
STATUTORY INSTRUMENTS

2021 No. 1088

The Social Security (Switzerland) Order 2021

Citation and commencement

1. This Order may be cited as the Social Security (Switzerland) Order 2021 and comes into force on—

- (a) the day following the later of the States' notes referred to in Article 73 (Provisional application) of the Convention set out in the Schedule to this Order(1); or
- (b) where the Convention has not been applied provisionally as provided for in Article 73, the first day of the third month following the date of receipt of the later of the States' written notifications referred to in Article 72 (Entry into force) of the Convention set out in the Schedule to this Order(2).

Commencement Information

II Art. 1 coming into force in accordance with [art. 1](#)

Modification of legislation

2.—(1) The legislation to which this paragraph applies is modified to the extent required to give effect to the provisions contained in the Convention set out in the Schedule to this Order.

(2) Subject to paragraph (3), paragraph (1) applies to—

- (a) the Social Security Administration Act 1992(3);
- (b) the Social Security Contributions and Benefits Act 1992(4);
- (c) the Jobseekers Act 1995(5);
- (d) Chapter 2 of Part 1 of the Social Security Act 1998(6);
- (e) Part 2 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999(7);
- (f) the State Pension Credit Act 2002(8);
- (g) Part 1 of the Welfare Reform Act 2007(9);
- (h) Parts 1 and 4 of the Welfare Reform Act 2012(10);

(1) The date from which the Convention is provisionally applied will be published on the relevant page on GOV.UK which can be found at: <https://www.gov.uk/>

(2) The date on which the Convention enters into force will be published on the relevant page on UK Treaties Online which can be found at: <https://www.gov.uk/guidance/uk-treaties>

(3) No modifications are made in respect of community charge benefits, payments out of the social fund, Christmas bonus, statutory sick pay, or statutory maternity pay because section 179(4)(b)(i)-(v) of the Social Security Administration Act 1992 excludes these benefits from the scope of the power to modify.

(4) 1992 c. 4.

(5) 1995 c. 18.

(6) 1998 c. 14.

(7) 1999 c. 2.

(8) 2002 c. 16.

(9) 2007 c. 5.

(10) 2012 c. 5.

- (i) Parts 1 and 5 of the Pensions Act 2014⁽¹¹⁾;
- (j) the following as they form part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018⁽¹²⁾—
 - (i) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems;
 - (ii) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004; and
- (k) regulations within the scope of section 179(5) of the Social Security Administration Act 1992⁽¹³⁾,

so far as such provisions relate to England, Wales and Scotland.

(3) Paragraph (1) does not modify any legislation so far as it would be within the legislative competence of the Scottish Parliament to make such modification^{F1}....

(4) Paragraph (1) also applies to [F2Part 3] of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999⁽¹⁴⁾ so far as such provision relates to Northern Ireland.

Textual Amendments

- F1** Words in art. 2(3) omitted (12.10.2023) by virtue of *The Social Security (Iceland) (Liechtenstein) (Norway) Order 2023* (S.I. 2023/1060), arts. 1(2), 4(2)(a)
- F2** Words in art. 2(4) substituted (12.10.2023) by *The Social Security (Iceland) (Liechtenstein) (Norway) Order 2023* (S.I. 2023/1060), arts. 1(2), 4(2)(b)

Modifications etc. (not altering text)

- C1** Art. 2(1)(2) applied (coming into force in accordance with art. 1 of the amending S.S.I.) by *The Social Security (Switzerland) (Further provision in respect of Scotland) Order 2021* (S.S.I. 2021/345), art. 2

Commencement Information

- I2** Art. 2 coming into force in accordance with art. 1

Variation of Order

3. The Family Allowances, National Insurance and Industrial Injuries (Switzerland) Order 1969⁽¹⁵⁾ is varied in accordance with Article 77 (Relationship with the 1968 Convention) of the Convention set out in the Schedule to this Order.

(11) 2014 c. 19.

(12) 2018 c. 16. Section 3 was amended by section 25(2) of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Regulations (EC) No 883/2004 and 987/2009 as they form part of domestic law under section 3 of the European Union (Withdrawal) Act 2018 were revoked (with savings) by S.I. 2020/1508.

(13) Subsection (5) of section 179 has been amended by paragraph 70(4) of Schedule 2 to the Jobseekers Act 1995; paragraph 21(4) of Schedule 2 to the State Pension Credit Act 2002; paragraph 1 of Schedule 6 to the Tax Credits Act 2002 (c. 21); paragraph 10(29)(c) of Schedule 3 to the Welfare Reform Act 2007; paragraph 27(4) of Schedule 2 to the Welfare Reform Act 2012; paragraph 25(4)(a) and (b) of Schedule 12, and paragraph 33(4)(a) and (b) of Schedule 16 to the Pensions Act 2014; and by regulation 3 of S.I. 2011/2425.

(14) S.I. 1999/671.

(15) S.I. 1969/384. Relevant amending instruments are S.I. 1976/225, 1976/963, 1979/290, 1988/591, 1995/767, 2001/407, 2005/2765 and 2016/158.

Changes to legislation: There are currently no known outstanding effects for the
The Social Security (Switzerland) Order 2021. (See end of Document for details)

Modifications etc. (not altering text)

- C2** [Art. 3](#) applied (coming into force in accordance with art. 1 of the amending S.S.I.) by [The Social Security \(Switzerland\) \(Further provision in respect of Scotland\) Order 2021 \(S.S.I. 2021/345\)](#), [art. 3](#)

Commencement Information

- I3** Art. 3 coming into force in accordance with [art. 1](#)

Ceri King
Deputy Clerk of the Privy Council

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Switzerland) Order 2021.