

Regulation respecting temporary measures for members of the Pension Plan of Certain Teachers and of the Government and Public Employees Retirement Plan

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1, s. 35.2; 1997, c. 50, s. 9)

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 85.23 and 215.11.2; 1997, c. 7, s. 28; 1997, c. 50, ss. 35 and 53)

1. A person who could have availed himself, before 3 July 1997, of the provisions of section III.2 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), enacted by section 9 of Chapter 50 of the Statutes of 1997 or of Chapter V. 2 of Title I of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), enacted by section 28 of Chapter 7 of the Statutes of 1997 and amended by sections 34 to 39 of Chapter 50 of the Statutes of 1997, as the case may be, may cease to participate in the plan, retire and avail himself of these provisions not later than at the end of a 30-day period after the date of receipt of an estimate of his pension made by the Commission administrative des régimes de retraite et d'assurances, in the following cases:

(1) a person who was at least 65 years of age before 3 July 1997 and is eligible for a departure incentive program;

(2) a person who turned 50 on 2 July 1997 and who applied to the Commission for an estimate of his pension not later than 30 days after the receipt of a statement of his benefits under the plan sent by the Commission after 2 July 1997 for the purposes of these provisions;

(3) an employer who sent to the Commission, before 15 May 1997, an application for the estimate of an employee's pension for the purposes of these provisions;

(4) a person who sent to the Commission, before that date, an application for redemption of years or parts of years of service within the scope of these provisions;

(5) a person who made an application, before 15 April 1998, for the review of a decision by the Commission rejecting an application for redemption of years or parts of years of service within the scope of these provisions and where the decision was reversed by means of review or arbitration;

(6) a person who filed an application for redemption of years or parts of years of service carried out as a lay teacher in a hospital nursing school in Québec within 30 days of the receipt of a notice from the Commission informing him that an application for redemption could be made pursuant to section III.2 of the Act respecting the Pension Plan of Certain Teachers and who agreed to the resulting redemption proposal within 30 days;

2. A person who could have availed himself, before 2 October 1997, of the provisions of Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan, enacted by section 53 of Chapter 50 of the Statutes of 1997, may cease to participate in the plan, retire and avail himself of the provisions not later than at the end of a 30-day period after the date of receipt of an estimate of his pension by the Commission if he made an application, before 15 April 1998, for the review of a decision of the Commission rejecting an application for redemption of years or parts of years of service within the scope of these provisions and where the decision was reversed by means of review or arbitration.

3. This Regulation comes into force on the date it is made by the Government.

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Gouvernement du Québec

O.C. 577-98, 29 April 1998

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 paragraph 4 of the first paragraph of section 244 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), amended by section 16 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 (1997, c. 19), the Régie des rentes du Québec may, by regulation, determine for the application of section 92 of the Act, the conditions for replacing a pension, the terms and conditions of the contract constituting the replacement pension as well as the methods, assumptions, rules and factors applicable to the calculation of the maximum annual amount of the replacement pension;

WHEREAS in accordance with the third paragraph of section 244 of the Supplemental Pension Plans Act, such regulations must be submitted to the Government for approval;

WHEREAS on 20 March 1998, the Régie adopted the Regulation to amend the Regulation respecting supplemental pension plans;

WHEREAS in accordance with section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation may be approved without being the object of the prepublication provided for in section 8 of the Act where the approving authority is of the opinion that the urgency of the situation so warrants;

WHEREAS in accordance with section 13 of the Act, the reason that justifies dispensing with prepublication must be published with such regulation;

WHEREAS in the Government's opinion, dispensing with prepublication is justified by the urgency arising from the following circumstances:

— the measures proposed are intended to correct errors noted in the regulatory provisions that the said measures amend and which prevent the regulation now in effect from having full effect;

— publishing the draft regulation would have the result of delaying the application of some of the measures proposed although the draft provides that those measures have effect as from 1 January 1998;

— the proposed regulation corrects regulatory provisions that prevent parties deprived of adequate incomes from receiving a temporary income from their life income funds;

— several financial institutions are requesting the correction of the regulatory provisions in question;

WHEREAS it is expedient to approve the Regulation hereto attached;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Employment and Solidarity:

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

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supplemental pension plans*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 244, 1st par., par. 4; 1997, c. 19, s. 16)

1. Section 19.2 of the Regulation respecting supplemental pension plans is amended:

(1) by replacing, in the part of the first paragraph preceding paragraph 1, the words “receive annually” by the words “, during a fiscal year of the life income fund, receive on application”;

(2) by replacing paragraph 2 of the first paragraph by the following paragraph:

“(2) 75 % of the purchaser's income for the 12 months that follow, excluding the income provided for in this section.”.

2. The first paragraph of section 20 and section 20.1 of the Regulation are amended by replacing the definition beginning with “A” by the following definition:

““A” represents the maximum temporary income for the fiscal year determined in accordance with section 20.4 or 20.5 or, if no amount was determined, the figure zero;”.

3. The Regulation is amended by adding, after section 20.4, the following section:

“**20.5.** The financial institution determines the maximum temporary income for the fiscal year of the life income fund following presentation of an application in accordance with section 19.2. The said income shall be equal to the product of multiplying the maximum monthly payment set in accordance with section 19.2 by the number of months remaining in the year as of the first day of the month of the application or, where the purchaser is entitled, for that month, to a temporary income by reason of a prior application, as of the first day of the following month; the product is increased where necessary by any income provided for in section 19.2 and paid to the purchaser during the year but prior to payment of the income payable as a consequence of the application

* 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, 2318), was made by the regulation approved by Order in Council 1681-97, dated 17 December 1997 (*G.O.* 1997, 2, 6329). For earlier amendments see the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 March 1998.

and reduced by any income paid to the purchaser, during the same period, from another life income fund.

The maximum temporary income for the fiscal year may not be less than zero.”

4. Section 22.2 of the Regulation is amended by adding, at the end, the words “or 0.9.1, as the situation requires”.

5. Schedule 0.5 of the Regulation is amended by replacing the declaration therein by the following declaration:

“I declare:

(1) that the income whose payment I shall receive during the next 12 months, other than the temporary income of which I am applying for payment from the life income fund with respect to which I am making this declaration, is \$ _____;

(2) that I am not a party to any other contract establishing a life income fund;

(3) that a total of \$ _____ has been paid to me during the current year from the life income funds to which I have been party, other than the one with respect to which I am making this declaration, and that the said total included _____ \$ that was paid to me in the form of a temporary income.”

6. Schedule 0.9 of the Regulation is amended by replacing the title by the following title:

“DECLARATION OF THE PURCHASER WHEN TRANSFERRING SUMS TO A LIFE INCOME FUND (purchaser aged 54 years or over at the end of the year preceding the year of the transfer)”.

7. The Regulation is amended by inserting, after schedule 0.9, the following schedule:

“SCHEDULE 0.9.1
(s. 19.2)

DECLARATION OF THE PURCHASER WHEN TRANSFERRING SUMS TO A LIFE INCOME FUND (purchaser aged under 54 years at the end of the year preceding the year of the transfer)

I declare:

(1) that since the beginning of the current year, I have not received any temporary income from a life income fund other than the one concerned by this declaration;

(2) that, of the total of \$ _____ transferred to the life income fund concerned by the present declaration, a sum of \$ _____ does not come directly or indirectly from a life income fund established by a contract to which I have been party during the current year.

_____ Date

_____ Signature

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.”

8. An application made in accordance with section 19.2 of the Regulation respecting supplemental pension plans prior to the coming into force of this regulation may be entertained provided the purchaser presents to the financial institution a declaration in conformity with the one prescribed in schedule 0.5 as amended by section 5.

9. This regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* with the exception of sections 1 to 3 and 5, which have effect from 1 January 1998.

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Gouvernement du Québec

O.C. 593-98, 29 April 1998

Professional Code
(R.S.Q., c. C-26)

Notaries

— Other terms and conditions for permits to be issued

Regulation respecting other terms and conditions for permits to be issued by the Chambre des notaires du Québec

WHEREAS under paragraph *i* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Chambre des notaires du Québec may, by regulation, determine the other terms and conditions for issuing permits, specialist’s certificates or special authorizations, in particular the obligation to serve the periods of professional training;

WHEREAS under paragraph *h* of section 94 of the Code, the Bureau may, by regulation, determine, among the professional acts that may be engaged in by mem-