provided that the competent authority of the latter Party agrees thereto before the end of the first period of three years.

(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 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 (3), (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 who is 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 temporarily 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 for the first three years of that employment. No contributions shall be payable in respect of his employment under the legislation of the latter Party. Where his employment on board the ship or vessel of the latter Party continues after such period of three years, the legislation of the former Party shall continue to apply to him, provided that the competent authority of the latter Party agrees thereto before the end of the first period of three years.

(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 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 purpose 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 2(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 a quarterly contribution factor of 0.077 for that quarter;
- (b) For each week in a contribution period completed under the legislation of Cyprus, being a week in the relevant year, as having paid contributions which derive an annual contribution factor of 0.0192 for that year;
- (c) For each week, the whole of which in 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 purpose 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 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 legisla-

tion 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 purposes 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 basic insurable 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 purposes 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, 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 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 this Convention, be treated as if it were an insurance period completed under the legislation of the former Party.

(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 purpose of any 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 purpose 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 article, 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 if:

(a) His condition necessitates immediate treatment during a stay in the territory of the latter Party 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
- (c) He is authorised by the competent institution of the former Party to go to the territory of the latter Party 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.

(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.

(6) Where 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.

Section 3. MATERNITY GRANT

Article 13. (1) Subject to the provisions of paragraph (5) of this article, where a woman who, at the date of a claim for maternity grant, is insured under the legislation of one Party, or is the wife 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, 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 maternity grant under the legislation of that Party, any 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 husband, as the case may be, was last insured.

(5) The provisions of paragraph (1) of this article shall not apply in relation to any claim for maternity grant made under the legislation of Great Britain, Northern Ireland or the Isle of Man if the qualifying conditions under that legislation for that grant require the claimant to have been present in those countries for a specified period of time and, in such a case the claim shall be determined in accordance with paragraph (6) or, as the case may be, paragraph (7) of this article.

(6) Where, in a case to which paragraph (5) applies, a woman is confined in Great Britain, Northern Ireland or the Isle of Man, then for the purpose of any claim for maternity grant under the legislation of Great Britain, Northern Ireland or the Isle of Man in respect of that confinement, any period of presence completed by her in Cyprus or in the Sovereign Base Areas shall be treated as if it were a period of presence completed in Great Britain, Northern Ireland or the Isle of Man as appropriate.

(7) In a case to which paragraph (5) applies and in which, by virtue of the provisions of articles 5 to 10 of this Convention, the legislation of Great Britain, Northern Ireland or the Isle of Man continues to apply to a person while he is in Cyprus or in the Sovereign Base Areas, then he, or his wife if she is living with him, shall be treated, for the purpose of any claim for maternity grant under the legislation of Great Britain, Northern Ireland or the Isle of Man as if he, or his wife, as the case may be, had been present in Great Britain, Northern Ireland or the Isle of Man as appropriate during any periods of presence in Cyprus or in the Sovereign Base Areas, and a confinement in Cyprus or the Sovereign Base Areas shall be treated as a confinement in Great Britain, Northern Ireland or the Isle of Man.

Section 4. UNEMPLOYED BENEFIT

Article 14. (1) 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 periods 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.

(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.

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.

(3) For the purpose of determining entitlement to additional component 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. (1) Subject to the provisions of paragraph (3) of this article, where a person is entitled to an old age pension (other than the basic component of a category B retirement pension payable to a married woman under the legislation of the United Kingdom by virtue of the contributions of her husband) 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 component 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 component 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 or 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 purposes 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, qualified year, or relate only to periods before 6 April 1975 and in aggregate amount to less than 50 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 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 legislations 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 legisla-

tion, and in relation to a woman shall where appropriate take into account in accordance with that legislation insurance periods completed by her husband;

- (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 under the legislation of the United Kingdom of any insurance period after the person attained pensionable age, but any increase of benefit in respect of such a period under the legislation of the United Kingdom shall be added to any benefit payable under the legislation of the United Kingdom which has been calculated under paragraph (2) of this article;
- (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, only the contribution period shall be taken into account;
- (f) Where an equivalent 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.

(7) Where, in accordance with the legislation of Cyprus, a woman claims an old age pension, that Party shall take into account, where appropriate, insurance periods completed by her husband under the legislation of either Party.

Article 18. Where a person does not simultaneously satisfy the conditions for entitlement to an old age pension under the legislation of both Parties, his entitlement under the legislation of one Party shall be established as and when he

satisfies the conditions laid down by the legislation of that Party. The provisions of article 17 of this Convention shall be applied where there is no entitlement under the provisions of article 16 of this Convention to an old age pension under the legislation of that Party and his entitlement shall be determined afresh under those provisions when the conditions under the legislation of the other Party are satisfied.

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 AND DISEASES

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 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 purpose 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

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 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 the death.

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) When 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 or benefit paid by the competent institution

of the former Party and shall transmit this sum to the competent institution of the former Party.

(2) Where a person has received supplementary benefit 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 supplementary benefit paid exceeded what would have been paid had the benefit under the legislation of Cyprus been paid before the amount of United Kingdom supplementary benefit 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 about 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 ground that it is written in a foreign language.

Article 32. (1) Any claim, notice 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.

(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 this corresponding benefit is payable in accordance with the provisions of this Convention.

(3) Any document submitted under the legislation of Cyprus may, where appropriate, be treated as a notice of retirement given under the legislation of the United Kingdom.

(4) In any case to which the provisions of paragraph (1), (2) or (3) of this article apply, the authority to which the claim, notice, appeal or document has been submitted shall transmit it without delay to the competent authority or insurance authority of the other Party.

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 completed 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 the 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 the 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 Republic of Cyprus:

P. PAPAGEORGIU