STATUTORY INSTRUMENTS

2015 No. 828

SOCIAL SECURITY

The Social Security (Contributions) (Republic of Chile) Order 2015

Made - - - -	*19th March 2015*
Coming into force - -	*1st June 2015*

At the Court at Buckingham Palace, the 19th day of March 2015

Present,

The Queen's Most Excellent Majesty in Council

This Order is made under the powers in section 179(1)(a) and (2) of the Social Security Administration Act 1992(**1**), which provide that, for the purpose of giving effect to agreements made with the governments of countries outside the United Kingdom providing for reciprocity in specified matters, Her Majesty may by Order in Council make provision for modifying and adapting specified legislation in its application to cases affected by such agreements.

At Santiago, on 13th March 2012, 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 Chile(**2**) was signed on behalf of those Governments. This Convention, which is referred to in this Order as "the Convention", provides for cooperation between the Governments in the scope of social welfare, in particular with regard to social security contributions.

Article 13 of the Convention provides that the Convention shall enter into force on the first day of the third calendar month following the date on which the later of the two Governments notifies the other that it has completed the procedures required by law for the bringing into force of the Convention.

The Government of the Republic of Chile notified the Government of the United Kingdom of Great Britain and Northern Ireland on 30th October 2013 that it had completed its procedures for bringing the Convention into force. The Government of the United Kingdom of Great Britain and Northern Ireland notified the Government of the Republic of Chile on 10th March 2015 that it had completed its procedures for bringing the Convention into force. The Convention therefore enters into force on 1st June 2015.

In order to give effect to the Convention, therefore, Her Majesty, in exercise of the powers conferred on Her by section 179(1)(a) and (2) of the Social Security Administration Act 1992 and of all other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order as follows:

(**1**) 1992 c. 5.
(**2**) 2014 Cm 8956.

Citation and commencement

1. This Order may be cited as the Social Security (Contributions) (Republic of Chile) Order 2015 and comes into force on 1st June 2015.

Modification of Acts

2. The following legislation is modified to such extent as may be required to give effect to the provisions contained in the Convention set out in the Schedule—

(a) the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992(**3**) and Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999(**4**) so far as those provisions relate to England, Wales and Scotland;

(b) the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999(**5**) so far as those provisions relate to Northern Ireland.

Richard Tilbrook
Clerk of the Privy Council

(**3**) 1992 c. 4.
(**4**) 1999 c. 2.
(**5**) S.I. 1999/671.

SCHEDULE Article 2

CONVENTION ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF CHILE

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Chile hereinafter referred to as "the Parties";

Determined to cooperate in the scope of social welfare and, in particular, as regards obligations on social security contributions;

Desirous of promoting the welfare of people moving between their respective territories or working there;

Desirous of ensuring that individuals from both countries enjoy equal rights in respect of those matters comprised in this Convention in accordance with their respective social security laws;

Have agreed as follows:

PART I

GENERAL PROVISIONS

ARTICLE 1

Definitions

(1) For the purpose of this Convention the following definitions shall apply, except where the context otherwise requires:

(a) "Country" or "territory" means:

(i) in relation to the Republic of Chile, the scope of application of the Political Constitution of the Republic of Chile, and

(ii) in relation to the United Kingdom, Great Britain and Northern Ireland and, where so required by the context of this Convention, the Isle of Man, Jersey and Guernsey also. Likewise, where so required by the context, any reference to "territory", applicable to the United Kingdom, shall include the Isle of Man, Jersey and Guernsey, and

"Guernsey" means the Islands of Guernsey, Alderney, Herm and Jethou, and

"Jersey" means the Island of Jersey;

(b) "Competent Authority" means:

(i) in relation to the Republic of Chile, the Minister of Labour and Social Security, and

(ii) in relation to the territory of the United Kingdom, the Department for Work and Pensions and the Commissioners for Her Majesty's Revenue and Customs or their authorised representative for Great Britain, the Department for Social Development for Northern Ireland, the Departments of the Treasury and Social Care of the Isle of Man, the Social Security Department of the States of Jersey or the Social Security Department of the States of Guernsey as the case may require;

(c) "employed worker" means:

(i) in relation to the Republic of Chile, any person who is at the service of an employer under a subordination and dependence relationship, as well as a person considered as such by the applicable regulations, and

(ii) in relation to the United Kingdom, a person who, under the applicable legislation, comes within the definition of an employed earner or of an employed person or is treated as such,

and the words "worker is employed" shall be construed accordingly;

(d) "self-employed worker" means:

(i) in relation to the Republic of Chile, any person who performs a gainful activity on his own account, and

(ii) in relation to the United Kingdom, a person who, in the applicable legislation, comes within the definition of a self-employed earner or of a self-employed person or is treated as such,

and the words "worker is self-employed" shall be construed accordingly;

(e) "employment" means employment as an employed worker and the words "employ", "employed" or "employer" shall be construed accordingly;

(f) "gainfully employed" means employed, or self-employed;

(g) "insured" means:

(i) in relation to the Republic of Chile, that the person is affiliated to or is a contributor to the applicable social security system, and

(ii) in relation to the United Kingdom, that contributions have been paid by, or are payable by, or in respect of, or have been credited in respect of, the person concerned.

(h) "legislation" means:

(i) in relation to the Republic of Chile, the laws, regulations and provisions on contributions and benefits of the Social Security systems indicated under Article 2 of this Convention, and

(ii) in relation to the United Kingdom, the laws, regulations and provisions on contributions and benefits of the Social Security systems indicated under Article 2 of this Convention.

(i) "Ordinarily Resident",

(i) in relation to the Republic of Chile, means domiciled in the terms defined by its legislation, and

(ii) in relation to the United Kingdom, is given its natural and ordinary meaning in the context of its legislation.

(j) “liability for contributions” means:

(i) in relation to the Republic of Chile, the obligation to pay contributions according to the Chilean legislation, and

(ii) in relation to the United Kingdom, the obligation to pay contributions according to United Kingdom legislation.

(2) Other words and expressions which are used in this Convention have the meanings respectively assigned to them in the legislation concerned.

(3) Any reference in this Convention to an "Article" means an Article of this Convention, and any reference to a "paragraph" is a reference to a paragraph of the Article in which the reference is made, unless it is stated to the contrary.