

SOCIAL SECURITY (PORTUGAL) ORDER 1987

1987 No. 1831**SOCIAL SECURITY****The Social Security (Portugal) Order 1987**

Made - - - - - *21st October 1987*

Coming into force *22nd October 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.]

[Under art. 2 of S.I. 1996/1928, the SS C & B Act 1996 (c.4), the SSA Act 1992 (c.5) and the Jobseekers Act 1995 (c.18) are modified. This means that any reference, in the Agreement set out in the Schedule to this Order, to unemployment benefit shall include a reference to contribution based jobseeker's allowance.]

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

Present,

The Counsellors 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 there at Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas at London on 15 November 1978 a Convention on social security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Portugal (hereinafter referred to as "the Convention") was signed on behalf of those Governments and effect was given hereto by the Social Security (Portugal) Order 1979(a):

And Whereas at London on the 28th day of September 1987 Notes were exchanged on behalf of the said Governments amending the Convention and the terms of the Note from the Secretary of State for Foreign and Commonwealth Affairs were reproduced in the Note from the Portuguese Ambassador to the Court of St James' which is set out in the Schedule to this Order:

(a) S.I. 1979/921.

And Whereas by section 143 of the Social Security Act 1975(a) and section 15(1) of the Child Benefit Act 1975(b) it is provided that Her Majesty may by Order in Council make provision for modifying or adapting the said Social Security Act and for modifying the provisions of Part I of the said Child Benefit Act and regulations made under it in their application to cases affected by agreements with other governments providing for reciprocity in matters specified in those sections:

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:

And Whereas by virtue of section 22(8) of the Child Benefit Act 1975 any power conferred by that Act to make an Order in Council includes a power to vary or revoke a previous Order:

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 the said section 15(1), 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 (Portugal) Order 1987 and shall come into force on 22nd October 1987.

Modification of Acts and Variation of Order

2. The Social Security Act 1975 and the Child Benefit Act 1975 and any regulations made under it shall be modified and the Social Security (Portugal) Order 1979 shall be varied so as to give effect to the Agreement made on 28th September 1987 the terms of which are contained in the Note from the Portuguese Ambassador to the Court of St James to the Secretary of State for Foreign and Commonwealth Affairs which is 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

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

(b) 1975 c.61.

SCHEDULE

Article 2

**NOTE FROM THE PORTUGUESE AMBASSADOR TO THE
COURT OF ST JAMES TO THE SECRETARY OF STATE FOR
FOREIGN AND COMMONWEALTH AFFAIRS**

28th September 1987

Sir,

I have the honour to acknowledge receipt of your Note on 14th August 1987 which reads as follows—

“I have the honour to refer to the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Portugal, which was signed at London on 15 November 1978 (hereinafter referred to as “The Convention”), and to recent correspondence between the Department of Health and Social Security of the United Kingdom and the Departmental de Relacoes Internacionais e Convencoes de Seguranca Social of Portugal concerning the need to amend the Convention to introduce revised family allowance provisions, to take account of changes made in United Kingdom social security legislation, and to make other minor modifications.

I now have the honour to propose the following amendments to the said Convention:

[Para. (a) amends Art. 11 of Sch. of S.I. 1979/921.]

[Para. (b) amends Art. 12 of Sch. to S.I. 1979/921.]

[Para (c) substitutes a new Art. 26 for the existing Art. in the Sch. to S.I. 1979/1921.]

[Para. (d) deletes Art. 37 of Sch. to S.I. 1979/921.]

If the foregoing proposals are acceptable to the Government of Portugal I have the honour to propose that this Note and Your Excellency’s reply to that effect shall constitute an Agreement between our two Governments which shall enter into force on the date of your Excellency’s reply.

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

I have the honour to inform you that these proposals are acceptable to the Government of Portugal, and that they agree that Your Note and this reply shall constitute an Agreement between our two Governments which shall enter into force on the 1st October 1987.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

Joao Hall Themido
for the Government of Portugal

PORTUGAL

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EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for the modification of the Social Security Act 1975 and the Child Benefit Act 1975 so as to give effect in England, Wales and Scotland to the agreement (set out in the Schedule) contained in Notes exchanged between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Portugal amending the Convention contained in the Social Security (Portugal) Order 1979.

The amendments relating to sickness and maternity benefit enable those benefits to be paid to persons who, whilst employed in one country, contribute to the social security scheme of the other country, and to take account of changes in the conditions for the award of maternity grant. The principal amendment relating to family allowances enables persons employed in one country to be paid benefit in respect of members of their family who are resident in the other country.