

POLICY NOTE

THE SOCIAL SECURITY (SWITZERLAND) (FURTHER PROVISION IN RESPECT OF SCOTLAND) ORDER 2021

SSI 2021/345

The above instrument was made in exercise of the powers conferred by 179(1)(a) and (2) of the Social Security Administration Act 1992. The instrument is a laid – no procedure instrument.

Purpose of the instrument.

This Order gives effect to the Convention on Social Security between the United Kingdom and Switzerland, signed in London on 9th September 2021, the text of which is set out in the Schedule of the Social Security (Switzerland) Order 2021 (“the UK OiC”).

Policy Objectives

The Convention ensures that individuals who move between the UK and Switzerland and who are in scope of the Convention will have their social security position in respect of certain benefits protected. Eligible individuals will be able to have access to a range of social security benefits, including reciprocal healthcare cover and an uprated state pension. It also ensures that cross-border workers and their employers are only liable to pay social security contributions in one state at a time.

Article 73 of the Convention provides that, pending entry into force of the Convention, the UK and Swiss Governments may agree to provisionally apply the Convention by an exchange of notes through diplomatic channels. Therefore, the Convention will be applied on a provisional basis, pending entry into force, and it shall take effect of the day following the later of the States’ notes.

The Convention covers social security contributions and pensions as well as benefits in respect of sickness and invalidity, maternity, unemployment, accidents at work and occupational disease and bereavement. It also provides for the necessary administrative arrangements for data sharing, social security debt recovery and the mutual cooperation required for implementing reciprocity. The devolved interest relates to benefits provided to individuals who have sustained an industrial injury, for which Scottish Ministers assumed executive competence on 4 April 2020. This is a matter for which the Scottish Parliament is responsible, and in relation to which responsibility for the exercise of functions rests with the Scottish Ministers.

This Order will ensure provision is made for the modification of social security legislation so far as it relates to devolved matters because, due to the application of section 27(2)(c) of the Interpretation and Legislative Reform (Scotland) Act 2010, the UK OiC cannot make provision for a matter which falls within the legislative competence of the Scottish Parliament, and in relation to which competence for the exercise of functions has transferred to the Scottish Ministers.

Consultation and Impact Assessments

These regulations are required to ensure the Convention is given legal effect insofar as it relates to devolved matters. There is therefore no requirement for consultation or impact assessments.

Financial Effects

This Order does not impose any costs on business, charities or the voluntary sector. Accordingly, no Business and Regulatory Impact Assessment has been prepared.

Scottish Government
Social Security Directorate

14 September 2021