

**ARTICLE 10****Definition of Certain Periods of Residence under the Legislation of Canada**

1. For the purposes of 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 presence or residence in the People's Republic of China, that period is considered a period of residence in Canada for that person; it is also considered to be a period of residence in Canada for that person's spouse or common-law partner and dependants who reside with that person and who are not subject to the legislation of the People's Republic of China by reason of employment or self-employment;
  - (b) if a person is subject to the legislation of the People's Republic of China during any period of presence or residence in Canada, that period for that person, and for that person's spouse or common-law partner and dependants who reside with that person will be determined according to the provisions of Canadian legislation.
2. For the purposes of paragraph 1, Canada:
  - (a) shall consider that a person is subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada during a period of presence or residence in the People's Republic of China only if during that period that person makes contributions pursuant to the plan concerned by reason of employment or self-employment;
  - (b) shall consider that a person is subject to the legislation of the People's Republic of China during a period of presence or residence in Canada only if during that period that person makes compulsory contributions pursuant to that legislation by reason of employment or self-employment.