

## Treasury Board

Gouvernement du Québec

**C.T. 192648, 17 November 1998**

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12)

### **Partition and assignment of benefits accrued under the pension plans — Amendments**

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan

WHEREAS under paragraphs 8.2 to 8.6 of section 109 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), the Government may, after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite, make a regulation concerning the matters set out therein;

WHEREAS by decision T.B. 176507 of the Conseil du trésor dated 19 March 1991, amended by the Regulation made by decision T.B. 187713 dated 29 August 1995, the Government, in application of paragraphs 8.2 to 8.6 of that section, made the Regulation respecting the partition and assignment of benefits accrued under pension plans provided for by the Act respecting the Civil Service Superannuation Plan;

WHEREAS it is expedient to amend that Regulation, in order to provide for certain amendments to facilitate the application of the Regulation following the passage, on 15 December 1995, of Chapter 70 of the Statutes of Québec of 1995 and the making of the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, by Order in Council 690-96 dated 12 June 1996, that has effect from 1 January 1996;

WHEREAS under section 66 of Chapter 70 of the Statutes of Québec of 1995, the first regulation made after 31 December 1995 to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan may, if it so provides, have effect from any date not prior to 1 January 1996 if it gives effect to an amendment resulting from the provisions of that Act;

WHEREAS the Comité de retraite established within the Commission administrative des régimes de retraite et d'assurances has been consulted;

WHEREAS under section 22 of the Financial Administration Act (R.S.Q., c. A-6), the Conseil du trésor exercises the powers conferred on the Government under the Act respecting the Civil Service Superannuation Plan;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a Draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS following that publication, no comments were made;

WHEREAS it is expedient to make the Regulation;

THE CONSEIL DU TRÉSOR HAS DECIDED:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under pension plans provided for by the Act respecting the Civil Service Superannuation Plan, attached hereto, be made.

ALAIN PARENTEAU,  
*Clerk of the Conseil du trésor*

### **Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under pension plans provided for by the Act respecting the Civil Service Superannuation Plan<sup>(\*)</sup>**

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12, s. 109, pars. 8.2 to 8.6)

1. The Regulation respecting the partition and assignment of benefits accrued under pension plans pro-

\* The Regulation respecting the partition and assignment of benefits accrued under pension plans provided for by the Act respecting the Civil Service Superannuation Plan, made by T.B. 176507 dated 19 March 1991 (1991, *G.O.* 2, 1327), was last amended by the Regulation made by T.B. 187713 dated 29 August 1995 (1995, *G.O.* 2, 2804).

vided for by the Act respecting the Civil Service Superannuation Plan is amended by inserting the following at the beginning of subparagraph 3 of the first paragraph of section 1: "confirmation in writing from a certified mediator that he has obtained a family mediation mandate, or".

**2.** The Regulation is amended by inserting the following after subparagraph 1 of the first paragraph of section 3:

"(1.1) where the officer has ceased to be a member of the plan after 31 December 1995 while he was entitled to a reduced pension that he was not yet receiving at the date of assessment, the accrued benefits are deemed to correspond to a pension payable on the closest date on which a pension would otherwise have been granted to him without any actuarial reduction at the time of his ceasing to be a member of the plan;"

**3.** The Regulation is amended by substituting the following for paragraph 2 of section 17:

"(2) where the officer or former officer is entitled to a payment of actuarial value or to transfer an amount under a transfer agreement concluded in accordance with section 158 of the Act respecting the Government and Public Employees Retirement Plan, the amount of the payment of actuarial value or the amount to be transferred shall be reduced by the sums awarded to the spouse at the date of assessment with interest compounded annually at the rate determined for each period under Schedule VI to that Act and accrued from the date of assessment to the date on which the payment or transfer is made;"

**4.** The Regulation is amended by inserting the following after section 17:

"**17.1** If the amount paid to the spouse comes from the entitlement to the pension referred to in subparagraph 1.1 of the first paragraph of section 3, the benefits of the officer or former officer shall be established in accordance with the Act and his pension shall be reduced, from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment."

**5.** The Regulation is amended by substituting the following for the second paragraph of section 20:

"If the amount of pension obtained pursuant to the first paragraph begins to apply before the date of the pensioner's 65th birthday, it shall be reduced by 0.50 % per month, calculated for each month between the date on which that amount of pension begins to apply and the date of his 65th birthday, without exceeding 65 %."

**6.** The Regulation is amended by inserting the following after section 20:

"**20.1** For the purposes of sections 17.1 and 19, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established on that date in accordance with the actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date determined pursuant to subparagraph 1.1 of the first paragraph of section 3.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension would be if it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

If the amount of pension obtained pursuant to the first and second paragraphs begins to apply before the determined date, that amount of pension shall be reduced by 0.50 % per month, calculated for each month between the date on which that amount of pension begins to apply and the determined date, without exceeding 65 %.

If the pensioner retired before the date of payment and if that date occurs after the determined date, the amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50 % per month, calculated for each month between the determined date and the date on which that amount of pension begins to apply, if the pensioner retired before the determined date, or for each month between the date on which he retired and the date on which that amount of pension begins to apply, if the pensioner retired on the determined date or thereafter."

**7.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* but has effect from 1 January 1996.