

Copper Redhorse Regulation

An Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01, s. 10, par. 1)

DIVISION I THREATENED WILDLIFE SPECIES

1. The copper redhorse (*Moxostoma hubbsi*) is designated as a threatened species.

DIVISION II FINAL

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

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Gouvernement du Québec

O.C. 279-99, 24 March 1999

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9; 1997, c. 73)

Benefits

— Amendments

IN THE MATTER OF the Regulation to amend the Regulation respecting benefits

WHEREAS the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) was amended by the Act to reform the Québec Pension Plan and to amend various legislative provisions (1997, c. 73) and as a consequence, the Regulation respecting benefits must be amended;

WHEREAS the Régie des rentes du Québec, on 20 March 1998, adopted the Regulation to amend the Regulation respecting benefits in accordance with paragraphs *c*, *g*, *h*, *h.1*, *l* and *t* of section 219 of the Act respecting the Québec Pension Plan and section 84 of the Act to reform the Québec Pension Plan and to amend various legislative provisions;

WHEREAS section 220 of the Act respecting the Québec Pension Plan provides that the regulations made by the Régie come into force only after approval by the Government and publication in the *Gazette officielle du Québec*;

WHEREAS pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation attached to this Order was published in the *Gazette officielle*

du Québec on 17 June 1998, 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 it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting benefits, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting benefits*

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 219, par. *c*, *g*, *h*, *h.1*, *l*, *t* and *x*; 1997, c. 73, s. 84)

1. Section 1 of the Regulation respecting benefits is amended by adding, at the end, the following sentence:

“A proof of civil status does not, however, have to be provided unless requested by the Board.”

2. Section 8 of the Regulation is amended by replacing the word “succession” by the word “heirs”.

3. Section 9 of the Regulation is replaced by the following section:

“9. A pension may, on written application to the Régie, be paid semi-annually, by cheque or by direct deposit, in June for the benefits payable for the months of January through June and in December for the benefits payable for the months of July through December.

Any pension of which the amount is less than \$10 may also, on the Board’s own initiative, be paid semi-annually, in the said months.”

4. Section 12 of the Regulation is replaced by the following section:

* The Regulation respecting benefits, approved by Order in Council 967-94, dated 22 June 1994 (*G.O.* 1994, 2, 2343), was amended by Order in Council 102-97, dated 29 January 1997 (*G.O.* 1997, 2, 826).

“**12.** A contributor who wishes his pension to be paid to him before 65 years of age shall state in his application the date as of which he stopped or will stop working or, if the application pertains to a phased retirement based on an agreement with his employer, the date on which the reduction of his remuneration reached or will reach at least 20 %.”.

5. Section 15 of the Regulation is amended

(1) by inserting, in the first paragraph, after the word “pension”, the words “between married spouses”;

(2) by adding, after paragraph 3 of the first paragraph, the following paragraph:

“(4) the period, if any, of conjugal relationship prior to the spouses’ marriage, which period shall be attested by the signing of the application by both spouses.”;

(3) by inserting, after the first paragraph, the following paragraph:

“Where the application is made by de facto spouses, it shall be accompanied with, in addition to the information referred to in paragraph 1 of the first paragraph, the following information and documents:

(1) the date on which the conjugal relationship began;

(2) a statement that neither of the spouses is married to another person;

(3) a mention of any period during which the spouses did not live together in a conjugal relationship.”;

(4) by replacing, in the second paragraph, the words “a statement by that spouse to the effect that no contribution has been paid for him” by the words “a statement that no contributions were paid for the spouse who is not the recipient of such pension”.

6. The Regulation is amended by adding, after section 15, the following section:

“**15.1** For the purpose of partitioning a retirement pension, de facto spouses are reputed not to have lived in a conjugal relationship during the period beginning on the first day of the month in which they stopped living in a conjugal relationship and ending on the last day of the month preceding the one in which they resumed living in a conjugal relationship.”.

7. Section 16 of the Regulation is amended by striking out, in the first paragraph the words “; in addition, where the contributor has a spouse, his income must be

equal to 50 % or more of the sum of his income and that of his spouse”.

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

“**19.1** For the purpose of applying the third paragraph of section 96 of the Act, an occupation is deemed to be substantially gainful if the average monthly income therefrom for the three previous months, multiplied by 12, is equal to or greater than 12 times the maximum disability pension payable for the month following the last of the said months.

19.2 The request for transfer of the retroactive amount of a disability pension, which is referred to in the third paragraph of section 145 of the Act, shall

(1) include the contributor’s name and social insurance number as well as the name and address of the administrator of the disability insurance plan;

(2) authorize the Board to deduct, from the retroactive amount of the disability pension that may become payable to the contributor, the amount that must be remitted to the administrator of the disability insurance plan;

(3) authorize the Board and the administrator of the disability insurance plan to provide to one another the information required to make a deduction from the retroactive amount and to remit the said deduction to the administrator;

(4) include a confirmation, from the administrator of the disability insurance plan, of the monthly insurance benefit that would not have been paid under the said plan because of integration with the disability pension payable under the Act, as well as the period of integration for which the said benefit was paid.

19.3 The deduction and remittance owing to the administrator of an insurance plan, as referred to in section 145 of the Act, may not be made except where the following conditions are met:

(1) The contributor signed the request for transfer referred to in section 19.2 no more than 12 months prior to his application for a disability pension;

(2) The Board received the request for transfer before the contributor was deemed to be entitled to a disability pension;

(3) The amount of the deduction and remittance is more than \$50.”.

9. Section 21 of the Regulation is amended by adding, after paragraph 4, the following paragraph:

“(5) where the application for partition covers a period of conjugal relationship prior to marriage, the agreement referred to in section 22.3, which agreement shall accompany the application referred to in section 22.4.”.

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

“**22.** When an application for partition is withdrawn in accordance with section 102.8 or 102.10.8 of the Act, the Board shall forthwith inform each of the former spouses at their last know addresses.

In order for partition to be carried out notwithstanding the withdrawal of the application, a new application for partition must be made.”.

11. The Regulation is amended by adding, after section 22.1, the following sections:

“**22.2** Former de facto spouses are deemed, for the purpose of partitioning their earnings, not to have lived in a conjugal relationship during the period beginning on the first day of the year in which they stopped living in a conjugal relationship and ending on the last day of the year in which they resumed living in a conjugal relationship.

22.3 The agreement on partition of earnings between former de facto spouses, including an agreement on partition for a period of conjugal relationship prior to marriage, shall include

(1) the name, address and social insurance number of each of the former de facto spouses;

(2) the beginning date of the conjugal relationship and, where known at the time of signing the agreement, the ending date of the conjugal relationship;

(3) the beginning and ending dates of all periods of interruption of the conjugal relationship;

(4) the provision, if any, that the application may be made by only one of the spouses;

22.4 For the purpose of section 102.10.7 of the Act, the application for partition shall include

(1) the name, address and social insurance number of each of the former de facto spouses;

(2) the name and address of each child born of their union or adopted jointly or of any child of one of them who was adopted by the other;

(3) the beginning and ending dates of the conjugal relationship;

(4) the signature of both former de facto spouses or of the spouse who, under the terms of the agreement referred to in section 22.3, is authorized to make singly an application for partition.

The application shall be accompanied with the convention on partition referred to in section 22.3, if any.”.

12. Section 24 of the Regulation is amended

(1) by replacing paragraph 2 and 3 by the following paragraphs:

“(2) under sections 99 and 116.1, section 116.2 except insofar as factor “G” therein defined is concerned and sections 116.5, 116.6, 119, 120, 123, 124, 131, 133, 134 to 138 and 179, only the first two digits after the decimal point shall be retained and, where the third digit is greater than 4, the second digit shall be increased by one unit;

(3) for the purpose of calculating factor “G” as defined in section 116.2 and after making the calculations referred to in sections 116.3 and 116.4, no digit after the decimal point shall be retained and, where the first digit is greater than 4, the number shall be increased by one unit;”;

(2) by replacing, in paragraph 4, “and 107,” by “, 107 and 107.1”.

13. Section 26 of the Regulation is amended by inserting, after the word “three”, the words “, four or five”.

14. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*, with the exception of paragraph 1 to 3 of section 5 and sections 6, 9, 10 and 11, which will come into force on 1 July 1999.

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