

(2) the employer's name and address and the number assigned to him for taxation purposes;

(3) the employee's pay period;

(4) per pay period, the number of regular working hours without taking account of reduced time, the amount of the remuneration that the employee receives for his reduced-time work, the amount of remuneration that is to be considered as having been paid to him and the number of hours by which his working time is reduced;

(5) the beginning and ending dates of the agreement;

3. The employee or the employer shall inform the Régie of any change in the circumstances that, by virtue of section 1, are conditions of the agreement or in the information referred to in section 2.

4. The agreement automatically ceases to have effect in the first pay period that follows the pay period during which one of the following situations occurs:

(1) any condition prescribed in section 1 is no longer met;

(2) the amount of the remuneration that is to be considered as having been paid to the employee is changed;

(3) the employee becomes, in accordance with the Act respecting the Québec Pension Plan, the beneficiary of a disability pension or a retirement pension.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1937

Gouvernement du Québec

O.C. 1681-97, 17 December 1997

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Supplemental pension plans — Amendments

In the matter of the Regulation to amend the Regulation respecting supplemental pension plans

WHEREAS in accordance with subparagraphs 1, 3.1, 3.2, 4, 6 and 14 of the first paragraph of section 244 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1; 1997, c. 19, s. 16), amended by the Act to amend the Act

respecting the Québec Pension Plan and the Supplemental Pension Plans Act in order to facilitate phased retirement and early retirement (1997, c. 19), the Régie des rentes du Québec may, by regulation:

— determine the form and content of any document, certificate or attestation prescribed by the Act and the regulations;

— determine the rules applicable to the establishment of the benefits of the member to whom a benefit has been paid under section 69.1 of the Act;

— determine, for the purposes of section 91.1 of the Act, under what conditions a pension may be replaced by a temporary pension;

— determine, for the purposes of section 92 of the Act, under what conditions a pension may be replaced, the terms and conditions of the replacement pension contract and the methods, assumptions, rules or factors applicable in computing the maximum annual amount of pension;

— determine, for the purposes of section 98 or 100 of the Act, the plans or annuity contracts not governed by the Act that are included in the expression — pension plan — and the norms applicable to such plans or contracts, or make all or part of the Act or the regulations applicable to them;

— prescribe the fees payable for the financing of expenses incurred by the Régie for the administration of the Act and the regulations and for any formality prescribed by the Act or the regulations, including additional fees, not greater than twice the original fee, which may be imposed as an overdue charge;

WHEREAS in accordance with section 312 of the Act, the Régie may, by regulation, make any transitional provisions to ensure application of the Act;

WHEREAS, on 19 June 1997, the Régie adopted the Regulation to amend the Regulation respecting supplemental pension plans;

WHEREAS the provisions of the Act to amend the Act respecting the Québec Pension Plan and the Supplemental Pension Plans Act in order to facilitate phased retirement and early retirement amending the Supplemental Pension Plans Act came into force on 5 June 1997 except section 11 which will come into force on 1 January 1998;

WHEREAS pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation at-

tached to this order was published in Part 2 of the *Gazette officielle du Québec* on 3 September 1997 together with a notice indicating that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, on 14 November 1997, the Régie made the Regulation, with amendments that take into account the commentaries made by interested persons;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Employment and Solidarity:

THAT the Regulation to amend the Regulation respecting supplemental pension plans, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting supplemental pension plans*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 244, 1st para., subpars. 1, 3.1, 3.2, 4, 6 and 14 and s. 312; 1997, c. 19, s. 16)

1. The Regulation respecting supplemental pension plans is amended by replacing section 14 with the following section:

“**14.** In case of failure to produce a document referred to in section 12, additional fees shall be paid to the Régie for each full month of delay and such fees shall be equal to 10 % of the fees initially due under that section, to a maximum of the fees initially due.

In case of failure to pay the fees that must accompany a document referred to in section 12, additional fees shall be paid to the Régie for each full month of delay and such fees shall be equal to 10 % of the balance owing, to a maximum of the balance owing. However, no additional fees are due pursuant to this paragraph with respect to a month for which additional fees must be paid in accordance with the first paragraph.”

* The last amendment to the Regulation respecting supplemental pension plans, approved by Order in Council 1158-90, dated 8 August 1990 (*G.O.* 1990, 2, 3246), was made by the regulation approved by Order in Council 1465-95, dated 8 November 1995 (*G.O.* 1995, 2, 4738). For subsequent amendments see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1997, updated to 1 March 1997.

2. The Regulation is amended by inserting after section 14 the following section:

“**14.1.** The application for registration of a standard contract for a life income fund or a locked-in retirement account must be accompanied with payment of a fee of \$1 000. The application for registration of an amendment to such a contract must be accompanied with payment of a fee of \$250.”

3. The Regulation is amended by inserting after section 15 the following divisions:

“DIVISION II.1 MEMBER BENEFITS AND PAYMENT OF AN EARLY BENEFIT

15.1. Unless provisions of the pension plan provide otherwise, payment of the early benefit referred to in section 69.1 of the Act is made from the benefits of the member that, accumulated as refunds or benefits, are related to amounts credited to the member’s account as contributions paid, assets transferred and interest on such contributions and assets but that have not yet been used to provide a benefit.

15.2. Where payment of the early benefit referred to in section 69.1 of the Act is made from the benefits referred to in section 15.1, the value of such benefits, determined as at the date of payment, is reduced by the amount of the benefit paid.

15.3. Where payment of the early benefit referred to in section 69.1 of the Act is made from pension plan benefits accumulated by the member that are not referred to in section 15.1, the pension committee shall determine the amount of the portion of the normal pension that would have been payable to the member at the normal retirement age and that is equivalent to the benefit paid.

That amount, as well as the value of the benefits referred to in subparagraph 3 of the first paragraph of section 69.1 of the Act, shall be determined, as at the date of payment, according to the conditions or characteristics provided for the normal pension and according to actuarial assumptions and methods, other than those related to early or postponed payment of the pension that are identical to those which, as at that date, are used to determine the value of the other benefits to which section 60 of the Act applies and to which entitlement is vested as at that date.

The benefits referred to in the first paragraph are then reduced in the following manner:

(1) The pension paid is reduced either by the amount determined in the second paragraph or, if its requirements and characteristics, with the exception of those related to early or postponed payment, are different from those used to determine such amount or, if its payment begins on a date other than that of the normal retirement age, by a sum equivalent to such amount;

(2) any other benefit, excluding the one referred to in section 69.1 of the Act and any refund that are payable to the member are reduced by the value of that portion of the pension of which the valued amount is referred to in the second paragraph.

DIVISION II.2

TEMPORARY PENSION

15.4. A member or spouse is entitled to the replacement of the pension to which he is entitled under a pension plan by the temporary pension referred to in section 91.1 of the Act only if he provides the pension committee with a declaration in conformity with the one prescribed in schedule 0.1.”.

4. The Regulation is amended by inserting after section 16 the following sections:

“**16.1.** A member or spouse who has become entitled to a pension under a defined contribution pension plan or under provisions that, in a defined benefit plan or defined benefit-defined contribution plan, are similar to those of a defined contribution plan is entitled, upon an application to the pension committee accompanied with a declaration in conformity with the one prescribed in schedule 0.2, to replace it, before payment of it begins, by a lump-sum payment under the following conditions:

(1) he is at least 65 years of age;

(2) the total of the sums credited to his account in the retirement savings instruments referred to in schedule 0.2 do not exceed 40 % of the Maximum Pensionable Earnings determined in accordance with the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) for the year in which he applies for the payment.”.

16.2. On application to the pension committee accompanied with a declaration in conformity with the one prescribed in schedule 0.3, a member or spouse at least 55 years of age but less than 65 years of age who has become entitled to a pension under a pension plan is entitled to replace it partially, before it comes into payment, by the payment in a lump sum of an amount equal to “Y” in the following formula:

$$G - W = Y$$

“G” is equal to 40 % of the Maximum Pensionable Earnings determined, for the year in which the application is made, pursuant to the Act Respecting the Québec Pension Plan;

“W” is equal to the total temporary income that the purchaser has received or must receive during the year under a supplemental pension plan subject to or created by law, an annuity purchase contract of which the capital originates directly or not in such plan or a contract establishing a life income fund.

The member or spouse may not make the application provided for in the first paragraph more than once a year.”.

16.3. Sections 15.1 to 15.3 apply, adapted as required, with respect to the allocation of benefits and the determination of residual benefits of the member or spouse to whom a payment referred to in section 16.2 has been paid.”.

5. Section 17 of the Regulation is replaced by the following section:

“**17.** A member or spouse who has become entitled to a pension under a pension plan may replace such pension with a life or temporary annuity purchased with funds from the life income fund referred to in section 18. The exercise of this option involves the transfer to a life income fund of the value of the pension to be replaced.

Unless the pension plan has a more advantageous provision, the pension under the plan is not replaced by an annuity purchased from the funds of a life income fund, unless the pension to be replaced may, under the provisions of the Act, the pension plan or the Regulation, be transferred in whole or in part to another pension plan.”.

6. Section 18 of the Regulation is amended by striking out the words “until the date on which the total balance of the fund is converted into a life pension under which amounts are paid periodically by an insurer”.

7. Section 19 of the Regulation is modified:

(1) by replacing the part of the first paragraph that precedes subparagraph 1 by the following:

“**19.** Replacement of the pension referred to in section 92 of the Act by a life pension is authorized only where the provisions of the contract establishing the life income fund are in conformity with provisions of the standard contract previously registered with the Régie that provide:”;

(2) by inserting the following subparagraph before subparagraph 1 of the first paragraph:

“(0.1) that the only amounts that may be transferred to a life income fund are amounts coming directly or initially from the fund of a pension plan subject to the Act or referred to in subparagraphs 1, 2, 4 or 5 of section 28, or another life income fund;”;

(3) by striking out in subparagraph 1 the words “the payment of the income to the purchaser must begin not later than during the second fiscal year of the fund;”;

(4) by replacing subparagraph 2 by the following subparagraph:

“(2) that the amount of the income paid during a fiscal year must, subject to the upper limits referred to in section 20.1 and the lower limit referred to in section 20.2, be set by the purchaser each year, or at another agreed to interval of more than one year if the financial institution guarantees the balance of the fund at the end of that interval and if the purchaser is not entitled to payment of the income in a form other than a life income; such an interval must, in every case, terminate at the end of a fiscal year of the fund;”;

(5) by the replacement of subparagraph 3 by the following subparagraph:

“(3) that the purchaser may require the conversion of the fund balance to a life annuity at any time, unless the agreed to term for the investments has expired;”;

(6) by inserting, after subparagraph 6, the following subparagraph:

“(6.1) that the entire balance of the fund may be paid in a lump-sum to the purchaser upon an application to the financial institution accompanied with a declaration in conformity with the one prescribed in schedule 0.2 under the following conditions:

(a) the purchaser is at least 65 years of age at the end of the year preceding the application;”

(b) the total sums credited to his account in the retirement savings instruments referred to in schedule 0.2 do not exceed 40 % of the Maximum Pensionable Earnings determined in accordance with the Act respecting the Québec Pension Plan for the year in which the purchaser applies for the payment.”

(7) by replacing, in the subparagraph 7, the figure “71” with the figure “69”;

(8) by inserting, after subparagraph 10, the following subparagraph:

“(10.1) that if the income paid to the purchaser during a fiscal year of the fund exceeds the maximum amount that may be paid to him in accordance with the provisions of the contract of the Regulation, the balance of the fund shall be determined without taking into account the payment of the surplus portion, unless such payment is attributable to a false declaration of the purchaser;”

8. The Regulation is amended by inserting, after section 19, the following section:

“**19.1.** The standard contract referred to in section 19 may also provide that the purchaser is entitled to the payment of a temporary income that he determines if he meets the following requirements:

(1) makes an application to the financial institution to that effect, accompanied with a declaration in conformity with the one prescribed in schedule 0.4;

(2) is at least 54 years of age but under 65 years at the end of the year preceding the application.

In such case, the contract must also provide:

(1) that if the payment of a portion of the income is made in the form of a transfer to a retirement savings instrument of which the balance is not to be converted to a life annuity, such portion may not exceed the upper limit referred to in section 20, determined by assuming that the purchaser is not entitled to payment of a temporary pension;

2) that the temporary income may not be paid after the end of the year in which the purchaser reaches 65 years of age.

19.2 The standard contract that includes the provisions referred to in section 19.1 shall provide that the purchaser may receive annually the balance of the fund, in whole or in part, in the form of a temporary income payable in monthly payments, none of which may exceed one twelfth of the difference between the following amounts:

(1) 40 % of the Maximum Pensionable Earnings determined, for the year in which the payment is made, pursuant to the Act respecting the Québec Pension Plan;

(2) 75 % of the purchaser’s income, excluding the income provided for in this section, calculated on an annual basis,

provided the following conditions are met:

— the income of the purchaser for the 12 months that follow, excluding the income provided for in this section, does not exceed the amount referred to in subparagraph 1 hereinbefore;

— the purchaser makes an application to the financial institution to that effect, accompanied with a declaration in conformity to the one prescribed in schedule 0.5 and his written undertaking to request a suspension of payments as soon as his income, excluding the income provided for in this section, reaches the amount referred to in subparagraph 1 hereinbefore.

— the purchaser was less than 54 years of age at the end of the year that precedes his application.

In such case, the contract shall stipulate:

(1) that the income provided for in this section may not be paid to the purchaser where he has requested a suspension of payments nor after the end of the year in which he reaches 54 years of age;

(2) that the purchaser who is entitled to receive the income referred to in this section and who is a member or spouse who has become entitled to a pension under a pension plan may, for the purposes of replacing such pension by a temporary income, apply once a year for the transfer from the pension plan to the life income fund of an amount equal to the lesser of the following amounts:

(a) the additional amount required for the balance of the life income fund to allow, until the end of the year, the payment of the monthly payments provided for in the first paragraph;

(b) the value of his benefits under the plan.

19.3 Replacement of the pension referred to in section 92 of the Act by a temporary pension is authorized only where the contract establishing the life income fund contains the provisions required in sections 19, 19.1 and 19.2.”.

9. Section 20 of the Regulation is replaced by the following sections:

“**20.** The maximum amount of the life income for a fiscal year of the life income fund is equal to the amount “E” in the following formula:

$$F \times C - \frac{A}{D} = E$$

“F” represents the factor provided for in schedule 0.6 with respect to the reference rate for the year covered by the fiscal year and the purchaser’s age at the end of the preceding year;

“C” represents the balance of the fund at the beginning of the fiscal year, increased by any sums transferred to the fund after that date and reduced by any sums originating directly or not during the same year from a life income fund of the purchaser;

“A” represents the fiscal year’s maximum temporary income, determined in accordance with section 20.4 or, where no amount has been determined, the figure zero;

“D” represents the factor provided for in schedule 0.7 with respect to the purchaser’s age at the end of the year preceding the one covered by the fiscal year.

The amount “E” may not be less than zero.

20.1 The amount of the income paid during a fiscal year of the life income fund may not exceed the amount “M” in the following formula:

$$A + E = M$$

“A” represents the maximum temporary income for the fiscal year, determined in accordance with section 20.4 or, where no amount has been determined, the figure zero;

“E” represents the maximum life income determined in accordance with section 20.

20.2 The amount of the income paid during the fiscal year of the life income fund may not be less than the minimum amount prescribed by the Taxation Act, determined on the basis of the purchaser’s age. That amount may be determined on the basis of the age of the purchaser’s spouse where he is younger than the purchaser.

20.3 Where the purchaser of a life income fund established by a contract that provides for payment of a temporary income was at least 54 years of age but less than 65 years of age at the end of the year preceding the one covered by a fiscal year of the fund, the financial institution that manages the fund shall establish a reference temporary income the amount of which shall be equal to the lesser of the following amounts:

(1) 40 % of the Maximum Pensionable Earnings, determined for the year covered by the fiscal year, pursuant to the Act respecting the Québec Pension Plan;

(2) the amount “R” in the following formula:

$$F \times C \times D = R$$

“F” represents the factor provided for in schedule 0.6 with respect to the reference rate for the year covered by the fiscal year and the purchaser’s age at the end of the preceding year;

“C” represents the balance of the fund at the beginning of the fiscal year, increased by the sums transferred to the fund after that date and reduced by the sums originating directly or not during the same year from a life income fund of the purchaser;

“D” represents the factor provided for in schedule 0.7 with respect to the purchaser’s age at the end of the year preceding the one covered by the fiscal year.

20.4. A purchaser who is entitled to payment of the temporary income referred to in section 19.1 may determine, for each fiscal year of the life income fund, a maximum temporary income that may not exceed the lesser of the following amounts:

(1) the reference temporary income determined in accordance with section 20.3;

(2) the amount “X” in the following formula:

$$G - T = X$$

“G” is equal to 40 % of the Maximum Pensionable Earnings determined, for the year covered by the fiscal year, pursuant to the Act respecting the Québec Pension Plan;

“T” represents the sum of the following amounts:

(a) the total temporary income that the purchaser must receive during the year covered by the fiscal year under a pension plan subject to or established by law or under a contract creating a pension of which the capital comes directly or not from such a plan;

(b) the total of the amounts that the purchaser has determined or that he must determine for his other life income funds, in the form of a maximum temporary income for the current fiscal year.

However, in the event that the reference temporary income determined in accordance with section 20.3 is less than the amount “X” in the first paragraph, where the purchaser provides to the financial institution a declaration in conformity with the one prescribed in schedule 0.8, the purchaser may determine, as the maximum

temporary income, an amount that does not exceed the lesser of the following amounts:

(1) the amount “X” in the first paragraph;

(2) the balance of the fund at the beginning of the fiscal year, increased by any sums transferred to the fund and any income earned by the fund after that date and reduced by any sums originating directly or not during the same year from a life income fund of the purchaser.

The purchaser may, at any time before the end of the fiscal year, determine a new, increased, maximum temporary income for the fiscal year. In such event, he shall send to the financial institution declarations in conformity with the ones prescribed in schedules 0.4 and 0.8.”.

10. Section 21 of the Regulation is replaced by the following section:

“**21.** The reference rate for a year is determined on the basis of the month-end, nominal rate of interest earned on long-term bonds issued by the Government of Canada for the month of November preceding the beginning of the fiscal year, as compiled by Statistics Canada and published in the Bank of Canada Review under identification number B-14013 in the CANSIM system, by applying successively to that rate the following adjustments:

(1) an increase of 0.5 %;

(2) the conversion of the increased rate, based on interest compounded semi-annually, to an effective annual rate of interest;

(3) the rounding of the effective interest rate to the nearest multiple of 0.5 %.

The reference rate thus determined may not, however, be less than 6 %.”.

11. Section 22 of the Regulation is replaced by the following section:

“**22.** Where, in application of subparagraph 2 of the first paragraph of section 19, the amount of the life income paid to the purchaser is set at an interval of more than one year, the maximum income amount that may be paid during each of the fiscal years comprised in the interval is determined, on the date of the beginning of the first of those fiscal years, so as to be equal:

(1) for the initial fiscal year, to the upper limit determined in accordance with section 20;

(2) for each of the subsequent fiscal years, to the amount “L” in the following formula:

$$M \times \frac{J}{K} = L$$

“M” represents the upper limit determined for the initial fiscal year;

“J” represents the balance of the fund at the beginning of the fiscal year;

“K” represents the fund’s reference balance at the beginning of the fiscal year and is equal to the reference balance of the preceding fiscal year, reduced as of the first day of the said preceding fiscal year by the upper limit calculated for the initial fiscal year and increased by the earnings determined by applying, in the case of the first 16 fiscal years, the reference rate, and, in all other cases, a rate of interest of 6 %.

For the application of subparagraph 2, the fund’s reference balance at the beginning of the initial fiscal year shall be equal to the balance of the fund at that date.”.

12. The Regulation is amended by inserting after section 22 the following sections:

“**22.1** Where a sum is transferred from a pension plan to a life income fund in accordance with subparagraph 2 of the second paragraph of section 19.2, sections 15.1 to 15.3 shall apply, adapted as required, with respect to the allocation of benefits and the determination of the residual benefits of the member or spouse in the pension plan.

22.2 The sums transferred to a life income fund are deemed to come in their entirety from a life income fund of a given purchaser, unless he sends to the financial institution that manages the fund to which the sums are transferred a declaration in conformity with the one prescribed in schedule 0.9.”.

13. Section 23 of the Regulation is amended:

(1) by replacing, in the first paragraph, the words “required by that section” by “required by sections 19, 19.1 and 19.2”;

(2) by inserting, in subparagraph 1 of the second paragraph, after the word “spouse” the words “by reason of the payment of a temporary pension under the requirements provided for in section 91.1 of the Act”;

(3) by striking out, in subparagraph 3 of the second paragraph the words “in the event of a waiver referred to in subparagraph 5 of the first paragraph of section 19.”;

(4) by adding after the second paragraph the following:

“The provisions required by this section shall be included in any contract that establishes a life income fund.”.

14. The Regulation is amended by replacing section 24 by the following section:

“**24.** The financial institution shall, at the beginning of each fiscal year of a life income fund that it manages, provide the purchaser with a statement that indicates:

(1) the balance of the fund at the said date and, where required, the reconciliation of that balance with the balance at the beginning of the preceding fiscal year with, notably, an indication of the sums on deposit, the accumulated earnings, the withdrawals made and the fees charged;

(2) where the beginning of the fiscal year is later than the beginning of the year, the sums coming directly or initially during the year from another life income fund of the purchaser;

(3) the maximum amount that may be paid to the purchaser as income during the current fiscal year;

(4) the minimum amount that must be paid to the purchaser as income during the current fiscal year;

(5) where the contract that establishes the fund provides for the payment of a temporary income and the purchaser was at least 54 years of age but less than 65 years of age at the end of the preceding year:

(a) the terms and conditions that the purchaser must meet to be entitled to payment of the temporary income referred to in section 19.1;

(b) the reference temporary income for the current fiscal year;

(c) the effect of payment of an income greater than the amount referred to in paragraph 3, for each year until the end of the year in which the purchaser reaches 65 years of age, on the income that may be paid to him after that date;

(d) under what conditions the purchaser may obtain payment of a temporary income greater than the reference temporary income;

(6) where the contract establishing the funds provides for payment of a temporary income and the purchaser was less than 54 years of age at the end of the preceding year, the terms and conditions that the purchaser must meet to be entitled to payment of the temporary income referred to in section 19.2;

(7) that the transfer to the fund of sums originating directly or not from a life income fund of the purchaser during a given year may not result in a revision of the maximum amount that may be paid to the purchaser by the fund during the fiscal year;

(8) that if the purchaser wishes to transfer, in whole or in part, the balance of the fund and still receive from the fund the income that he determined for the fiscal year, he must ensure that the balance of the fund after the transfer is at least equal to the difference between the income determined for the fiscal year and the income that he has already received since the beginning of the fiscal year.

Where the contract establishing the fund provides for payment of a temporary income and the purchaser was at least 54 years of age but less than 65 years of age at the end of the preceding year, the financial institution shall accompany the statement with a copy of the declarations that are prescribed in schedules 0.4 and 0.8.”

15. The Regulation is amended by inserting, after section 24, the following section:

“**24.1.** Where sums that do not originate directly or indirectly from a life income fund of the purchaser are deposited in a fund that it manages or the purchaser informs it of the maximum temporary income that he determines, the financial institution shall, within the following 30 days, supply the purchaser with a statement that indicates the following:

(1) the balance of the fund at the beginning of the fiscal year and the sums that have been deposited therein, identifying any amounts coming directly or not during that year from a life income fund of the purchaser, as well as the balance of the fund for the purpose of calculating the maximum amount that may be paid to the purchaser as income during the fiscal year;

(2) the maximum amount that may be paid to the purchaser as income during the fiscal year;

(3) the minimum amount that must be paid to the purchaser as income during the fiscal year;

(4) where the contract establishing the fund provides for payment of a temporary income and the purchaser is at least 54 years of age but less than 65 years of age at the end of the preceding year:

(a) the reference temporary income for the current fiscal year;

(b) the maximum temporary income, if any, determined by the purchaser.”

16. Section 28 of the Regulation is amended by inserting after subparagraph 3 the following subparagraph:

“(3.1) a life income fund referred to in section 18;”.

17. Section 29 of the Regulation is amended:

(1) by replacing, in the wording preceding subparagraph 1 of the second paragraph, “It must also” with “, which must”;

(2) by replacing, in subparagraph 2 of the second paragraph the word and figure “8 and 9” by the word and figures “8 to 9.1”;

(3) by striking out, in subparagraph 8, the words “or into a life income fund”;

(4) by inserting, after subparagraph 9, the following subparagraph:

“(9.1) that the entire balance of the account may be paid in a lump-sum to a purchaser on application to the financial institution accompanied with a declaration in conformity with the one prescribed in schedule 0.2, on the following conditions:

(a) the purchaser was at least 65 years of age at the end of the year preceding the application;

(b) the total of the sums credited to him in the retirement savings instruments mentioned in schedule 0.2 does not exceed 40 % of the Maximum Pensionable Earnings, for the year in which the purchaser applies for payment, pursuant to the Act respecting the Québec Pension Plan;”;

(5) by inserting after subparagraph 10 the following:

“**10.1** that where a sum is paid from the account contrary to the provisions of the contract or the Regulation the balance of the account shall be determined without taking into account the irregular payment, unless the payment is attributable to a false declaration by the purchaser;”.

18. Section 31 of the Regulation is amended by the addition, after subparagraph 2, of the following subparagraph:

“(3) that the purchaser, if he meets the following conditions:

— make an application to this effect to the insurer, accompanied with a declaration in conformity with the one prescribed in schedule 0.10, prior to the beginning of payment of the pension to be replaced;

— be at least 55 years of age but less than 65 years of age,

may replace, in whole or in part, the pension referred to in paragraph 2 of section 30 with a temporary pension the annual amount of which may not, for the year in which payment begins, exceed 40 % of the Maximum Pensionable Earnings determined pursuant to the Act respecting the Québec Pension Plan”.

19. Section 39 of the Regulation is amended:

(1) by replacing subparagraph 1 of the first paragraph with the following subparagraphs:

“(1) where the pension committee has information related to the sum accumulated as at the date of the marriage:

(a) if no benefit referred to in section 69.1 of the Act was paid or if no transfer referred to in subparagraph 2 of the second paragraph of section 19.2 of the Regulation was made between the date of the marriage and the date on which proceedings were instituted, the value corresponds to the difference between the value of the capital benefits accumulated as at the date of the institution of proceedings and the sum accumulated as at the date of the marriage, increased by interest for the period included between the date of the marriage and the date of the institution of proceedings;

(b) if a benefit referred to in section 69.1 of the Act was paid or if a transfer referred to in subparagraph 2 of the second paragraph of section 19.2 of the Regulation was made between the date of the marriage and the date on which proceedings were instituted and the pension committee has information related, as the case may be, to the amount accumulated to the date of payment of the benefit or the amount and the date of the transfer, the value is equal to the amount “W” in the following formula:

$$W = Y - \left[Z \times \frac{Y}{Y + S} \right]$$

“Y” represents the accumulated sum as at the date of institution of proceedings;

“Z” represents the accumulated sum as at the date of the marriage, increased by the interest for the period included between the date of the marriage and the date of the institution of proceedings.

“S” represents the amount of the benefit paid, increased by interest for the period included between the date of payment and the date of institution of proceedings;”.

(2) by inserting, in subparagraph 2, after the first occurrence of the word “marriage”, the words “or, where required, those related to the amount or to the date of payment of a benefit referred to in section 69.1 of the Act or to the date of a transfer referred to in subparagraph 2 of the second paragraph of section 19.2 of the Regulation”.

20. Section 55 of the Regulation is amended by inserting, in subparagraph 2, after the word “benefits” the words “; with the exception of a benefit referred to in section 69.1 of the Act,”.

21. The Regulation is amended by inserting, after section 57, the following section:

“**57.1.** The statement provided to a member in application of section 112.1 of the Act shall contain the following information:

(1) the name of the member;

(2) the name of the pension plan and the number of the certificate of registration for the plan issued by the Régie;

(3) the date of payment of the early benefit;

(4) in the event that the benefits referred to in section 15.1 were used to pay the benefit:

(a) the amount of the benefit paid;

(b) the balance of the value of the benefits after payment of the benefit;

(5) in the event that the benefits referred to in section 15.3 were used to pay the benefit:

(a) the amount of the benefit paid;

(b) the amount of the reduction of the member’s pension following payment of the said benefit;

(c) a mention that the amount will be adjusted if the conditions or characteristics of the pension paid under the plan, with the exception of those related to early or postponed payment, are different from those used to determine the amount or if payment of the pension begins on a date other than the date of the normal retirement age.”.

22. Section 58 of the Regulation is amended:

(1) by inserting, after subparagraph *b* of paragraph 2, the following subparagraph:

“(b.1) in the case of a temporary pension or fraction thereof, the amount of such pension and the date on which it will cease being paid;”;

(2) by the addition, at the end of paragraph 3, of the following subparagraph:

“(d) in the case of a temporary pension or fraction thereof, the amount of such pension and the date on which it will cease being paid;”.

23. Section 59 of the Regulation is amended:

(1) by inserting, after subparagraph *b* of paragraph 4, the following subparagraph:

“(b.1) in the case of a temporary pension or fraction thereof, the amount of such pension and the date on which it will cease being paid;”;

(2) by inserting, in paragraph 5, after the word and letter “subparagraphs *a*,” the letter and figure “*b.1*,”.

24. The Regulation is amended by inserting after section 70 the following section:

“**70.1.** The provisions of a pension plan that, where such provisions were in effect on 4 June 1997, allowed a member or spouse who had become entitled to a pension to choose, before it comes into payment, to replace it, in whole or in part, by a pension of which the amount is changed in accordance with the Act in order to take into account an amount similar to the benefits determined under the Old Age Security Act (R.S.C. 1985, c. O-9), the Québec Supplemental Pension Plans Act or a similar plan within the meaning of subparagraph *u* of section 1 of the Supplemental Pension Plans Act, continue to apply with respect to any person who was a member of the plan on the date mentioned hereinabove and to that member’s spouse.”.

25. The Regulation is amended by inserting, before schedule 1, schedules 0.1 to 0.10, attached hereto.

26. The provisions of section 14 of the Regulation respecting supplemental pension plans, as they read prior to 1 January 1998, continue to apply to applications and declarations that had to be filed with the Régie before that date.

27. Provided it is in conformity with a standard contract registered with the Régie before 1 January 1998, a contract establishing a life income fund or a locked-in retirement account may be validly made before 1 July 1998 even if it is not in conformity with a standard contract that includes the provisions required, if any, by sections 19 to 19.3 and 23 of the Regulation respecting supplemental pension plans in the case of a life income fund contract or, in the case of a locked-in retirement account, by section 29 of the Regulation, as those sections read on 1 January 1998.

28. Any contract establishing a life income fund or locked-in retirement account made before 1 July 1998 that is not in conformity with a standard contract registered with the Régie and containing the pertinent provisions referred to in section 27 shall be brought into conformity with such standard contract before 30 September 1998; if such is not the case, the purchaser may exercise his right to transfer, in whole or in part, the balance of the fund without delay, condition or penalty.

29. Where, between 1 July 1998 and 31 December 1998, the purchaser transfers to a life income fund established under a contract that provides for payment of a temporary income from sums coming from a life income fund established under a contract that does not provide for such payment, the upper limit referred to in section 20.1 and applying to the fund that receives such sums shall be determined or revised without deducting from the balance of the fund the amounts so transferred and shall be reduced by the income that the purchaser received during the fiscal year of the fund from which such amounts came.

30. The provisions of this Regulation come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* with the exception of section 3, insofar as the said section introduces sections 15.1 to 15.3, and section 24, the aforesaid sections having effect from 5 June 1997 and sections 4 to 15, which have effect from 1 January 1998.

SCHEDULE 0.1

(s. 15.4)

DECLARATION OF THE MEMBER

I declare that I am not now receiving any temporary income under any other supplemental pension plan sub-

ject to or established by an act of the Parliament of Québec or any other legislative authority or under an annuity purchase contract of which the capital comes directly or not from such a plan.

I declare furthermore that no other application intended to allow me to receive a temporary income from such a plan or contract has been made or accepted.

_____ Date _____ Signature

NOTE Whosoever makes a false declaration with the intention of obtaining a temporary income payable under a pension plan or contract mentioned in this declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

SCHEDULE 0.2

(s. 16.1, s. 19 par. 6.1 and s. 29 par. 9.1)

DECLARATION OF THE MEMBER OR PURCHASER

I declare:

(1) that the total of the sums credited to my account in the following retirement savings instruments:

(a) defined contribution pension plans;

(b) defined benefit or defined benefit-defined contribution pension plans in application of provisions similar to those of a defined contribution plan;

(c) life income funds;

(d) locked-in retirement accounts;

(e) registered retirement savings plans of which the balance must be converted into a life annuity (locked-in RRSPs)

is \$ _____;

(2) that the total is based on the most recent information that I have;

(3) that the said information is less than 18 months old.

_____ Date _____ Signature

NOTE Whosoever makes a false declaration with the intention of obtaining a lump-sum payment payable under a retirement savings instrument mentioned in the

declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

SCHEDULE 0.3

(s. 16.2)

DECLARATION OF THE MEMBER

I declare:

(1) that I am not a party to any contract establishing a life income fund or locked-in retirement account or any registered retirement savings plan of which the balance does not have to be converted into a life annuity (locked-in RRSP);

(2) that the total amount of the temporary pensions that I will receive during the current year under the following contracts:

(a) supplemental pension plans subject to or established by an act of the Parliament of Québec or any other legislative authority;

(b) annuity purchase contracts of which the capital comes directly or not from such a plan,

is _____ \$.

_____ Date _____ Signature

NOTE Whosoever makes a false declaration with the intention of obtaining the lump-sum payment provided for in section 92 of the Act is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

SCHEDULE 0.4

(s. 19.1)

DECLARATION OF THE PURCHASER

I declare:

(1) that I was at least 54 years of age but less than 65 years of age at the end of last year;

(2) that the total amount of the temporary pensions that I will receive during the current year under the following plans or contracts:

(a) supplemental pension plans subject to or established by an act of the Parliament of Québec or any other legislative authority;

(b) annuity purchase contracts of which the capital comes directly or not from such plans,

is \$_____.

(3) that the overall total maximum temporary income that I have determined for my life income funds, excluding the one for which I am making this declaration, is \$_____.

SCHEDULE 0.5

(s. 19.2)

DECLARATION OF THE PURCHASER

I declare that the income, calculated on an annual basis, which must be paid to me during the next 12 months, with the exception of the temporary income to be paid from the life income fund with respect to which I am making this application is \$_____.

Date

Signature

NOTE Whoever makes a false declaration with the intention of obtaining a temporary income payable under a pension plan or contract mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

Date

Signature

NOTE Whoever makes a false declaration with the intention of obtaining a temporary income payable from the life income fund mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

SCHEDULE 0.6

(s. 20 and 20.3)

Reference rate

Age	6.00 %	6.50 %	7.00 %	7.50 %	8.00 %	8.50 %	9.00 %	9.50 %	10.00 %	10.50 %	11.00 %	11.50 %	12.00 %	12.50 %	13.00 %	13.50 %
under 55	0.061	0.063	0.066	0.069	0.072	0.075	0.078	0.081	0.084	0.087	0.090	0.093	0.097	0.100	0.103	0.107
55	0.064	0.067	0.070	0.073	0.076	0.079	0.082	0.085	0.088	0.091	0.094	0.097	0.101	0.104	0.107	0.111
56	0.065	0.067	0.070	0.073	0.076	0.079	0.082	0.085	0.088	0.091	0.095	0.098	0.101	0.104	0.108	0.111
57	0.065	0.068	0.071	0.074	0.077	0.080	0.083	0.086	0.089	0.092	0.095	0.098	0.102	0.105	0.108	0.112
58	0.066	0.069	0.071	0.074	0.077	0.080	0.083	0.086	0.090	0.093	0.096	0.099	0.102	0.106	0.109	0.112
59	0.067	0.069	0.072	0.075	0.078	0.081	0.084	0.087	0.090	0.093	0.097	0.100	0.103	0.106	0.110	0.113
60	0.067	0.070	0.073	0.076	0.079	0.082	0.085	0.088	0.091	0.094	0.097	0.101	0.104	0.107	0.110	0.114
61	0.068	0.071	0.074	0.077	0.079	0.082	0.086	0.089	0.092	0.095	0.098	0.101	0.105	0.108	0.111	0.115
62	0.069	0.072	0.074	0.077	0.080	0.083	0.086	0.089	0.093	0.096	0.099	0.102	0.105	0.109	0.112	0.115
63	0.070	0.073	0.075	0.078	0.081	0.084	0.087	0.090	0.094	0.097	0.100	0.103	0.106	0.110	0.113	0.116
64	0.071	0.074	0.076	0.079	0.082	0.085	0.088	0.091	0.095	0.098	0.101	0.104	0.107	0.111	0.114	0.117
65	0.072	0.075	0.077	0.080	0.083	0.086	0.089	0.093	0.096	0.099	0.102	0.105	0.108	0.112	0.115	0.118
66	0.073	0.076	0.079	0.082	0.085	0.088	0.091	0.094	0.097	0.100	0.103	0.106	0.110	0.113	0.116	0.119
67	0.074	0.077	0.080	0.083	0.086	0.089	0.092	0.095	0.098	0.101	0.104	0.108	0.111	0.114	0.117	0.121
68	0.076	0.078	0.081	0.084	0.087	0.090	0.093	0.096	0.100	0.103	0.106	0.109	0.112	0.115	0.119	0.122
69	0.077	0.080	0.083	0.086	0.089	0.092	0.095	0.098	0.101	0.104	0.107	0.111	0.114	0.117	0.120	0.123
70	0.079	0.082	0.085	0.088	0.091	0.094	0.097	0.100	0.103	0.106	0.109	0.112	0.115	0.119	0.122	0.125

Age	6.00 %	6.50 %	7.00 %	7.50 %	8.00 %	8.50 %	9.00 %	9.50 %	10.00 %	10.50 %	11.00 %	11.50 %	12.00 %	12.50 %	13.00 %	13.50 %
71	0.081	0.084	0.087	0.089	0.092	0.095	0.098	0.102	0.105	0.108	0.111	0.114	0.117	0.120	0.123	0.127
72	0.083	0.086	0.089	0.092	0.095	0.098	0.101	0.104	0.107	0.110	0.113	0.116	0.119	0.122	0.125	0.129
73	0.085	0.088	0.091	0.094	0.097	0.100	0.103	0.106	0.109	0.112	0.115	0.118	0.121	0.124	0.127	0.131
74	0.088	0.091	0.094	0.097	0.099	0.102	0.105	0.108	0.111	0.114	0.117	0.120	0.124	0.127	0.130	0.133
75	0.091	0.094	0.097	0.100	0.102	0.105	0.108	0.111	0.114	0.117	0.120	0.123	0.126	0.129	0.132	0.135
76	0.094	0.097	0.100	0.103	0.106	0.109	0.112	0.114	0.117	0.120	0.123	0.126	0.129	0.132	0.135	0.138
77	0.098	0.101	0.104	0.107	0.110	0.112	0.115	0.118	0.121	0.124	0.127	0.130	0.133	0.136	0.139	0.142
78	0.103	0.106	0.109	0.111	0.114	0.117	0.120	0.123	0.126	0.128	0.131	0.134	0.137	0.140	0.143	0.146
79	0.108	0.111	0.114	0.117	0.119	0.122	0.125	0.128	0.131	0.134	0.137	0.139	0.142	0.145	0.148	0.151
80	0.115	0.117	0.120	0.123	0.125	0.128	0.131	0.133	0.136	0.139	0.142	0.144	0.147	0.150	0.153	0.155
81	0.121	0.124	0.127	0.129	0.132	0.135	0.137	0.140	0.143	0.145	0.148	0.151	0.153	0.156	0.159	0.161
82	0.129	0.132	0.134	0.137	0.139	0.142	0.145	0.147	0.150	0.153	0.155	0.158	0.161	0.163	0.166	0.169
83	0.138	0.140	0.143	0.146	0.148	0.151	0.154	0.156	0.159	0.161	0.164	0.167	0.169	0.172	0.175	0.177
84	0.148	0.151	0.153	0.156	0.159	0.161	0.164	0.167	0.169	0.172	0.174	0.177	0.180	0.182	0.185	0.187
85	0.160	0.163	0.165	0.168	0.171	0.173	0.176	0.179	0.181	0.184	0.187	0.189	0.192	0.194	0.197	0.200
86	0.173	0.176	0.179	0.182	0.184	0.187	0.190	0.193	0.195	0.198	0.200	0.200	0.200	0.200	0.200	0.200
87	0.189	0.191	0.194	0.197	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200
88 or over	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200	0.200

SCHEDULE 0.7
(s. 20 and 20.3)

Age	
under 54	1.000
54	1.691
55	1.706
56	1.804
57	1.953
58	2.151
59	2.379
60	2.705
61	3.202
62	4.090
63	5.811
64	10.989
65 or over	1.000

SCHEDULE 0.8
(s. 20.2)

DECLARATION OF THE PURCHASER

I declare:

(1) that I am not a party to any contract establishing a locked-in retirement account or a registered retirement pension plan of which the balance does not have to be converted into a life annuity (locked-in RRSP);

(2) that the amount that I have determined or intend to determine as the maximum temporary income for the current fiscal year is, for each of my life income funds, at least equal to the reference temporary income calculated for this fund.

Date

Signature

NOTE Whosoever makes a false declaration with the intention of obtaining a temporary income payable from the life income fund mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

SCHEDULE 0.9

(s. 22.2)

DECLARATION OF THE PURCHASER WHEN TRANSFERRING SUMS TO A LIFE INCOME FUND

I declare that there is in the total of \$ _____ transferred to the life income fund that is the object of this declaration a sum of \$ _____ does not come directly or indirectly from a life income fund established by a contract to which I have been a party during the current year.

Date	Signature
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NOTE Whosoever makes a false declaration with the intention of obtaining an income payable from the life income fund mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

SCHEDULE 0.10

(s. 31)

DECLARATION OF THE PURCHASER

I declare that I am not now receiving any temporary income under a supplemental pension plan subject to or established by an act of the Parliament of Québec or any other legislative authority or under any other annuity purchase contract of which the capital comes directly or not from such a plan.

I further declare that no other application intended to allow me to receive a temporary income from such a plan or contract has been made or accepted.

Date	Signature
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NOTE Whosoever makes a false declaration with the intention of obtaining a temporary income payable under a contract mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

1938

Gouvernement du Québec

O.C. 1683-97, 17 December 1997

An Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (R.S.Q., c. P-9.2)

Beer and Soft Drinks Distributors' Permits — Amendment

Regulation to amend the Beer and Soft Drinks Distributors' Permits Regulation

WHEREAS pursuant to paragraph 3 of section 5 of the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (R.S.Q., c. P-9.2) amended by Chapter 9 of the Statutes of 1996, the Government may make regulations determining the principles and restrictions that must be applied under an agreement contemplated in section 3 of the Act in respect of the channels of distribution, sale, transport and delivery of beer and soft drinks in non-returnable containers and the use of such containers;

WHEREAS it is expedient to further amend the Beer and Soft Drinks Distributors' Permits Regulation;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed in section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the amendment set forth in the Regulation attached to this Order in Council should be in force as soon as possible since it will allow the Minister of the Environment and Wildlife to enter promptly into a new agreement respecting the deposit, recovery and recycling of