1989 No. 2002

SOCIAL SECURITY

The Social Security (Philippines) Order 1989

Made - - - - *1st November 1989*

Coming into force *1st December 1989*

[Under art. 2 of SI 1995/767 the SSC&B Act 1996 (c. 4), the SSA Act 1992 (c. 5) and the Jobseekers Act 1995 (c. 18) are modified so that the effect can be given to the proposal that any references in the Agreement set out in the Schedule to this Order, to sickness benefit, invalidity benefit or invalidity pension under UK legislation shall include short-term incapacity benefit or long-term incapacity benefit.]

At the Court at Buckingham Palace, the 1st day of November 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas at London on the 27th February 1985 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 the Philippines (hereinafter referred to as "the Convention")**(a)** was signed on behalf of those Governments:

And Whereas by Article 26 of the Convention it is provided that the Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged:

And Whereas the Convention has been ratified by the said Governments and the instruments of ratification were exchanged on 6th October 1989 and, accordingly, the Convention enters into force on 1st December 1989:

And Whereas by section 143 of the Social Security Act 1975**(b)** it is provided that Her Majesty may by Order in Council make provision for modifying or adapting the said Social Security Act in its application to cases affected by agreements with other Governments providing for reciprocity in matters specified in that section:

Now, therefore, Her Majesty, in pursuance of the said section 143 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:-

Citation and commencement

1. This Order may be cited as the Social Security (Philippines) Order 1989 and shall come into force on 1st December 1989.

Modification of the Social Security Act 1975

2. The Social Security Act 1975 shall be modified to such extent as may be required to give effect to the provisions contained in the Convention set out in the Schedule to this Order so far as the same relate to England, Wales and Scotland.

G. I. de Deney
Clerk of the Privy Council

(a) *See* Cmnd. 9560.

(b) 1975 c. 14; subsection (1) of section 143 was amended by section 20(1) of the Social Security (Miscellaneous Provisions) Act 1977 (c. 5) and section 65(2) of and Schedule 11 to the Social Security Act 1986 (c. 50). Subsection (1A) of section 143 was inserted by section 6(1) of the Social Security Act 1981 (c. 33).

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 THE PHILIPPINES

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of the Philippines;

Being resolved to co-operate in the field of social affairs and, in particular, in the matter of social security;

Desirous of promoting the welfare of persons moving between or working in their respective territories;

Desirous of ensuring that persons from both countries shall enjoy equal rights under their respective social security legislation;

Desirous of making arrangements for insurance periods completed under the legislation of the Contracting Parties to be added together for the purpose of determining the right to receive benefit;

Desirous further of making arrangements enabling persons moving between their respective territories to keep the rights which they have acquired under the legislation of the one Party or to enjoy corresponding rights under the legislation of the other;

Have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1

(1) For the purpose of this Convention:

(a) "the Philippines" means the Republic of the Philippines;

(b) "legislation" means, in relation to a Party, such of the legislation specified in Article 2 of this Convention as applies in the territory of that Party or in any part thereof;

(c) "competent authority" means the authority responsible for the social security schemes in all or part of the territory of each Party; in relation to the Philippines, the Social Security System, and, in relation to the United Kingdom, the Secretary of State for Social Services*, the Department of Health and Social Services for Northern Ireland or the Isle of Man Board of Social Security, as the case may require;

**By virtue of article 3(4) of S.I. 1988/1843, the reference to the Secretary of State for Social Services has effect (28.11.88) as a reference to the Secretary of State for Social Security.*

(d) "insurance authority" means the authority competent to decide entitlement to the benefit in question;

(e) "competent institution" means the authority from which the person concerned is entitled to receive benefit or would be entitled to receive benefit if he were resident in the territory of the Party where that authority is situated;

(f) "insured" means, in relation to the Philippines, that contributions have been paid, or are payable by, or are considered to have been paid in respect of, the person concerned, and, 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;

(g) "insurance period" means, in relation to the Philippines, a contribution period, and, in relation to the United Kingdom, a contribution period or an equivalent period;

(h) "contribution period" means a period in respect of which contributions appropriate to the benefit in question are payable, have been paid or treated as paid under the legislation in question;

(i) "equivalent period" means, in relation to other United Kingdom, a period for which contributions appropriate to the benefit in question have been credited under the legislation of that Party;

(j) "dependant" means a person who would be treated as such for the purpose of any claim for an increase of benefit in respect of a dependant under the legislation concerned;

(k) "pension" or "benefit" includes any increase of, or any additional amount payable with, a pension or benefit, respectively;

(l) "invalidity pension" means, in relation to the Philippines, a disability benefit, payable to a person who is totally or partially disabled, other than a disability pension payable in respect of disablement resulting from an industrial accident or disease;

(m) "old age pension" means, in relation to the United Kingdom, a retirement pension payable under the legislation of that Party;

(n) "survivor's benefit" means, in relation to the Philippines, a survivor's pension other than a lump sum payment, and, in relation to the United Kingdom, a widow's allowance, widowed mother's allowance and widow's pension payable under the legislation of that Party;

(o) "industrial disablement pension" means a pension or benefit payable to a person for loss of physical or mental faculty as a result of n accident or disease arising out of and in the course of employment, other than a mobility allowance payable under the legislation of the United Kingdom;

(p) "benefit for industrial accidents and diseases" includes, in relation to the United Kingdom, sickness benefit or invalidity pension where either of these is payable under the legislation of that Party in respect of an industrial accident or an industrial disease;

(q) "gainfully occupied" means being an employed or self-employed person;

(r) "employed person" means a person who comes within the definition of an employed person or of an employed earner or a person who is treated as such in the applicable legislation and the words "person is employed" shall be construed accordingly;

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

(t) "self-employed person" means a person who comes within the definition of a self-employed person or of a self-employed earner or a person who is treated as such in the applicable legislation and the words "person is self-employed" shall be construed accordingly.

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

(3) The present Convention applies also to the Isle of Man and references to

"the United Kingdom" or to "territory" in relation to the "United Kingdom" shall be construed accordingly.

Article 2

(1) The provisions of this Convention shall apply,

(a) in relation to the Philippines, to:

(i) Social Security Law (RA 1161, as amended);

(ii) Social Security Commission Resolution of 1981, 1982 and 1984 approved by the President of the Philippines;

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

(i) the Social Security Acts 1975 to 1984 and the Social Security (Northern Ireland) Acts 1975 to 1984;

(ii) the Social Security Acts 1975 to 1984 (Acts or 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 1982 (an Act of Tynwald);

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

(2) Subject to the provisions of paragraphs (3), (4) and (5) of this Article, this Convention shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) This Convention shall apply, unless the Parties agree otherwise, only to benefits described in the legislation specified in paragraph (1) of this Article at the date of coming into force of this Convention and for which specific provision is made in this Convention.

(4) This Convention shall apply to any legislation which relates to a branch of social security not covered by the legislation specified in paragraph (1) of this Article only if the two Parties make an agreement to that effect.

(5) This Convention shall not apply to legislation on social security of the Institutions of the European Communities nor to any convention on social security which either Party has concluded with a third party nor to any laws or regulations which amend the legislation specified in paragraph (1) of this Article for the purpose of giving effect to such a convention but shall not prevent either Party from taking into account under its legislation the provisions of any other convention which that Party has concluded with a third party.

Article 3

A person subject to the legislation of one Party who becomes resident in the territory of the other Party shall, together with his dependants, be subject to the obligations and shall enjoy the advantages of the legislation of the other Party under the same conditions as a national of that Party, subject to any special provision of this Convention.

Article 4

(1) Subject to the provisions of paragraph (2) of this Article, a person who would be entitled to receive an old age pension, survivor's benefit, or an industrial disablement pension under the legislation of one Party if he were in the territory of that party shall be entitled to receive that pension or benefit while he is in the territory of the other Party, as if he were in the territory of the former Party.

(2) A person who is entitled to receive an old age pension or survivor's benefit under the legislation of the United Kingdom and who would be entitled to an

increase in the rate of that pension or benefit if he were in the territory of that Party shall, after the date of coming into force of this Convention, be entitled to receive any such increase prescribed on or after that date by that legislation, if he is in the territory of the Philippines, but nothing in this paragraph shall confer entitlement to receive any such increases prescribed before that date by that legislation.

(3) Subject to Article 14 of this Convention, where under the legislation of one Party an increase of any of the benefits for which specific provision is made in this Convention would be payable for a dependant if he were in the territory of that Party, it shall be payable while he is in the territory of the other Party.

PART II

PROVISIONS WHICH DETERMINE THE CONTRIBUTION LEGISLATION APPLICABLE

Article 5

(1) Subject to the following provisions of this Article and the provisions of Articles 6 to 8 of this Convention, where a person is gainfully occupied, his liability to be insured shall be determined under the legislation of the Party in whose territory he is so occupied.

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

(3) Where a person is self-employed in the territory of both Parties for the same period, his liability to be insured shall be determined under the legislation of the Party in whose territory he is ordinarily resident.

(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, his liability to be insured shall be determined only under the legislation of the former Party.

(5) For the purposes of the provisions of paragraphs (3) and (4) of this Article, "liability to be insured"' shall not include liability to pay a Class 4 contribution under the legislation of the United Kingdom.

Article 6

(1) Where a person who is insured under the legislation of one Party and is employed by an employer 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 for the first three years of that employment as if he were employed in the territory of that Party. No contributions shall be payable in respect of his employment under the legislation of the latter Party. Where for unforeseen reasons his employment in the territory of the latter Party continues after such period of three years the legislation of the former Party shall continue to apply to him for any further period of not more than one year, provided that the competent authority of the latter Party agrees thereto before the end of the first period of three years.

(2) Where a person is gainfully occupied in the United Kingdom and the legislation of the Philippines does not apply to him in accordance with paragraph (1) of this Article or Article 5 of this Convention, the legislation of the United Kingdom shall apply to him as if he were ordinarily resident in the United Kingdom.

(3) The following provisions shall apply to any person employed as a member of the travelling personnel of an undertaking engaged in the transport of

passengers or goods by air, whether for another undertaking or in its own account:

(a) subject to the provisions of sub-paragraphs (b) and (c) of this paragraph, where a person is employed by an undertaking which has its principal place of business in the territory of one Party, the legislation of that Party concerning liability for contributions shall apply to him as if he were employed in its territory, even if he is employed in the territory of the other Party;

(b) subject to the provisions of sub-paragraph (c) of this paragraph, where the undertaking has a branch or agency in the territory of one Party and a person is employed by that branch or agency, the legislation of that Party concerning liability for contributions shall apply to him;

(c) where a person is ordinarily resident in the territory of one Party and is employed wholly or mainly in that territory, the legislation of that Party concerning liability for contributions shall apply to him, even if the undertaking which employs him does not have its principal place of business or any branch or agency in that territory.

Article 7

(1) This Convention shall not apply to persons who, by virtue of the Vienna Conventions on Diplomatic or Consular Relations, are exempted from the social security laws of the country in which they are present or resident.

(2) Subject to the provisions of paragraph (1) of this Article, where any person, who is in the Government Service of one Party or in the service of any public corporation of that Party, is employed 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 the provisions of paragraphs (1) and (2) of this Article, 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 an official 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 later, he chooses to be insured under the legislation of the former Party, provided that he was so insured immediately before the commencement of the employment at that mission or post.

Article 8

The competent authorities of the Parties may agree to modify the provisions of Articles 5 to 7 of this Convention in respect of particular persons or categories of persons.

PART III

SPECIAL PROVISIONS

Section 1

Special provisions relating to the application of the legislation of the Philippines and the legislation of the United Kingdom

Article 9

(1) For the purpose of calculating entitlement under the legislation of the

United Kingdom to old age pension in accordance with Article 12 of this Convention or to survivor's benefit in accordance with Article 15, contribution periods completed under the legislation of the Philippines before 6 April 1975 shall be treated as if they had been contribution periods completed under the legislation of the United Kingdom.

(2) For other purpose of calculating entitlement under the legislation of the United Kingdom to old age pension in accordance with Article 12 of this Convention or to survivor's benefit in accordance with Article 15, contribution periods completed as a self-employed person under the legislation of the Philippines after 5 April 1975 shall be treated as if they had been contribution periods completed as a self-employed person under the legislation of the United Kingdom.

(3) Subject to the provisions of Article 11(3) of this Convention, for the purpose of calculating an earnings factor for assessing entitlement under the legislation of the United Kingdom to old age pension in accordance with Article 12 of this Convention or survivor's benefit in accordance with Article 15, a person shall be treated for each week beginning in a relevant tax year commencing on or after 6 April 1975, any part of which week is a contribution period completed as an employed person under the legislation of the Philippines, as having paid a contribution under the legislation of the United Kingdom as an employed earner on earnings equivalent to two-thirds of that year's upper earnings limit.

(4) For the purpose of converting insurance periods completed under the legislation of the United Kingdom before 6 April 1975, each contribution period or equivalent period completed under that legislation shall be treated as if it had been a contribution period completed under the legislation of the Philippines.

(5) For the purpose of converting to an insurance period any earnings factor achieved in any tax year commencing on or after 6 April 1975 under the legislation of the United Kingdom, the competent authority of the United Kingdom shall divide the earnings factor achieved under its legislation by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so calculated, subject to a maximum of the number of weeks during which the person was subject to that legislation in that year, shall be treated as representing the number of weeks in the insurance period completed under that legislation.

(6) Where it is not possible to determine accurately the periods of time in which certain insurance periods were completed under the legislation of one Party, such periods shall be treated as if they did not overlap with insurance periods completed under the legislation of the other Party, but they shall be taken into account to the best advantage of the beneficiary.

Section 2

Invalidity pension

Article 10

For the purpose of a claim for invalidity pension under the legislation of the Philippines by a person ordinarily resident in the territory of that Party who would not otherwise be entitled to receive that pension because of his failure to satisfy the contribution conditions applicable to that pension, contribution periods completed by that person as an employed or a self-employed person under the legislation of the United Kingdom shall be treated in accordance with Article 9 of this Convention as if they were contribution periods completed under the legislation of the Philippines.

Section 3

Old age pension and survivor's benefit

Article 11

(1) Subject to the provisions of paragraph (2) and (4) of this Article, where a person is entitled to an old age pension under the legislation of one Party otherwise than by virtue of the provisions of this Convention, that pension shall be payable and the provisions of Article 12 of this Convention shall not apply under that legislation.

Words in art. 11(2) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

(2) For the purpose of this Article, "old age pension" shall not include a Category B retirement pension payable to a ▶married person or civil partner◀; under the legislation of the United Kingdom by virtue of the contributions of ▸his or her spouse or civil partner◂.

(3) For the purpose of determining entitlement to additional component payable under the legislation of the United Kingdom, no account shall be taken of any contribution period completed under the legislation of the Philippines and for the purpose of this Article and Article 12 of this Convention additional component shall be treated as a separate benefit to which the provisions of Article 12 do not apply.

Under s. 18(1) of the Social Security Act 1986 (c. 50), references to "additional component" of a long-term benefit under G.B. legislation are to be read instead as references to "additional pension".

(4) Entitlement to an old age pension in the circumstances referred to in paragraph (1) of this Article shall not preclude either party from taking into account in accordance with Article 12(3) of this Convention insurance periods completed under the legislation of the other Party.

Article 12

(1) The provisions of this Article shall apply for the purpose of determining entitlement to old age pension in respect of a person under the legislation of one Party under which there is no entitlement in respect of that person in accordance with the provisions of Article 11 of this Convention.

(2) In accordance with the provisions of Article 9 of this Convention, the insurance authority of that Party shall determine:

(a) the amount of the theoretical pension which would be payable if all the insurance periods completed by that person under the legislation of both Parties had been completed under its own legislation;
(b) the proportion of such theoretical pension which bears the same relation to the whole as the total of the insurance periods completed by him under the legislation of that Party bears to the total of all the insurance periods which he has completed under the legislation of both Parties.

The proportionate amount thus calculated shall be the rate of pension actually payable to that person by the competent institution.

(3) For the purpose of the calculation in paragraph (2) of this Article:

(a) where all the insurance periods completed by any person under the legislation of the United Kingdom amount to less than one reckonable or, as the case may be, qualifying year, or relate only to periods before 6 April 1975 and in aggregate amount to less than 50 weeks, those periods shall be treated as if they had been completed under the legislation of the Philippines;
(b) where all the insurance periods completed by any person under the legislation of the Philippines amount to less than twelve months, those periods shall be treated as if they had been completed under the legislation of the United Kingdom.

(4) For the purpose of applying the provisions of paragraph (2) of this Article:

(a) the insurance authority of the United Kingdom shall take account only of insurance periods (completed under the legislation of either Party) which would be taken into account for the determination of pensions under the legislation of the United Kingdom if they were completed under that legislation, and shall, where appropriate, take into account in accordance with that legislation insurance periods completed by a ►spouse or civil partner◄;

Words in art. 12(4)(a) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

(b) no account shall be taken of any graduated contributions paid under the legislation of the United Kingdom before 6 April 1975 and the amount of any graduated benefit payable by virtue of such contributions shall be added to the amount of any pension payable in accordance with paragraph (2) of this Article under that legislation:

(c) no account shall be taken under the legislation of the United Kingdom of any increase of benefit payable under that legislation by virtue of deferred retirement, but any such increase of benefit payable under that legislation shall be added to any benefit payable under that legislation which has been calculated under paragraph (2) of this Article;

(d) for the purpose of applying the provisions of paragraph (2) of this Article, "pension" shall not include any increase payable in respect of a dependent child, but any such increase shall be added to any benefit payable by virtue of the calculation under paragraph (2) of this Article, subject to any limitations provided in Article 14 of this Convention;

(e) where a compulsory insurance period completed under the legislation of one Party coincides with a voluntary insurance period completed under the legislation of the other Party, only the compulsory insurance period shall be taken into account, provided that the amount of pension payable under the legislation of the United Kingdom under the provisions of paragraph (2) of this Article shall be increased by the amount by which the pension payable under the legislation of that Party would have been increased if all voluntary contributions paid under that legislation had been taken into account;

(f) where a contribution period other than a voluntary contribution period completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the other Party, only the contribution period shall be taken into account;

(g) no account shall be taken under the legislation of the United Kingdom of any invalidity allowance payable under that legislation and the amount of any invalidity allowance shall be added to the amount of any pension payable in accordance with paragraph (2) of this Article under that legislation.

(5) For the purpose of applying the provisions of paragraphs (1) to (4) of this Article, no account shall be taken under the legislation of the Philippines of any contribution paid or credited under the legislation of the United Kingdom for any contribution year which ended before 1 September 1957.

Article 13

Where a person does not simultaneously satisfy the conditions for entitlement to an old age pension under the legislation of both Parties, his entitlement under the legislation of one Party shall be established as and when he satisfies the conditions laid down by the legislation of that party. The provisions of Article 12 of this Convention shall be applied where there is no entitlement under the provisions of Article 11 of this Convention to an old age pension under the legislation of that Party and his entitlement shall be determined afresh under those provisions when the conditions under the legislation of the other Party are satisfied.

Article 14

(1) The provisions of this Article shall apply to any increase of or supplement to an old age pension under the legislation of either Party in respect of a dependent child or dependent children.

(2) Such increase or supplement shall be payable in accordance with the following provisions:

(a) where the person is entitled to an old age pension only under the legislation of one Party, the increase or supplement shall be payable under the legislation of that Party;

(b) where the person is entitled to an old age pension under the legislation of both Parties, the increase or supplement shall be payable only under the legislation of the Party in whose territory he is ordinarily resident.

Article 15

(1) The provisions contained in Articles 11 to 14 of this Convention shall apply, with such modifications as the differing nature of the benefits shall require, to survivor's benefit.

(2) Where survivor's benefit would be payable under the legislation of one Party if a child were in the territory of that Party, that benefit shall be payable while the child is in the territory of the other Party.

Section 4

Benefits for industrial accidents and diseases

Article 16

Where a person is employed in the territory of one Party and the legislation of the other Party applies to him in accordance with any of the provisions of Articles 5 to 8 of this Convention, he shall be treated under that legislation for the purpose of any claim for benefit in respect of an industrial accident or an industrial disease contracted during that employment, as if the accident had occurred or the disease had been contracted in the territory of the latter party. Where benefit would be payable in respect of that claim if the person were in the territory of the latter Party, it shall be payable while he is in the territory of the former Party, but while such benefit is so payable, no benefit shall be payable in respect of that accident or disease under the legislation of the Party in whose territory the accident or disease occurred.

Section 5

Recovery of advance payments and overpayments of benefit

Article 17

(1) Where a competent institution of one Part has made a payment of any benefit to a person for any period in advance of the period to which it relates or has paid him any benefit for a period, whether by virtue of the provisions of this Convention, or otherwise, and the insurance authority of the other Party afterwards decides that the person is entitled to benefit for that period under its legislation, the competent institution of the latter Party, at the request of the competent institution of the former Party, shall deduct from the benefit due for that period under its legislation any overpayment which, by virtue of the provisions of this Convention, results from the advance payment of benefit paid

by the competent institution of the former Party and shall transmit this sum to the competent institution of the former Party.

(2) Where a person has received supplementary benefit under the legislation of the United Kingdom for a period for which that person subsequently becomes entitled to any benefit under the legislation of the Philippines, the competent institution of the Philippines, at the request of and on behalf of the competent institution of the United Kingdom, shall withhold from the benefit due for that period the amount by which the supplementary benefit paid exceeded what would have been paid had the benefit under the legislation of the Philippines been paid before the amount of supplementary benefit was determined, and shall transfer the amount withheld to the competent institution of the United Kingdom.

PART IV

MISCELLANEOUS PROVISIONS

Article 18

(1) The competent authorities of the two Parties shall establish the administrative measures necessary for the application of this Convention.

(2) The competent authorities of the two Parties shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Convention or about changes in their national legislation in so far as these changes affect the application of the provisions of this convention.

(3) The competent authorities, insurance authorities or competent institutions of the two Parties may, for the purpose of applying the provisions of this Convention, correspond directly with one another, or with any person affected by this Convention, or with his legal representative.

(4) For the purpose of facilitating the implementation of the provisions of this Convention, liaison officers shall be nominated.

Article 19

(1) The competent authorities, insurance authorities and competent institutions of the two Parties shall assist one another on any matter relating to the application of this Convention as if the matter were one affecting the application of their own legislation. This assistance shall be free of charge.

(2) Where any benefit is payable under the legislation of one Party to a person in the territory of the other Party, the payment may be made by the competent institution of the latter party, at the request of the competent institution of the former Party.

(3) Where a person who is in the territory of one Party has claimed benefit under the legislation of the other Party and a medical examination is necessary, the competent institution of the former Party, at the request of the competent institution of the latter Party, shall arrange for this examination. The cost of such examination shall be met by the competent institution of the former Party.

Article 20

(1) Where the legislation of one Party provides that any certificate or other document which is submitted under the legislation of that Party shall be exempt,

wholly or partly, from any taxes, legal dues, consular fees or administrative charges, that exemption shall apply to any certificate or other document which is submitted under the legislation of the other Party or under the provisions of this Convention.

(2) All statements, documents and certificates of any kind required to be produced for the purposes of this Convention shall not require authentication by diplomatic or consular authorities.

Article 21

No certificate, document or statement of any kind written in an official language of either party shall be rejected on the ground that it is written in a foreign language.

Article 22

(1) Any claim, notice or appeal which should, for the purpose of the legislation of one Party, have been submitted within a prescribed period to the insurance authority or the competent authority of that Party, shall be treated as if it had been submitted to that insurance authority or competent authority if it is submitted within the same period to an insurance authority or competent authority of the other Party.

(2) Any claim for benefit submitted under the legislation of one Party shall be deemed to be a claim for the corresponding benefit under the legislation of the other Party in so far as this corresponding benefit is payable in accordance with the provisions of this Convention.

(3) A document submitted under the legislation of the Philippines may, where appropriate, be treated by the insurance authority of the United Kingdom as a notice of retirement given under the legislation of the United Kingdom.

(4) In any case to which the provisions of paragraphs (1), (2) or (3) of this Article apply, the authority to which the claim, notice, appeal or document has been submitted shall transmit it without delay to the competent authority or insurance authority of the other Party.

Article 23

(1) Payment of any benefit in accordance with the provisions of this Convention may be made in the currency of the Party whose competent institution makes the payment and any such payment shall constitute a full discharge of the obligation in respect of which payment has been made.

(2) Where the competent institution of one Party has made a payment of benefit on behalf of the competent institution of the other Party in accordance with the provisions of Article 19(2) of this Convention, any reimbursement of the amounts paid by the competent institution of the former Party shall be in the currency of the latter Party.

Article 24

(1) Any dispute between the competent authorities of the two Parties about the interpretation or application of this Convention shall be resolved through agreement between those authorities.

(2) If any such dispute cannot be resolved in this manner, it shall be submitted, at the request of either Party, to an arbitration tribunal which shall be composed in the following manner:

(a) each Party shall appoint an arbitrator within one month from receipt of the demand for arbitration. The two arbitrators shall appoint a third arbitrator, who shall not be a national of either Party, within two

months from the date on which the Party which was the last to appoint its arbitrator has notified the other Party of the appointment;

(b) if within the prescribed period either Party should fail to appoint an arbitrator, the other Party may request the President of the International Court of Justice or, in the even of his having the nationality of one of the Parties, the Vice-President or next senior judge of that Court not having the nationality of either Party, to make the appointment. A similar procedure shall be adopted at the request of either Party if the two arbitrators cannot agree on the appointment of the third arbitrator.

(3) The decision of the arbitration tribunal shall be by majority vote. Its decision shall be binding on both Parties. The costs of the administration tribunal shall be borne equally by the two Parties. The arbitration tribunal shall determine its own rules of procedure.

PART V

TRANSITIONAL AND FINAL PROVISIONS

Article 25

(1) For the purpose of determining the claims in accordance with the provisions of this Convention, account shall be taken if insurance periods and periods completed before the date of its entry into force subject to the provisions of Article 12(5).

(2) Paragraph (1) of this Article shall not confer any right to receive payment of benefit for any period before the date of the entry into force of this Convention.

(3) For the purpose of applying paragraph (1) of this Article, any right to benefit may, at the request of the person concerned, be determined afresh in accordance with the provisions of this Convention from the date of entry into force of this Convention, provided that the request has been made within two years after that date. Where the request for the benefit to be determined afresh is made more than two years after the date of entry into force of this Convention, payment shall be made from the date determined under the legislation concerned.

Article 26

This Convention shall be ratified and the instruments of ratification shall be exchanged in Manila as soon as possible. The Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

Article 27

This Convention shall remain in force for an indefinite period. Either Party may denounce it at any time by giving six months' notice in writing to the other Party.

Article 28

In the event of the termination of this Convention, any right to benefit acquired by a person in accordance with its provisions shall be maintained and negotiations shall take place for the settlement of any other rights then in course of acquisition by virtue of its provisions.

PHILIPPINES
SOCIAL SECURITY (PHILIPPINES) ORDER 1989

In witness whereof the undersigned, duly authorized by their respective Governments, have signed this Convention.

Done in duplicate at London this 27th day of February 1985.

For the Government of the United Kingdom of Great Britain and Northern Ireland:	For the Government of the Republic of the Philippines:
Richard Luce	*Gilbert Teodoro*

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order makes provision for the modification of the Social Security Act 1975 so as to give effect to the Convention on social security (set out in the Schedule) made between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of the Philippines. The Convention covers United Kingdom benefits for old age, survivors ►widow's, widower's and surviving civil partner's◄ and industrial accidents and corresponding benefits under the social security scheme in the Philippines.

Words in explanatory note substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

Rules are laid down for employers who send their employees to work temporarily in the other country; the rules prevent simultaneous liability for national insurance contributions in both countries and there is provision for persons who have worked and paid contributions in both countries to have those contributions aggregated when determining their right to benefit.