

Article VII

Definition of Certain Periods of Residence with Respect to the Legislation of Canada

For the purpose of calculating the amount of benefits under the Old Age Security Act:

- (a) if a person is subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada during any period of residence in the territory of Malta, that period shall be considered as a period of residence in Canada for that person as well as for that person's spouse and dependants who reside with him or her and who are not subject to the legislation of Malta by reason of employment;
- (b) if a person is subject to the legislation of Malta during any period of residence in the territory of Canada, that period shall not be considered as a period of residence in Canada for that person and for that person's spouse and dependants who reside with him or her and who are not subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada by reason of employment.

PART III

PROVISIONS CONCERNING BENEFITS

CHAPTER 1

TOTALIZING

Article VIII

Periods under the Legislation of Canada and Malta

1. Subject to paragraph 5, if a person is not entitled to a benefit because he or she has not completed sufficient creditable periods under the legislation of a Party, entitlement to that benefit shall be determined by totalizing these periods and those specified in paragraphs 2, 3 and 4 of this Article, provided that the periods do not overlap.
2. (a) For purposes of determining entitlement to a benefit under the Old Age Security Act of Canada, a creditable period under the legislation of Malta or a period of residence in the territory of Malta, after the age at which periods of residence in Canada are creditable for purposes of that Act, shall be considered as a period of residence in the territory of Canada.