

SCHEDULE

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

PART II

PROVISIONS WHICH DETERMINE THE LEGISLATION APPLICABLE CONCERNING CONTRIBUTION LIABILITY

Article 4

General Provisions

(1) Subject to paragraphs (2) to (4) and Articles 5 to 8, where a person is employed in the territory of one Party, liability for contributions for him shall be determined under the legislation of that Party, and that legislation shall apply to him as if he were ordinarily resident in the territory of that Party.

(2) Where a person is employed in the territory of both Parties for the same period, liability for contributions for him shall be determined only under the legislation of the Party in whose territory he is ordinarily resident.

(3) Where a person is ordinarily resident in the territory of one Party and is self-employed in the territory of the other Party, or in the territory of both Parties, liability for contributions for him shall be determined only under the legislation of the Party in whose territory he ordinarily resides and that legislation shall apply to him as if he were self-employed in the territory of that Party.

(4) Where a person is employed in the territory of one Party and self-employed in the territory of the other Party for the same period, liability for contributions for him shall be determined only under the legislation of the Party in whose territory he ordinarily resides.

(5) Where, under Articles 5 and 6, a person is employed in the territory of one Party while remaining liable for contributions under the legislation of the other Party, the legislation of the former Party shall not apply to him and he shall not be liable, nor entitled, to pay contributions under the legislation of the former Party.

(6) Where a person is not gainfully employed and is ordinarily resident in Jersey or Guernsey, any liability for contributions shall be determined under the legislation of Jersey or Guernsey, as the case may be.

(7) A person who is entitled to receive disability pension for any period under the legislation of the Republic of Korea while he is in Jersey or Guernsey shall be excepted from liability to pay a contribution in respect of that period, other than as an employed or self-employed person, under the legislation of Jersey or Guernsey.

(8) A person who is entitled to receive widow's benefit under the legislation of Jersey or Guernsey shall be awarded credits only for periods during which that person is ordinarily resident in Jersey or Guernsey, as the case may be.

Article 5

Detached Workers

(1) Subject to Articles 6 and 7, where a person who is insured under the legislation of one Party, and employed by an employer with a place of business in the territory of that Party, is sent by that employer to work in the territory of the other Party, the legislation of the former Party concerning liability for contributions shall continue to apply to him as if he were employed in the territory of

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that Party, and the legislation of the latter Party shall not apply to him, provided that the employment in the territory of the other Party is not expected to last for more than five years.

(2) In relation to the Republic of Korea, for the purposes of applying paragraph (1), an employer and an affiliated or subsidiary company of the employer (as defined under the legislation of the Republic of Korea) shall be considered one and the same.

Article 6

Mariners and Aircraft Crew

A person who, but for the provisions of this Convention, would be subject to the legislation of both Parties in respect of employment as an officer or member of a crew on a ship or aircraft shall, in respect of that employment, be subject only to the legislation of the Party in whose territory he ordinarily resides.

Article 7

Diplomats, Government Servants and Consular Employees

(1) This Convention shall not apply to persons who are exempt from the social security law of the Party in whose territory they are present or resident by virtue of the Vienna Convention on Diplomatic Relations of April 18, 1961(1), or of the Vienna Convention on Consular Relations of April 24, 1963(2).

(2) Subject to paragraph (1), where any person who is employed in the Government Service, or treated as such, or in the local Government Service of one Party is sent to work in the territory of the other Party, the legislation of the former Party concerning liability for contributions shall apply to him as if he were employed in its territory.

(3) Subject to paragraphs (1) and (2), where a person is employed in a diplomatic mission or consular post of one Party in the territory of the other Party, or in the private service of a member of such a mission or post, the legislation of the latter Party concerning liability for contributions shall apply to him as if he were employed in its territory, unless within three months of the entry into force of this Convention, or within three months of the beginning of the employment in the territory of the latter Party, whichever is the later, he chooses to be insured under the legislation of the former Party, provided that, in the case of the United Kingdom, he had been so insured previously. Where, under this paragraph, a person has the right to choose to be insured under the legislation of the former Party but does not choose to do so, he shall not be liable, nor entitled, to pay contributions under the legislation of the former Party.

Article 8

Modification Provisions

Exceptionally, the competent authorities of the Parties may agree to modify the application of Articles 4 to 7 in respect of particular persons or categories of persons, provided that the persons shall be subject to the legislation of one Party.

(1) Treaty Series No. 19 (1965) Cmnd. 2565.
(2) Treaty Series No. 14 (1973) Cmnd. 5219.