



Treaty Series No. 38 (1978)

# Exchange of Letters

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of Canada

further modifying the Arrangements of  
1959 on Social Security

Ottawa, 10 November 1977

[The Exchange of Letters entered into force on 15 November 1977]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
May 1978*

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**EXCHANGE OF LETTERS  
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND AND  
THE GOVERNMENT OF CANADA FURTHER MODIFYING  
THE ARRANGEMENTS OF 1959 ON  
SOCIAL SECURITY**

No. 1

*The United Kingdom High Commissioner at Ottawa to the  
Minister of National Health and Welfare of Canada*

*British High Commission,  
Ottawa.*

My dear Minister,

10 November 1977.

1. As you know, our officials have been considering whether the arrangements concerning social security agreed in the letters which passed between the Governments of the United Kingdom and Canada on 8 and 10 December 1959<sup>(1)</sup>, as amended by the Exchanges of Letters of 7 and 30 November 1961<sup>(2)</sup> and 9 March 1973<sup>(3)</sup> require to be modified in view of the recent changes made in Canadian social security legislation.

2. The Government of the United Kingdom now proposes that:

- (a) In respect of persons who have been awarded a retirement pension under the legislation of the United Kingdom commencing before 1 July 1977 by reliance in whole or in part on the provisions of paragraph 16 of Sir Saville Garner's letter of 8 December 1959 (which, in certain circumstances, enable persons to be treated as having paid contributions under British legislation for weeks of residence in Canada), and who on or after 1 July 1977 are in receipt of an old age security pension under the legislation of Canada, the weekly rate of that retirement pension which, but for the provisions of this paragraph, would be payable shall, with effect from 15 November 1977 or the first day of payment of the old age security pension, whichever is later, be reduced by a sum equal to the weekly rate of that old age security pension payable in respect of the first week of payment as converted into the sterling equivalent at the rate of exchange obtaining on the first day of that week. Revision of the amount of reduction shall be on the first or only date in every year, beginning on or after 1 January 1978, on which the said retirement pension under the legislation of the United Kingdom is increased in accordance with an up-rating order, and the amount of reduction shall be a sum equal to the weekly rate of the said old age security payable in

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<sup>(1)</sup> Cmnd. 925.

<sup>(2)</sup> Cmnd. 1620.

<sup>(3)</sup> Treaty Series No. 48 (1973), Cmnd. 5292.

respect of the week in which that day falls as converted into the sterling equivalent at the rate of exchange obtaining on that day. The provisions of this sub-paragraph shall not, however, operate so as to reduce the aggregate of pensions payable to an amount less than the amount of retirement pension which would have been payable under the legislation of the United Kingdom but for those provisions.

- (b) In respect of persons who, on or after 1 July 1977, are or have been awarded a retirement pension under the legislation of the United Kingdom by virtue of the provisions of the said paragraph 16, and who on a day falling after 30 June 1977 either are in receipt of an old age security pension under the legislation of Canada or have lived in Canada for 20 or more years in aggregate since age 18, the provisions of the said paragraph 16 shall not apply with effect from that day or 15 November 1977, whichever is the later.

3. The Government of the United Kingdom proposes that the Government of Canada shall provide the Government of the United Kingdom with information as to claimants resident in the United Kingdom in receipt of benefits under the old age security Act, and that the Government of the United Kingdom shall provide the Government of Canada with information as to claimants resident in Canada in receipt of retirement pension under the legislation of the United Kingdom.

4. The Government of the United Kingdom proposes that this modification of the arrangements to which I have referred shall enter into force on 15 November 1977 and shall thereafter be treated as if it were part of those arrangements.

Yours sincerely,

J. B. JOHNSTON

*High Commissioner*

No. 2

*The Minister of National Health and Welfare of Canada to the  
United Kingdom High Commissioner at Ottawa*

*Ottawa.*

My dear High Commissioner:

*November 10, 1977.*

I have the honour to acknowledge receipt of your letter of 10 November 1977, which reads as follows:

[As in No. 1]

I have the honour to inform you that these proposals are acceptable to the Government of Canada and that they agree that your letter and this reply shall be treated from 15 November 1977 as part of the arrangements to which you referred.

Yours truly,

MONIQUE BÉGIN.