INCOME TAX

DOUBLE TAXATION RELIEF

1957 No. 598

The Double Taxation Relief (Taxes on Income) (Austria) Order, 1957

Made - - - - 5th April, 1957

At the Court at Buckingham Palace, the 5th day of April, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order was laid before the Commons House of Parliament in accordance with the provisions of subsection (6) of section three hundred and forty-seven of the Income Tax Act, 1952(**a**), and an Address has been presented to Her Majesty by that House praying that an Order may be made in the terms of this Order:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by subsection (1) of the said section three hundred and forty-seven, as amended by subsection (2) of section seventy of the Finance Act, 1952(**b**), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Double Taxation Relief (Taxes on Income) (Austria) Order, 1957.

2. It is hereby declared—

(*a*) that the arrangements specified in the Convention set out in the Schedule to this Order have been made with the Government of Austria with a view to affording relief from double taxation in relation to income tax, profits tax or excess profits levy and taxes of a similar character imposed by the laws of Austria; and

(*b*) that it is expedient that those arrangements should have effect.

W. G. Agnew.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 33.

SCHEDULE

CONVENTION BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE REPUBLIC OF AUSTRIA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME.

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, and the Federal President of the Republic of Austria,

Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

Have appointed for that purpose as their Plenipotentiaries:—

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:

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

His Excellency Sir Geoffrey Arnold Wallinger, K.C.M.G., Her Majesty's Ambassador Extraordinary and Plenipotentiary at Vienna;

The Federal President of the Republic of Austria:—

Sektionschef Dr. Josef Stangelberger and Ministerialrat Dr. Otto Watzke of the Federal Ministry of Finance,

Who, having communicated to each other their Full Powers, found in good and due form, have agreed as follows:—

ARTICLE I

(1) The taxes which are the subject of the present Convention are:—

(*a*) in Austria:

the Einkommensteuer (income tax), the Körperschaftsteuer (corporation tax), and the Beitrag vom Einkommen zur Förderung des Wohnbaues und für Zwecke des Familienlastenausgleiches (contribution from income for the promotion of residential building and for the equalisation of family burdens), (hereinafter referred to as "Austrian tax");

(*b*) in the United Kingdom of Great Britain and Northern Ireland:

the income tax (including surtax), the profits tax, and the excess profits levy, (hereinafter referred to as "United Kingdom tax").

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed in Austria or in the United Kingdom after the date of the signature of this Convention.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

(*a*) The term "United Kingdom" means Great Britain and Northern Ireland;

(*b*) The term "Austria" means the Republic of Austria;

(*c*) The terms "one of the territories" and "the other territory" mean the United Kingdom or Austria, as the context requires;

(*d*) The term "taxation authorities" means, in the case of the United Kingdom, the Commissioners of Inland Revenue or their authorised representatives, in the case of Austria the Federal Ministry of Finance and, in the case of any territory to which the present Convention is extended under Article XX, the competent authority for the administration in such territory of the taxes to which the present Convention applies;

(*e*) The term "tax" means United Kingdom tax or Austrian tax, as the context requires;

(*f*) The term "person" comprises an individual and any body of persons, corporate or not corporate;

(*g*) The term "company" means any body corporate and any entity which is treated as a body corporate for tax purposes;

(*h*) The term "resident of the United Kingdom" means:

(*aa*) any individual who is resident in the United Kingdom for the purposes of United Kingdom tax and not resident ("Wohnsitz" oder "gewöhnlicher Aufenthalt") in Austria for the purposes of Austrian tax;

(*bb*) any company whose business is managed and controlled in the United Kingdom;

(*i*) The term "resident of Austria" means:

(*aa*) any individual who is resident ("Wohnsitz" oder "gewöhnlicher Aufenthalt") in Austria for the purposes of Austrian tax and not resident in the United Kingdom for the purposes of United Kingdom tax;

(*bb*) any company which has its management and control ("Geschäftsleitung") in Austria;

(*j*) The terms "resident of one of the territories" and "resident of the other territory" mean a person who is a resident of the United Kingdom, or a person who is a resident of Austria, as the context requires;

(*k*) The terms "United Kingdom enterprise" and "Austrian enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom and an industrial or commercial enterprise or undertaking carried on by a resident of Austria, and the terms "enterprise of one of the territories" and "enterprise of the other territory" mean a United Kingdom enterprise or an Austrian enterprise, as the context requires;

(*l*) The term "permanent establishment", when used with respect to an enterprise of one of the territories, means a branch, management, factory, office or other fixed place of business such as a mine, oil well, quarry or other place of natural resources subject to exploitation, a permanent sales exhibition, or a construction project, assembly project or the like, the duration of which has exceeded or is likely to exceed twelve months; the term shall however not include an agent or employee unless the agent or employee has, and habitually exercises, in the other territory, a general authority to negotiate and conclude contracts on behalf of the enterprise or maintains a stock of merchandise belonging to that enterprise from which he regularly fills orders on its behalf.

In this connexion—

(*aa*) An enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business dealings in that other territory through a *bona fide* broker or general commission agent (Handelsmakler oder Kommissionär) or any other agent of genuinely independent status acting in each case in the ordinary course of his business as such;

(*bb*) The fact that an enterprise of one of the territories maintains in the other territory a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute that fixed place of business a permanent establishment of the enterprise, except where the purchases are made by an agent or employee who has a general authority to negotiate and conclude contracts on behalf of the enterprise and who habitually exercises that authority in the other territory;

(*cc*) The fact that a company which is a resident of one of the territories has a subsidiary company which is a resident of the other territory or which carries on a trade or business in that other territory (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary company as a permanent establishment of its parent company.

(2) Where the present Convention provides (with or without other conditions) that income from a source in one of the territories shall be exempt from tax in that territory if it is subject to tax in the other territory, and under the law

in force in that other territory the said income is subject to tax by reference to the amount thereof which is remitted to or received in that other territory and not by reference to the full amount thereof then the exemption to be allowed under this Convention in the first-mentioned territory shall apply only to so much of the income as is remitted to or received in the other territory.

(3) In the application of the provisions of the present Convention by one of the High Contracting Parties any term not otherwise defined in the present Convention shall, unless the context otherwise requires, have the meaning which it has under the laws in force in the territory of that Party relating to the taxes which are the subject of the present Convention.

ARTICLE III

(1) The industrial or commercial profits of an enterprise of one of the territories (including gains derived from the sale of the enterprise, or of a part of the enterprise or of an asset used by the enterprise) shall not be subject to tax in the other territory unless the enterprise carries on a trade or business in the other territory through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on those profits in the other territory but only on so much of them as is attributable to that permanent establishment.

(2) The share of the industrial or commercial profits of an undertaking accruing to a partner therein who is a resident of one of the territories shall likewise not be subject to tax in the other territory unless the undertaking carries on a trade or business in that other territory through a permanent establishment situated therein. If it carries on a trade or business in that other territory through a permanent establishment situated therein tax may be imposed in the other territory on the share of the profits accruing to that partner, but only on so much as represents his share of the profits attributable to the permanent establishment.

(3) Where an enterprise of one of the territories carries on a trade or business in the other territory through a permanent establishment situated therein, there shall be attributed to that permanent establishment the industrial or commercial profits which it might be expected to derive in that other territory if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

ARTICLE IV

Where

(*a*) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory, or

(*b*) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the territories and an enterprise of the other territory,

and, in either case, conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises, then any profits which would except for those conditions have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

Profits derived by an enterprise of one of the territories from the operation of ships or aircraft shall be exempt from tax in the other territory.

ARTICLE VI

(1) The industrial and commercial profits of an Austrian enterprise engaged in trade or business through a permanent establishment in the United Kingdom shall, so long as undistributed profits of United Kingdom enterprises are effectively charged to United Kingdom profits tax at a lower rate than distributed profits of such enterprises, be charged to United Kingdom profits tax only at that lower rate.

(2) Where not less than 50 per cent. of the entire voting power of a company which is a resident of the United Kingdom is controlled, directly or indirectly, by a company which is a resident of Austria, the distributions by the former company to the latter company shall be left out of account in computing United Kingdom profits tax effectively chargeable on that company at the rate appropriate to distributed profits.

(3) Tax shall not be imposed in Austria on dividends paid by a company which is a resident of Austria at a rate greater than 10 per cent. if the person entitled to receive the dividend is subject to United Kingdom tax in respect thereof, and is either—

(*a*) an individual, or

(*b*) a company which controls, directly or indirectly, not less than 50 per cent. of the entire voting power of the company paying the dividend.

Tax may be deducted at the full rate from any such dividends but any tax deducted in excess of 10 per cent. shall be refunded on a claim being made.

(4) Where a company which is a resident of one of the territories derives profits or income from sources within the other territory, there shall not be imposed in that other territory any form of taxation on dividends paid by the company to persons not resident in that other territory, or any tax in the nature of an undistributed profits tax on undistributed profits of the company, whether or not those profits represent, in whole or in part, profits or income so derived.

(5) Dividends derived by a resident of one of the territories in the other territory in connexion with a trade or business carried on in that other territory through a permanent establishment situated therein shall be taxed according to the provisions of Article III.

(6) In this Article the term "dividends" comprises all kinds of distributions of profits by a company which is a resident of Austria.

ARTICLE VII

(1) Any interest or royalty derived from sources within one of the territories by a resident of the other territory, who is subject to tax in that other territory in respect thereof shall be exempt from tax in that first-mentioned territory, unless such interest or royalty arises in connexion with a trade or business carried on by that resident through a permanent establishment situated in that first-mentioned territory; but no exemption shall be allowed in respect of interest or royalties paid by a company which is a resident of one of the territories to a company which is a resident of the other territory where the latter company controls, either directly or indirectly, more than 50 per cent. of the entire voting power of the former company.

(2) In this Article—

(*a*) the term "interest" includes interest on bonds, securities, notes, debentures or on any other form of indebtedness except in so far as the indebtedness is secured in one of the territories by way of mortgage;

(*b*) the term "royalty" means any royalty or other amount paid as consideration for the use of, or for the privilege of using, any literary, musical, or other copyright, patent, design, secret process or formula, trade mark or other like property, but does not include any royalty or other amount paid in respect of the operation of a mine, oil well or quarry or of other extraction of natural resources.

(3) Where any interest or royalty exceeds a fair and reasonable consideration in respect of the indebtedness or rights for which it is paid, the exemption provided by the present Article shall apply only to so much of the interest or royalty as represents such fair and reasonable consideration.

(4) Where a resident of Austria who does not carry on a trade or business in the United Kingdom through a permanent establishment situated therein receives rents or royalties from cinematograph films exhibited in the United Kingdom, no tax shall be charged in the United Kingdom on such rents or royalties.

Where a resident of the United Kingdom who does not carry on a trade or business in Austria through a permanent establishment situated therein receives rents or royalties from cinematograph films exhibited in Austria, tax may be charged by deduction in Austria on such rents or royalties but only at one-half the rate at which tax would be deducted but for the provisions of this paragraph.

(5) Any capital sum derived from sources within one of the territories from the sale of patent rights by a resident of the other territory, unless such sum arises in connexion with a trade or business carried on by that resident in the first-mentioned territory through a permanent establishment situated therein, shall be exempt from tax in that first-mentioned territory.

ARTICLE VIII

A resident of one of the territories shall be exempt in the other territory from any tax on gains from the sale, transfer, or exchange of capital assets other than immovable property unless such gains arise in connexion with a trade or business carried on by that resident in the other territory through a permanent establishment situated therein.

ARTICLE IX

(1) Remuneration, including pensions, paid, in respect of present or past services or work, out of public funds of one of the High Contracting Parties shall be exempt from tax in the territory of the other High Contracting Party, unless the individual concerned is a national of that other Party without being also a national of the first-mentioned Party.

(2) The provisions of paragraph (1) shall not apply to payments in respect of services rendered in connexion with any trade or business carried on by either of the High Contracting Parties for purposes of profit.

ARTICLE X

(1) Profits from a profession exercised in one of the territories by an individual who is a resident of the other territory may be subjected to taxation in the first-mentioned territory if, but only if, the individual carries on his professional activity in that territory by using there fixed accommodation which is regularly at his disposal.

(2) Remuneration from an employment exercised in one of the territories by an individual who is a resident of the other territory may be subjected to taxation in that first-mentioned territory.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this Article, an individual who is a resident of one of the territories shall be exempt from tax in the other territory on profits or remuneration arising from the exercise of a profession or employment within that other territory in any taxable year, if

(*a*) he is present within that other territory for not longer than a total of 183 days during that year, and

(*b*) he exercises the profession or employment for or on behalf of a resident of the first-mentioned territory and is paid for it by that resident, unless the activity is carried out in a permanent establishment of that resident, and

(*c*) the profits or remuneration are subject to taxation in the first-mentioned territory.

(4) Notwithstanding any of the preceding provisions of this Article the profits or remuneration of public entertainers such as theatre, motion-picture, radio, television or variety artists, musicians and athletes may be subjected to taxation in the territory in which the activity is performed.

ARTICLE XI

(1) Any pension (other than a pension of the kind referred to in paragraph (1) of Article IX) and any annuity, derived from sources within one of the territories by an individual who is a resident of the other territory and subject to tax in that territory in respect thereof, shall be exempt from tax in the first-mentioned territory.

(2) The term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XII

Income from immovable property (including gains derived from the sale or exchange of such property) may be subjected to tax in the territory in which the property is situated. Income derived in one of the territories from mortgages and royalties or other amounts paid in respect of the operation of a mine, oil well, quarry or other extraction of natural resources shall be regarded as income derived from immovable property.

ARTICLE XIII

A professor or teacher from one of the territories, who receives remuneration for teaching, during a period of temporary residence not exceeding two years, at a university, college, school or other educational institution in the other territory, shall be exempt from tax in that other territory in respect of that remuneration.

ARTICLE XIV

(1) A student or business apprentice (including in Austria a Volontär or Praktikant) from one of the territories who is receiving full-time education or training in the other territory shall be exempt from tax in that other territory on payments made to him by persons in the first territory for the purpose of his maintenance, education or training.

(2) The same exemption shall apply to income which a student or business apprentice from one of the territories derives from an employment which he exercises in the other territory for the purposes of practical training, if he is present within that other territory for not longer than a total of 183 days in the taxable year.

ARTICLE XV

(1) Individuals who are residents of Austria shall be entitled to the same personal allowances, reliefs and reductions for the purposes of United Kingdom income tax as British subjects not resident in the United Kingdom.

(2) Individuals who are residents of the United Kingdom shall be entitled to the same personal allowances, reliefs and reductions for the purposes of Austrian tax as Austrian nationals not resident in Austria.

ARTICLE XVI

(1) Except where express provision to the contrary is made in this Convention the laws of the High Contracting Parties shall continue to govern the taxation of income arising in either of the territories and either of the High Contracting Parties may therefore take into account for tax purposes all sources of income which are assessable under its laws as if the Convention were not in force. Where

income is subject to tax in both territories (for example, where a person is a resident of one of the territories and, in cases within the scope of Articles III, VI, VII, X, XI and XII,. has income from sources in the other territory or where a person is resident in both territories) relief from double taxation shall be given as follows:—

(2) Subject to the provisions of the law of the United Kingdom regarding the allowance as a credit against United Kingdom tax of tax payable in a territory outside the United Kingdom, Austrian tax payable, whether directly or by deduction, in respect of income from sources within Austria shall be allowed as a credit against the United Kingdom tax payable in respect of that income. Where such income is a dividend paid by a company resident in Austria to a company resident in the United Kingdom which controls, directly or indirectly, not less than one-half of the voting power in the former company, the credit shall take into account (in addition to any Austrian tax payable in respect of the dividend) the Austrian tax payable by the former company in respect of its profits. For the purpose of this paragraph the term "Austrian tax" shall include the directors' tax (Aufsichtsratsabgabe).

(3) United Kingdom tax payable, whether directly or by deduction, by a person resident in Austria in respect of income from sources within the United Kingdom shall be allowed as a credit against the Austrian tax payable in respect of that income.

(4) For the purposes of this Article, profits or remuneration for personal (including professional) services performed in one of the territories shall be deemed to be income from sources within that territory. Services of an individual wholly or mainly performed in ships or aircraft operated by a resident of one of the territories shall be deemed to be performed in that territory.

(5) The provisions of paragraphs (2) and (3) shall not affect the exemption from tax in the United Kingdom or Austria granted by paragraph (1) of Article IX of the present Convention.

ARTICLE XVII

The taxation authorities of the High Contracting Parties shall exchange such information (being information which is at their disposal under their respective taxation laws in the normal course of administration) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information as aforesaid shall be exchanged which would disclose any trade, business, industrial or professional secret or trade process.

ARTICLE XVIII

(1) The nationals of one of the High Contracting Parties shall not be subjected in the territory of the other High Contracting Party to any taxation or any requirement connected therewith which is other, higher, or more burdensome than the taxation and connected requirements to which the nationals of the latter Party are or may be subjected.

(2) The enterprises of one of the territories shall not be subjected in the other territory, in respect of profits or capital attributable to their permanent establishments in that other territory, to any taxation which is other, higher, or more burdensome than the taxation to which the enterprises of that other territory similarly carried on are or may be subjected in respect of the like profits or capital.

(3) The income, profits or capital of an enterprise of one of the territories, the capital of which is wholly or partly owned or controlled, directly or indirectly, by a resident or residents of the other territory, shall not be subjected

in the first-mentioned territory to any taxation which is other, higher, or more burdensome than the taxation to which the like income, profits or capital of other enterprises of the first-mentioned territory similarly carried on are or may be subjected.

(4) Nothing in the preceding paragraphs of this Article shall be construed as obliging one of the High Contracting Parties to grant to nationals of the other High Contracting Party who are not resident in the territory of the former Party the same personal allowances, reliefs and reductions for tax purposes as are granted to his own nationals.

(5) In this Article, the term " nationals " means—

(*a*) in relation to Austria, all Austrian nationals and all legal persons, partnerships, associations and other entities deriving their status as such from the law in force in Austria ;

(*b*) in relation to the United Kingdom, all British subjects and British-protected persons

(*aa*) residing in the United Kingdom or any territory to which the present Convention is extended under Article XX, or

(*bb*) deriving their status as such from connexion with the United Kingdom or any territory to which the present Convention is extended under Article XX,

and all legal persons, partnerships, associations and other entities deriving their status as such from the law in force in the United Kingdom or in any territory to which the Convention is extended under Article XX.

(6) In this Article the term " taxation " means taxes of every kind and description levied on behalf of any authority whatsoever.

Article XIX

(1) Where a taxpayer shows to the satisfaction of the taxation authorities of the High Contracting Party of which he is a national or in whose territory he is a resident that he has not received the treatment in the other territory to which he is entitled under any provision of the present Convention, those taxation authorities shall consult with the taxation authorities of the other Party with a view to the avoidance of the double taxation in question.

(2) The taxation authorities of the two High Contracting Parties shall consult together at the earliest time possible, in cases where this is necessary, for the interpretation of the present Convention or the implementation of its provisions.

Article XX

(1) The present Convention may be extended, either in its entirety or with modifications, to any territory for whose international relations the United Kingdom is responsible and which imposes taxes substantially similar in character to those which are the subject of the present Convention, and any such extension shall take effect from such date and subject to such modifications and conditions (including conditions as to termination) as may be specified and agreed between the High Contracting Parties in notes to be exchanged for this purpose.

(2) The termination in respect of Austria or the United Kingdom of the present Convention under Article XXII shall, unless otherwise expressly agreed by both High Contracting Parties, terminate the application of the present Convention to any territory to which the Convention has been extended under this Article.

ARTICLE XXI

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at London as soon as possible.

(2) The present Convention shall enter into force upon the exchange of ratifications.

(3) Upon the entry into force of the present Convention its provisions shall have effect:

(*a*) In the United Kingdom:

as respects income tax (including surtax) for any year of assessment beginning on or after the 6th April, 1956,

as respects profits tax in respect of the following profits—

(*aa*) profits by reference to which income tax is, or but for the present Convention would be, chargeable for any year of assessment beginning on or after the 6th April, 1956;

(*bb*) other profits being profits by reference to which income tax is not chargeable, but which arise in any chargeable accounting period beginning on or after the 1st April, 1956, or are attributable to so much of any chargeable accounting period falling partly before and partly after that date as falls after that date;

as respects excess profits levy, in respect of profits by reference to which income tax is, or but for the present Convention would be, chargeable for any year of assessment beginning on or after the 6th April, 1956;

(*b*) In Austria:

for any taxable year beginning on or after the 1st January, 1956.

ARTICLE XXII

The present Convention shall continue in force indefinitely, but either of the High Contracting Parties may, on or before the 30th June in any calendar year not earlier than the year 1960, give to the other High Contracting Party, through the diplomatic channel, written notice of termination and in such event this Convention shall cease to be effective—

(*a*) In the United Kingdom:

as respects income tax (including surtax) for any year of assessment beginning on or after the 6th April in the calendar year next following that in which the notice is given;

as respects profits tax in respect of the following profits—

(*aa*) profits by reference to which income tax is chargeable for any year of assessment beginning on or after the 6th April in the calendar year next following that in which the notice is given;

(*bb*) other profits being profits by reference to which income tax is not chargeable, but which arise in any chargeable accounting period beginning on or after the 1st April in the calendar year next following that in which the notice is given or are attributable to so much of any chargeable accounting period falling partly before and partly after that date as falls after that date;

(*b*) In Austria:

for any taxable year beginning on or after the 1st January in the calendar year next following that in which the notice is given.

In witness whereof the above mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Vienna the 20th day of July, 1956, in the English and German language, both texts being equally authoritative.

(L.S.) GEOFFREY WALLINGER.

(L.S.) JOSEF STANGELBERGER.

(L.S.) OTTO WATZKE.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Under the Convention with Austria which is scheduled to this Order certain classes of income derived from one country by a resident of the other country are (subject to certain conditions) to be exempt from tax in the former country. These classes are shipping and air transport profits, certain trading profits not arising through a permanent establishment, patent and copyright royalties, interest, pensions other than Government pensions, purchased annuities and earnings of temporary business visitors. Government salaries and pensions are normally to be taxed by the paying Government only. Remuneration of visiting professors and teachers is to be exempt in the country visited.

The rate of Austrian tax on dividends received from Austria by United Kingdom residents is (subject to certain conditions) not to exceed 10 per cent.

Residents of Austria are to be entitled to the same personal allowances as British subjects resident abroad and corresponding allowances are to be given by Austria to residents of the United Kingdom.

Where income continues to be taxable in both countries, full credit is to be given by the country of the taxpayer's residence for the tax payable in the country of origin of the income.

Provision is included for the exchange of information between the taxation authorities of the two countries.

The Convention is to take effect for the fiscal year 1956-57.

1957 No. 425

The Double Taxation Relief (Taxes on Income) (Netherlands Antilles) Order, 1957

Made - - - - 15*th March*, 1957

At the Court at Buckingham Palace, the 15th day of March, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order was laid before the Commons House of Parliament in accordance with the provisions of subsection (6) of section three hundred and forty-seven of the Income Tax Act, 1952(a), and an Address has been presented to Her Majesty by that House praying that an Order may be made in the terms of this Order:

Now, therefore, Her Majesty, in exercise of the powers conferred on her by subsection (1) of the said section three hundred and forty-seven, as amended by subsection (2) of section seventy of the Finance Act, 1952(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Double Taxation Relief (Taxes on Income) (Netherlands Antilles) Order, 1957.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 33.