

Regulations and other acts

Gouvernement du Québec

O.C. 1428-98, 27 November 1998

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

Partition and assignment of benefits accrued — Government and public employees — Amendments

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan

WHEREAS under paragraphs 14.2 to 14.6 of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, after consultation with the Comité de retraite, make a regulation concerning the matters set out therein;

WHEREAS by Order in Council 351-91 dated 20 March 1991 amended by the Regulation made by Order in Council 1191-95 dated 6 September 1995, the Government, pursuant to paragraphs 14.2 to 14.6 of that section, made the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan;

WHEREAS it is expedient to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan in order to provide for 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 1995, the first regulation made after 31 December 1995 to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement 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 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 no comments were received following that publication;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan(*)

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 134, pars. 14.2 to 14.6)

1. The Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan is amended by inserting the following at the beginning of subparagraph 3

* The Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan, made by Order in Council 351-91 dated 20 March 1991 (1991, *G.O.* 2, 1307), was last amended by the Regulation made by Order in Council 1191-95 dated 6 September 1995 (1995, *G.O.* 2, 2819).

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 following is inserted after subparagraph 3 of the first paragraph of section 3:

"(3.1) where the employee 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 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;"

3. The following is substituted for paragraph 1 of section 16:

"(1) where the employee or former employee is entitled to a refund of contributions, to a payment of actuarial value or is entitled to transfer an amount under a transfer agreement entered into in accordance with section 158 of the Act, the amount of the refund of contributions, 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 the Act and accrued from the date of assessment to the date on which the refund, payment or transfer is made. Notwithstanding the foregoing, no interest is calculated on the portion of those sums that relate to years or parts of years of service under the Teachers Pension Plan or the Civil Service Superannuation Plan, if those sums come from an entitlement to a refund of contributions. A separate calculation shall be made in the case of a pension credit;"

4. The following is inserted after section 16:

"**16.1** If the amount paid to the spouse comes from the entitlement to a pension referred to in subparagraph 3.1 of the first paragraph of section 3 or to a pension credit payable at the date on which that pension is payable, the benefits of the employee or former employee shall be established in accordance with the Act and his pension or pension credit 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 or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment."

5. Section 19 is amended

(1) by substituting the following for the third paragraph:

"If the amount of pension obtained pursuant to the first and second paragraphs or the amount of pension credit obtained pursuant to the first paragraph begins to apply before the date of the pensioner's 65th birthday, the amount of pension or pension credit shall be reduced by 0.50 % per month, calculated for each month between the date on which the amount of pension or pension credit begins to apply and the date of his 65th birthday, without exceeding 65 % in the case of the reduction applicable to the amount of pension.";

(2) by substituting the following for the fifth paragraph:

"If the amount of pension credit obtained pursuant to the first paragraph begins to apply after the date of the pensioner's 65th birthday, it shall be increased by 0.75 % per month, calculated for each month between the date on which it begins to apply and the date of his 65th birthday.";

6. The following is inserted after section 19:

"**19.1** For the purposes of sections 16.1 and 18, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date in accordance with the actuarial method and assumptions provided for in section 7. The amount is presumed applicable at the date determined pursuant to subparagraph 3.1 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 or the amount of pension credit obtained pursuant to the first paragraph begins to apply before the determined date, the amount of pension or pension credit shall be reduced by 0.50 % per month, calculated for each month between the date on which the amount of pension or pension credit begins to apply and that determined date, without exceeding 65 % in the case of the reduction applicable to the amount of pension.

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 the amount of pension begins to apply, if the pensioner retired before the deter-

mined 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.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply after the determined date but before the date of the pensioner's 65th birthday, it shall be increased by 0.50 % per month, calculated for each month between the determined date and the date on which the amount of pension credit begins to apply.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply on the date of the pensioner's 65th birthday or after that date, it shall be increased by 0.50 % per month, calculated for each month between the determined date and the date of his 65th birthday, and by 0.75 % per month, calculated for each month between the latter date and the date on which the amount of pension credit begins to apply."

7. The following paragraph is substituted for the last two paragraphs of section 20:

"The amount of pension credit obtained pursuant to the first paragraph shall be increased, for each month between the date of assessment and the date on which it begins to apply, by 0.50 % for each month before the date of the pensioner's 65th birthday and by 0.75 % for each month after that date."

8. The following is substituted for section 24:

"**24.** Any refund of contributions to be made following a death shall be reduced by the sums awarded to the spouse with interest compounded annually at the rate determined for each period under Schedule VI to the Act and accrued from the date of assessment to the date on which the refund is made, except for the period during which a pension is paid.

Notwithstanding the foregoing, no interest shall be calculated on the portion of those sums that relates to years or parts of years of service under the Teachers Pension Plan or the Civil Service Superannuation Plan, if those sums come from an entitlement to a refund of contributions. A separate calculation shall be made for the refund of the sums paid for the purchase of a pension credit."

9. 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.

Gouvernement du Québec

O.C. 1429-98, 27 November 1998

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1)

Partition and assignment of benefits accrued — Certain teachers — Amendment

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

WHEREAS under paragraphs 1 to 5 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), the Government may, after consultation with the Comité de retraite, make regulations on the matters mentioned therein;

WHEREAS pursuant to paragraphs 1 to 5 of that section, the Government made the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers by Order in Council 840-91 dated 19 June 1991, amended by the Regulation made by Order in Council 1190-95 dated 6 September 1995;

WHEREAS it is expedient to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers in order to specify what conditions are to be met by a member of the Pension Plan of Certain Teachers and his spouse to obtain a statement of the benefits accrued under that plan for the purposes of mediation conducted prior to proceedings in family matters;

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

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;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor: