

**1987 No. 1830****SOCIAL SECURITY****The Social Security (Austria) Order 1987**

*Made - - - - 21st October 1987*

*Coming into force 1st November 1987*

[Under S.I. 1988/591, any provision in the following Order relating to the calculation of widow's allowance under U.K. legislation includes a reference to a widow's payment under U.K. legislation.]

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

At the Court of Saint James, the 21st day of October 1987

Present,

The Councillors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 17th day of September 1987, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And, whereas on 22nd July 1980 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 Austria (hereinafter referred to as "the Convention")(a) was signed on behalf of those Governments and effect was given thereto by the Social Security (Austria) Order 1981(b) (hereinafter referred to as "the Principal Order"):

And Whereas at London on the 9th day of December 1985 the Convention was amended by a Supplementary Convention(c) signed on behalf of those Governments (which Supplementary Convention is set out in the Schedule to this Order):

And Whereas by Article III(2) thereof it is provided that the Supplementary Convention shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged:

And Whereas the Supplementary Convention has been ratified by the said Governments and the instruments of ratification were exchanged on 5th August 1987:

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(a) Cmnd. 8048.

(b) S.I. 1981/605.

(c) Cmnd. 9749.

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

And Whereas by virtue of section 166(4) of the Social Security Act 1975 any Order in Council made under the said section 143 may be varied by a subsequent Order in Council made under that section:

Now, therefore, His Royal Highness The Prince Andrew Duke of York and Her Royal Highness The Princess Royal, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by the said section 143 and of all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:-

#### **Citation and commencement**

1. This Order may be cited as the Social Security (Austria) Order 1987 and shall come into force on 1st November 1987.

#### **Amendment of Principal Order and Modification of the Social Security Act 1975**

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

*G.I. de Deney*  
Clerk of the Privy Council

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

## SCHEDULE

Article 2

**SUPPLEMENTARY CONVENTION ON SOCIAL SECURITY  
BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND AND THE REPUBLIC OF  
AUSTRIA**

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth (hereinafter referred to as “Her Britannic Majesty”) and the Federal President of the Republic of Austria;

Desiring to amend and supplement the Convention of 22 July 1980 on social security;

Have resolved to conclude a supplementary Convention and for that purpose have appointed as their Plenipotentiaries:

Her Britannic Majesty:

For the United Kingdom of Great Britain and Northern Ireland:

The Rt. Hon. The Baroness Young

Minister of State for Foreign and Commonwealth Affairs

The Federal President of the Republic of Austria:

For the Republic of Austria:

Dr. Reginald Thomas

Ambassador Extraordinary and Plenipotentiary of the Republic of Austria to the United Kingdom of Great Britain and Northern Ireland.

The Plenipotentiaries, having communicated to each other their full powers, found in good and due form, have agreed as follows:

**Article I**

For the purposes of this supplementary Convention, “Convention” means the Convention on Social Security between the United Kingdom of Great Britain and Northern Ireland and the Republic of Austria which was signed at Vienna on 22 July 1980.

[Art. II(1) amends art. 1(1) of Sch. to S.I. 1981/605.]

[Art. II(2) adds art. 6(3) to Sch. to S.I. 1981/605.]

[Art. II(3) adds art. 9(4) to Sch. to S.I. 1981/605.]

[Art. II(4) amends art. 10(1) of Sch. to S.I. 1981/605.]

[Art. II(5) deletes art. 12 from Sch. to S.I. 1981/605.]

[Art. II(6) substitutes art. 16(2) of Sch. to S.I. 1981/605.]

[Art. II(7) substitutes art. 17(2) of Sch. to S.I. 1981/605.]

[Art. II(8) substitutes art. 20(4) of Sch. to S.I. 1981/605.]

[Art. II(9)(a) amends German text of art. 22(2) of S.I. 1981/605.]

[Art. II(9)(b) substitutes art. 22(3) of Sch. to S.I. 1981/605.]

[Art. II(10) amends art. 23 of Sch. to S.I. 1981/605.]

[Art. II(11) substitutes art. 43(3) of Sch. to S.I. 1981/605.]

[Art. II(12) amends Protocol to Convtn. in Sch. to S.I. 1981/605.]

**AUSTRIA**

SOCIAL SECURITY (AUSTRIA) ORDER 1987

**Article III**

(1) This supplementary Convention shall be ratified and the instruments of ratification shall be exchanged at Vienna as soon as possible.

(2) This supplementary Convention shall enter into force on the first day of the third month following the month in which the instrument of ratification are exchanged.

In witness whereof the above named Plenipotentiaries have signed this supplementary Convention.

Done in duplicate at London this 9th day of December 1985 in the English and German languages, both texts being equally authoritative.

For Her Britannic Majesty:  
*Baroness Young*

For the Federal President of  
the Republic of Austria:  
*Dr. Reginald Thomas (Ambassador)*

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**EXPLANATORY NOTE**

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

This Order makes provision for modification of the Social Security Act 1975 so as to give effect in England, Wales and Scotland to the Supplementary Convention (set out in the Schedule) which amends the Convention on social security signed at Vienna on 22nd July 1980 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Austria.

The changes (which do not affect the Convention insofar as family allowances are concerned) take account of amendments in the legislation of both Contracting Parties; the pension provisions have been simplified and a new provision has been included which allows persons employed in Austria but insured under United Kingdom legislation to contribute voluntarily to the Austrian scheme for purposes of sickness insurance. The provision dealing with maternity grant (Article 12) has been removed from the Convention.