STATUTORY RULES OF NORTHERN IRELAND

2015 No. 179

SOCIAL SECURITY

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

Made - - - -	*23rd March 2015*
Coming into operation-	*1st June 2015*

The Secretary of State for Business, Innovation and Skills makes the following Order in exercise of the powers conferred by section 155(1)(a) and (2) of the Social Security Administration (Northern Ireland) Act 1992(**1**).

Citation and commencement

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

Modification of Acts

2. The Social Security Administration (Northern Ireland) Act 1992 and the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**) are modified to such extent as may be required to give effect to the provisions contained in the Convention set out in the Schedule, so far as those provisions relate to Northern Ireland.

Vince Cable
Secretary of State for Business, Innovation and Skills

23rd March 2015

(**1**) 1992 c. 8
(**2**) 1992 c. 7

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.

ARTICLE 2

Scope of Legislation

(1) This Convention shall apply,

(a) in relation to the territory of the Republic of Chile, to:

(i) the old age, disability and survivorship pension system based on individual capitalisation, and

(ii) the old age, disability and survivorship pension schemes administered by the Social Security Institute.

(b) in relation to the territory of the United Kingdom, to:

(i) the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992, the Social Security (Consequential Provisions) Act 1992, the Social Security Contributions (Transfer of Functions, etc.) Act 1999;

(ii) the Social Security Administration (Northern Ireland) Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999;

(iii) the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992 and the Social Security (Consequential Provisions) Act 1992 (Acts of Parliament) as those Acts apply to the Isle of Man by virtue of Orders made, or having effect as if made, under the Social Security Act 2000 (an Act of Tynwald);

(iv) the Social Insurance (Guernsey) Law, 1978;

(v) the Social Security (Jersey) Law, 1974;

and the legislation which was repealed or consolidated by those Acts, Laws or Orders or repealed by legislation consolidated by them.

(2) Subject to paragraph (3), this Convention shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (1).