

63. Acupuncturists shall promote education and information measures in the field in which they practise. Unless they have good reasons for not doing so, they shall also perform the necessary acts to ensure that such education and information duties relating to the field are carried out.

64. Acupuncturists shall support every measure likely to improve the quality and availability of professional services in the field in which they practise.

DIVISION XIV REPRODUCTION OF THE GRAPHIC SYMBOL OF THE ORDER

65. Acupuncturists who reproduce the graphic symbol of the Order in their advertising shall ensure that it is identical to the original held by the secretary of the Order.

66. Acupuncturists who use the graphic symbol of the Order in their advertising, except on business cards, must include the following notice in the advertising :

“This is not an advertisement of the Ordre professionnel des acupuncteurs du Québec, and is binding only on its author.”.

CHAPTER III FINAL

67. Acupuncturists who, at the time of the coming into force of this Code, use a form of advertising that does not comply with the Code must comply therewith within six months.

Acupuncturists who are bound by a contract may continue to use the advertisement until the contract expires or until the next renewal.

68. Sections 30 to 32, 35, 38 to 40, 42 to 45, 47 to 51 and 52.1 of the Regulation respecting the practice of acupuncture by persons other than physicians, approved by Order in Council 299-85 dated 26 June 1985 and maintained in force by section 41 of the Act respecting acupuncture, cease to have effect on the day of the coming into force of this Code.

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

Draft Regulation

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Plans exempted from the application of certain provisions of the Act

Regulation to amend the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, the text of which appears below, may be made by the government upon the expiry of 45 days following this publication.

The purpose of the proposed regulatory provisions is to amend the rules concerning the simplified pension plan so as to simplify the administration of plans in this category and to allow a portion of the sums accumulated under the name of a member of such a plan to be exempted from locking-in. They are also intended to establish specific rules for the payment of the benefits of certain members where the conversion of a defined contribution pension plan into a simplified pension plan occurs.

Further information may be obtained from Mr. Pierre Bégin, Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3, tel. : (418) 657-8732, fax : 659-8995, e-mail : pierre.begin@rrq.gouv.qc.ca

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Guy Morneau, President and General Manager of the Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, 5^e étage, Sainte-Foy (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment, Social Solidarity and Family Welfare, who is responsible for the application of the Supplemental Pension Plans Act.

CLAUDE BÉCHARD,
*Minister of Employment, Social Solidarity
and Family Welfare*

Regulation to amend the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 2)

1. The title of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act is replaced with the following title:

“Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act”.

2. Section 8 of the Regulation is amended:

(1) by striking out, under the heading “Establishment and effective date”, the number “1”;

(2) by striking out, under the heading “Amendment”, the words and number “the second and third paragraphs of section 20”;

(3) by replacing, under the heading “Contributions”, the words and number “the first and second paragraphs of section 37, excluding the words “with a concurrent contribution by the employer” in the first paragraph, sections” with the word and number “sections 37.”;

(4) by replacing the heading “Division and merger”, with the following heading:

“Division and merger – section 197.”;

(5) by replacing, under the heading “Miscellaneous and transitional provisions” the word and number “sections 264,” with the words and number “section 264, with the understanding that the second paragraph thereof applies only with respect to the contributions and other sums credited to the locked-in account of the member, as well as sections”.

3. Section 10 of the Regulation is amended:

(1) by striking out, in the portion of the first paragraph preceding subparagraph 1, the number “1”;

(2) by replacing subparagraphs 2 and 3 of the first paragraph with the following subparagraphs:

“(2) that the employer may stipulate the member contribution;

“(3) that the member may determine annually, or if the plan so provides, more frequently, the additional voluntary contribution that he undertakes to make, by giving written notice thereof to the employer, who shall collect such additional voluntary contribution;

(3.1) that the sum of the contributions that may be paid on behalf of a member may not be subject to limits lower than those allowed under the taxation rules (Income Tax Act, Revised Statutes of Canada (1985) c. 1, 5th suppl., subparagraphs 147.1 (8) and (9));”;

(3) by replacing, in subparagraph 5 of the first paragraph, the words “or payment of the account, the administrator of the plan shall transfer or pay those contributions as it did for the account” with the words “, refund or payment of the balance of the member’s accounts, the administrator of the plan shall transfer or pay those contributions as it did for the accounts in which they were to be entered”;

(4) by adding, after subparagraph 5 of the first paragraph, the following subparagraph:

“(5.1) that the member is entitled, at any time and upon application, to a refund of all or part of his not locked-in account or to the transfer of all or part of that account to a pension plan of his choice, provided such plan is a plan within the meaning of the third paragraph of section 98 of the Act or to a registered retirement income fund as defined in section 1 of the Taxation Act (R.S.Q., c. I-3) and such refund or transfer shall be made within 60 days following the member’s application.”;

(5) by replacing subparagraph 6 of the first paragraph with the following subparagraph:

“(6) that within 90 days following the sending of the statement required in the event of cessation of active membership, an account of a member who is no longer an active member shall:

(a) where such account is locked-in, be transferred to a pension plan within the meaning of the third paragraph of section 98 of the Act, selected by the member or, failing such selection, by the financial institution;

* The last amendments to the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, approved by Order in Council 1160-90, dated 8 August 1990 (1990, G.O. 2, 2333), were made by the regulation approved by Order in Council 1151-2002, dated 25 September 2002 (2002, G.O. 2, 5369). For the preceding amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

(b) where such account is not locked-in, either be transferred to a pension plan within the meaning of the third paragraph of section 98 of the Act or to a registered retirement income fund as defined in section 1 of the Taxation Act, selected by the member or, failing such selection, by the financial institution or be refunded to the member and where the member omits to give instructions as to the payment of his account before the expiry of the 60-day period mentioned above, he is presumed to have applied for a refund of the account;”;

(6) by replacing subparagraph 9 of the first paragraph with the following subparagraph:

“(9) that the balance of the member’s accounts, with accrued interest to the date of payment, shall, upon the member’s death, be paid to his spouse or, failing that, to his successors;”;

(7) by replacing subparagraph 11 of the first paragraph with the following subparagraph:

“(11) that the member may demand a lump-sum payment of his locked-in account if a physician certifies that his physical or mental disability reduces his life expectancy and that such payment be made within 60 days following the member’s application therefor;”;

(8) by inserting before the word “account” the word “locked-in”, in subparagraph 12 of the first paragraph;

(9) by replacing subparagraphs 13 and 14 of the first paragraph with the following subparagraphs:

“(13) that the member whose active membership has ceased may demand the refund of his locked-in account where that account is less than 20% of the maximum pensionable earnings under the Québec Pension Plan (R.S.Q., c. R-9) for the year in which he became entitled to such refund and that the refund be made within 90 days following the application of the member therefor;

(14) that a transfer referred to in subparagraphs 5.1, 6 our 12 may, at the discretion of the financial institution and in the absence of contrary stipulations, be made by remitting the investment securities related to the account;”;

(10) by striking out subparagraph 15 of the first paragraph;

(11) by replacing subparagraph *a* of subparagraph 18 of the first paragraph with the following subparagraphs:

“(a) a copy of the portion of the plan that sets out the provisions applying to all the employers and a copy of the portion that sets out the dispositions specific to the employer concerned;

“(a.1) the annual statement and the financial report referred to in section 161 of the Act;”;

(12) by replacing, in subparagraph 22 of the first paragraph, the words “the assets entered in his account” with the words “his accounts”;

(13) by replacing, in the portion of subparagraph 23 of the first paragraph preceding subparagraph *a*, the word “account” with the word “accounts”;

by adding, at the end of subparagraph *c* of subparagraph 23 of the first paragraph, the words “or segregated funds”;

by replacing subparagraphs 24 and 25 of the first paragraph with the following subparagraphs:

“(24) that the financial institution that administers the plan shall keep in its books, for each member, a “locked-in” account and a “not locked-in” account;

(25) that, in each member’s locked-in account, shall be entered:

(a) his member contributions, unless otherwise provided by the plan;

(b) the contributions made to his benefit by the employer;

(c) the dividends, refunds and other advantages granted with respect to the account;

(d) where the financial institution allows their transfer to the plan, the sums transferred from a retirement savings instrument that provides that such sums must be converted into a life pension or from a deferred profit sharing plan as defined in section 1 of the Taxation Act (R.S.Q., c. I-3), into which they were paid by an employer;

(25.1) that, in each member’s not locked-in account, shall be entered:

(a) his member contributions, if the plan so provides;

(b) his additional voluntary contributions;

(c) the dividends, refunds and other advantages granted with respect to the account;

(d) the sums, other than those referred to in subparagraph *d* of paragraph 25, that are transferred with the financial institution’s consent;

(25.2) that no sum may be transferred between the locked-in account and the not locked-in account of the member;”;

(16) by replacing paragraph 29 of the first paragraph with the following paragraph:

“(29) that, subject to the third paragraph of section 11.1, no amendment to the plan that cancels refunds or pension benefits, limits eligibility therefor or reduces the amount or value of the members’ benefits may become effective before the 30th day following, in the case of an amendment established by a collective agreement or an arbitration award in lieu thereof or rendered compulsory by order or decree, the effective date of the agreement, the award or the order or decree and in all other cases, the date of sending of the notice provided for in section 26 of the Act, the said limit on the effective date of an amendment not applying however in the cases referred to in the second paragraph of section 20 of the Act;”;

(17) by replacing the second paragraph with the following paragraph:

“Notwithstanding the second paragraph of section 5 of the Act, the plan may not provide for the payment or refund of a member’s locked-in account except in conformity with subparagraphs 6, 9, 11 and 13 of the first paragraph.”.

4. Section 11 of the Regulation is amended:

(1) by adding, after paragraph 3, the following subparagraph:

“(3.1) for the members as a whole, the account, either the locked-in account or the not locked-in account in which the member contributions will be entered;”;

(2) by adding, after subparagraph 5, the following subparagraph:

“The employer may also stipulate that he will pay, in addition to the contribution referred to in subparagraph 3 of the first paragraph, an additional contribution, for which he shall specify the amount or the calculation method as well as the payment method in a written notice sent to the financial institution and to each of the members on behalf of whom such additional contribution will be paid. Such additional contribution is deemed to be an employer contribution only for the purposes of the provisions of sections 44 to 53 of the Act that apply to the plan pursuant to section 8 of the Regulation.”.

5. The Regulation is amended by inserting, after section 11, the following section:

“**11.1.** A simplified pension plan may contain various provisions that an employer may stipulate with respect to the regular intervals for the collection or the payment of contributions or to one or the other of the matters referred to in section 11.

The employer’s stipulations with respect to the matters referred to in the first paragraph, provided such stipulations are compatible with the plan’s provisions and registered with the Régie, are exempted from the application of sections 19 and 24 of the Act as well as from the provisions of sections 1.1 and 2.1 of the Regulation respecting supplemental pension plans that relate to the registration of an amendment to a plan.

Such stipulations take effect on the date indicated in a notice that the financial institution shall send to the members and whose contents and method of sending shall be in conformity with the rules provided for in section 26 of the Act. If a stipulation so notified has the same effect as an amendment referred to in paragraph 29 of the first paragraph of section 10 of the Regulation, the notice may not, except in the case provided for in subparagraph 1 of the second paragraph of section 20 of the Act and where the affected members have given consent, indicate an effective date that is prior to the 30th day following:

(1) in the case of a stipulation established by a collective agreement or arbitration award in lieu thereof or rendered compulsory by an order or decree, the date on which the agreement was signed or the effective date of the award, order or decree;

(2) in all other cases, the date of sending of the notice.”.

6. Section 13 of the Regulation is amended by replacing the number “90” with the number “60”.

7. Section 16 of the Regulation is replaced with the following sections:

“**16.** The statement that the financial institution must send to the member in application of section 112 of the Act shall indicate the amount of the additional contribution that the employer has paid to the member’s benefit during the fiscal year and show in a distinct manner for each of the member’s accounts the information provided for in subparagraphs 10 to 14 of section 57 and in section 59.1 of the Regulation respecting supplemental pension plans.

16.1. The financial institution must append to the annual statement that it sends pursuant to section 161 of the Act a list showing the name and date of joining or withdrawal, as the case may be, of each employer who has become or ceased to be a party to the plan during the fiscal year covered by the statement.

16.2. In the event of a plan's merger, the financial institution must provide to each of the members affected by the merger, within 30 days thereof, a statement updating as at the date of the merger the information contained in the last annual statement or in any other statement subsequent thereto and covering the same subjects that was sent to the member.

16.3. The financial institution that administers a simplified pension plan shall keep for each employer party to the plan a register in which shall be entered:

(1) the date on which the employer joined the plan and on which he withdrew from the plan;

(2) a list of the amendments made to the portion of the plan that contains the provisions specific to the employer;

(3) a copy of the notices sent pursuant to the third paragraph of section 11.1."

8. The Regulation is amended by inserting, after division IV, the following division:

"DIVISION IV.1

PAYMENT OF THE BENEFITS OF THE ACTIVE MEMBERS UPON CONVERSION OF A PENSION PLAN INTO A SIMPLIFIED PENSION PLAN

19.1. This division applies only to a defined contribution pension plan referred to in paragraph 2 or 3 of section 116 of the Act.

19.2. A pension plan terminated by means of a notice that, in addition to respecting the requirements of section 204 of the Act, stipulates that the plan is terminated in order to be converted into a simplified pension plan established with the financial institution indicated therein is, provided the provisions of section 19.3 of the Regulation are met, exempted from the application of section 236 of the Act with respect to the members who are active members on the date of termination and who join the simplified pension plan.

The sender of the notice provided for in the first paragraph shall, without delay, provide a copy to the Régie.

19.3. The plan's termination date may not be more than 60 days after the date on which the notice provided for in section 19.2 is sent.

The date on which the employer party to the terminated plan joins the simplified pension plan mentioned in the notice may not be later than the day following the plan's termination date.

19.4. The benefits of the members referred to in section 19.2 shall be paid by transferring the value of such benefits to the simplified pension plan established with the financial institution mentioned in the notice provided for in that section."

9. Section 32 of the Regulation is amended in the English text:

1° by replacing, in the first sentence of the first paragraph, the word "surplus" with the word "excess";

2° by replacing, in the second sentence of the first paragraph, the words "The surplus optional ancillary benefits" with the words "The excess optional ancillary contributions";

3° by replacing, in the fourth paragraph, every occurrence of the word "surplus" with the word "excess".

10. Section 35 of the Regulation is amended in the English text by inserting in subparagraph 3, after the second occurrence of the word "the", the word "excess".

11. The amendments required to bring a simplified pension plan already in effect on the date of the coming into force of this regulation into conformity with the amendments contained in this regulation shall be submitted to the Régie for registration within 12 months following that date.

Once registered, the amendments to the plan have effect from the coming into force of this regulation.

12. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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