

Gouvernement du Québec

O.C. 695-2001, 6 June 2001

Courts of Justice Act
(R.S.Q., c. T-16)

**Pension plan provided for in Part V.1 of the Act
— Supplementary benefits plan for judges**

Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act

WHEREAS, under the second paragraph of section 122 of the Courts of Justice Act (R.S.Q., c. T-16), amended by section 5 of chapter 8 of the Statutes of 2001, the Government may establish, in respect of judges to whom the pension plan established under Part V.1 of the Act applies, a plan providing for supplementary benefits payable from the date on which benefits become payable under the pension plan;

WHEREAS, under that paragraph, the Government may also include in that supplementary benefits plan provisions concerning the payment of benefits to the spouse and children of a judge and specify the situations that entail the obligation for the judge to contribute to the plan and the conditions relating to the determination and payment of the contributions;

WHEREAS it is expedient for the Government to establish a supplementary benefits plan for judges to whom the pension plan provided for in Part V.1 of the Act applies;

WHEREAS section 122.1 of the Courts of Justice Act, the Government may render all or some of the rules concerning the partition and assignment of benefits between spouses, contained in or enacted pursuant to Part VI.2 of that Act, applicable to the supplementary benefits plan thus established;

WHEREAS it is expedient for the Government to render applicable to the supplementary benefits plan thus established the rules concerning the partition and assignment of benefits between spouses, contained in or enacted pursuant to Part VI.2 of the Courts of Justice Act;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of such publication in the case of the Supplementary benefits plan for judges to whom the pension plan provided for in Part V.1 of the Courts of Justice Act applies:

(1) This Order in Council is the final element of the statutory implementation of the Rapport du Comité de la rémunération des juges de la Cour du Québec et des cours municipales de Laval, Montréal et de Québec dealing with the pension plan and the fringe benefits related to it. The Government has agreed in a declaration made in the National Assembly on 20 December 2000 to fully implement that report of the Committee. In accordance with section 246.44 of the Courts of Justice Act (R.S.Q., c. T-16), the Government must take, with diligence, the necessary steps to implement those recommendations;

(2) Bill 2 establishing a new pension plan for judges compels them to decide on a very short notice whether to participate in the new plan or to keep their present plan. If the provisions of the Regulations Act (R.S.Q. c. R-18.1) concerning the periods of time for the publication of proposed regulations in the *Gazette officielle du Québec* were applied, it is possible that the judges could not make that election in due time;

WHEREAS, pursuant to section 123 of the Courts of Justice Act, any order made pursuant to sections 115 to 122.3 of that Act comes into force on the date of its publication in the *Gazette officielle du Québec* or on any earlier or later date fixed therein;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act applies

Courts of Justice Act
(R.S.Q., c. T-16, ss. 122 and 122.1; 2001, c. 8, s. 5)

DIVISION I SCOPE

1. A plan providing for supplementary benefits payable from the date on which benefits become payable under the pension plan is hereby established for judges covered by the pension plan provided for in Part V. 1 of the Courts of Justice Act.

DIVISION II COMPUTATION AND PAYMENT OF SUPPLEMENTARY BENEFITS

2. The annual supplementary benefits payable to a judge are equal to the amount by which

(1) the amount obtained by multiplying the average salary by 3% per year of service used in calculating the pension payable to him under the pension plan,

exceeds

(2) the amount of that pension.

3. Special supplementary benefits shall be paid to a judge where the pension granted under the pension plan starts being paid after 30 December of the year in which he reached age 69. The benefits shall be equal to the amount obtained by multiplying the average salary by 3% per year of service comprised between 30 December of that year and either of the following dates, whichever comes first:

(1) the date on which his pension becomes payable under the second paragraph of section 224.11 of the Act;

(2) the date he reaches age 71.

4. Where the pension granted under the pension plan becomes payable while the judge's age and his years of service total 80 or more, the sum of that pension and the amount of supplementary benefits granted under this Plan may not be less than 55% of the average salary. If need be, the amount of supplementary benefits shall be increased.

The amount of that increase shall be attributed to the judge's last year of service considered for the purposes of this Plan.

5. The sum of the supplementary benefits granted under this Plan and the pension granted under the pension plan may not be less than 65% of his average salary.

6. For the purposes of this Division, the average salary shall be determined in accordance with section 224.9 of the Act.

Notwithstanding the foregoing, in the case of a judge referred to in section 3, the annual salary for each year of service included in the period prescribed in that section shall also be taken into consideration.

7. The supplementary benefits of a judge whose pension is reduced pursuant to section 224.16 of the Act shall be reduced in the same proportion.

8. A judge's supplementary benefits are for life and they become payable on the same date as his pension becomes payable under the pension plan.

9. When a retired judge dies, his benefits shall continue to be paid to his spouse or, failing that, to his heirs until the first day of the month following his death.

DIVISION III CONTRIBUTIONS

10. Where his contribution to the pension plan is less than 7% of his average salary, a judge shall pay to this Plan a contribution equal to 7% of this annual salary less the contribution paid to the pension plan.

A judge who continues to exercise his functions after 30 December of the year in which he reaches age 69 and who is not yet receiving his pension shall pay to this Plan a contribution equal to 7% of his annual salary.

For the purposes of this section, the annual salary of a judge shall be determined in accordance with section 224.2 of the Act.

The provisions of the Act regarding the refund of contributions to a judge, his spouse or heirs apply to contributions paid under this section.

DIVISION IV JUDGE HOLDING AN OFFICE AFTER RETIREMENT

11. A retired judge who is authorized by the Government, under section 93 of the Act, to exercise judicial functions shall continue to receive his supplementary

benefits and his salary shall be reduced in accordance with section 118 of the Act. He may not however become entitled to any additional benefits.

A retired judge receiving a salary for holding any other office with the Gouvernement du Québec or, in the case of a municipal court judge, any other office within the municipality shall continue to receive his supplementary benefits and his salary shall be reduced in accordance with section 118 of the Act.

DIVISION V
COMPUTATION AND PAYMENT OF
SUPPLEMENTARY BENEFITS TO SPOUSE
AND CHILDREN

12. A judge's spouse and children are entitled, where a pension is payable to them in that capacity under the pension plan provided for in Part V.1 of the Act, to supplementary benefits computed in relation to those that the judge received or would have received and in the same proportion as that applied to establish the pension payable to them under Chapter V of that Part.

Any supplementary benefits thus granted shall be paid until the day the recipient is no longer entitled to his pension under the pension plan.

DIVISION VI
MISCELLANEOUS

13. Supplementary benefits shall be indexed each year in the manner provided for in section 224.23 of the Act.

14. Supplementary benefits shall be paid at the intervals and on the conditions determined by a regulation made under section 148 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10).

15. The rules for the partition and assignment of benefits between spouses provided for in Part VI.2 of the Act and those established by the Government under the provisions of that Part which are applicable to benefits accumulated by the judge under his pension plan apply, adapted as required, to the benefits accumulated by the judge under this Plan.

16. The contribution of a municipality to this Plan, in respect of each municipal court judge covered by the plan provided for in Part V.1 of the Act, shall be equal to the amount by which 27.98% of the salary considered to calculate the supplementary benefits under this plan exceeds the contribution paid in respect of those judges to the pension plan provided for in Part V.1.

17. Municipalities shall pay their contribution to the Commission administrative des régimes de retraite et d'assurances on the 15th day of each month, in respect of municipal court judges covered by the pension plan provided for in Part V.1 of the Act.

Any portion of the municipality's contribution that remains unpaid to the Commission on the 15th day of the month shall bear interest as of the next day, at the rates provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan.

18. Within 30 days of the date of the statement of account sent by the Commission, the municipalities shall pay their contributions and the interest payable on such contributions.

Any amount unpaid within 30 days shall bear interest at the rates provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan as of the date of the statement of account.

19. This Plan came into force on 1 January 2001.

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Gouvernement du Québec

O.C. 698-2001, 6 June 2001

Pharmacy Act
 (R.S.Q., c. P-10)

Veterinary Surgeons Act
 (R.S.Q., c. M-8)

Medications

— **Terms and conditions for the sale**

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

WHEREAS under section 37.1 of the Pharmacy Act (R.S.Q., c. P-10), the Office des professions du Québec, after consultation with the Conseil consultatif de pharmacologie, the Ordre professionnel des médecins du Québec, the Ordre professionnel des médecins vétérinaires du Québec and the Ordre des pharmaciens du Québec, may, by regulation, establish categories of medications and determine, for each category, if need be, by whom and subject to what terms and conditions the medications may be sold and whereas the rules may vary for the same medication according to whether it is intended for human or animal consumption;