

C.T. 192649, 17 November 1998

An Act respecting the Teachers Pension Plan (R.S.Q., c. R-11)

Teachers Pension Plan**— Partition and assignment of benefits accrued**

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan

WHEREAS under paragraphs 9.1 to 9.5 of section 73 of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11), the Government may, after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite, make regulations on the matters listed therein;

WHEREAS in application of paragraphs 9.1 to 9.5 of that section, the Government made the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan by Decision of the Conseil du trésor T.B 176506 dated 19 March 1991, amended by the Regulation made by Decision of the Conseil du trésor T.B. 187712 dated 29 August 1995;

WHEREAS it is expedient to amend that Regulation in order to make certain amendments that will facilitate its application 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, which 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 under the Act respecting the Teachers Pension 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 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 upon the Government under the Act respecting the Teachers Pension 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 that Regulation;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension 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 the Teachers Pension Plan^{*}

An Act respecting the Teachers Pension Plan (R.S.Q., c. R-11, s. 73, pars. 9.1 to 9.5)

1. The Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan is amended at the beginning of subparagraph 3 of the first paragraph of section 1 by inserting the words “confirmation in writing from a certified mediator to the effect that he has obtained a family mediation mandate, or”.

2. The following subparagraph is inserted after subparagraph 1 of the first paragraph of section 3:

“(1.1) where the teacher 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 actuarial reduction at the time of his ceasing to be a member of that plan;”.

^{*} The Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan, made by T.B. 176506 dated 19 March 1991 (1991, *G.O.* 2, 1334), was last amended by the Regulation made by T.B. 187712 dated 29 August 1995 (1995, *G.O.* 2, 2801).

3. The following is substituted for paragraph 2 of section 17:

“(2) where the teacher or former teacher 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 following is inserted after section 17:

“**17.1** If the amount paid to the spouse comes from an entitlement to the pension referred to in subparagraph 1.1 of the first paragraph of section 3, the benefits of the teacher or former teacher 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 following is substituted 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 the pensioner’s 65th birthday, without exceeding 65 %.”.

6. The following is inserted 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 according to 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.

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