1977 No. 1873

SOCIAL SECURITY

The Social Security (Canada) Order 1977

Made - - - - 15*th November* 1977

Coming into Operation 15*th November* 1977

At the Court at Buckingham Palace, the 15th day of November 1977

Present,

The Queen's Most Excellent Majesty in Council

Whereas on 8th and 10th December 1959 Letters were exchanged on behalf of the Governments of the United Kingdom and Canada providing for reciprocal treatment in relation to family allowances and unemployment and old age insurance, and effect was given thereto by the Family Allowances and National Insurance (Canada) Order 1959(**a**):

And Whereas those provisions were modified by Letters exchanged on behalf of those Governments on 7th and 30th November 1961 and 9th March 1973, and effect was given thereto by respectively the National Insurance (Canada) Order 1962(**b**) and the National Insurance (Canada) Order 1973(**c**):

And Whereas those provisions as so modified are further modified by the Letters exchanged on behalf of those Governments on 11th November 1977 (which Letters are set out in the Schedule hereto):

And Whereas it is provided that that further modification shall enter into force on 15th November 1977:

And Whereas by virtue of section 2 of, and paragraph 13 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(**d**) it is provided that any Order in Council made under section 105 of the National Insurance Act 1965(**e**) shall have effect as if made under section 143 of the Social Security Act 1975(**f**):

And Whereas by section 166(4) of the Social Security Act 1975 a power conferred by that Act to make an Order in Council includes a power to vary any such Order in Council by a subsequent Order in Council:

Now, therefore, Her Majesty, in pursuance of the said section 143 and the said section 166(4) 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, commencement and interpretation

1.—(1) This Order may be cited as the Social Security (Canada) Order 1977 and shall come into operation on 15th November 1977.

(**a**) S.I. 1959/2216 (1959 II, p. 1898).
(**b**) S.I. 1962/173 (1962 I, p. 181).
(**c**) S.I. 1973/763 (1973 I, p. 2425).
(**d**) 1975 c. 18.
(**e**) 1965 c. 51.
(**f**) 1975 c. 14.

(2) Any reference in this Order to any provision made by, or contained in, any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument, and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**a**) shall apply for the purposes of the interpretation of this Order as they apply for the interpretation of an Act of Parliament.

Modification of Act and Variation of Order

2. The Social Security Act 1975 shall be modified and the Family Allowances and National Insurance (Canada) Order 1959 shall be varied to such extent as may be required to give effect to the provisions contained in the Letters set out in the Schedule to this Order, so far as the same relate to England, Wales and Scotland.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE

LETTERS EXCHANGED ON 11TH NOVEMBER 1977 BETWEEN THE HIGH COMMISSIONER FOR THE UNITED KINGDOM IN CANADA AND THE CANADIAN MINISTER OF HEALTH AND WELFARE

No. 1

THE HIGH COMMISSIONER FOR THE UNITED KINGDOM IN CANADA TO THE CANADIAN MINISTER OF HEALTH AND WELFARE

11th 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 8th and 10th December 1959, as amended by the exchanges of letters of 7th and 30th November 1961 and 9th March 1973 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 1st July 1977 by reliance in whole or in part on the provisions of paragraph 16 of Sir Saville Garner's letter of 8th 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 1st 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

(**a**) 1889 c. 63.

this paragraph, would be payable shall, with effect from 15th 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 1st 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 pension payable in 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 1st 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 30th 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 15th 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 15th November 1977 and shall thereafter be treated as if it were part of those arrangements.

John Johnston.

No. 2

THE CANADIAN MINISTER OF HEALTH AND WELFARE TO THE HIGH COMMISSIONER FOR THE UNITED KINGDOM IN CANADA

11th November 1977

I have the honour to acknowledge receipt of your letter of 11th November 1977 which reads as follows:—

[*The Letter here sets out the text of 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 15th November 1977 as part of the arrangements to which you referred.

Monique Begin.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for modification of social security legislation so as to give effect to the provisions contained in the Letters (set out in the Schedule) exchanged between the Governments of the United Kingdom and Canada on 11th November 1977, which further modify those relating to old age insurance contained in the Exchange of Letters set out in the Schedule to the Family Allowances and National Insurance (Canada) Order 1959.

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