

Gouvernement du Québec

O.C. 851-2009, 23 June 2009

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

Benefits
— Amendments

Regulation to amend the Regulation respecting benefits

WHEREAS, under paragraph *j.2* of section 219 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the Régie des rentes du Québec may make regulations establishing the criteria which, for the purposes of the fourth paragraph of section 139 of the Act, enable groups of contributors to be identified, and establishing the manner of fixing the date on which a contributor is presumed to have made an application for a retirement pension;

WHEREAS, under paragraph *j.3* of section 219 of the Act, the Board may make regulations prescribing ways other than in writing to apply for the benefits it determines;

WHEREAS, under paragraph *k* of section 219 of the Act, the Board may make regulations determining the cases which may give rise to the payment referred to in section 142.1 of the Act and the terms and conditions of such a payment, and prescribing the method to be used to calculate the amount of the single payment or to establish the interval between payments;

WHEREAS the Régie des rentes du Québec made the Regulation to amend the Regulation respecting benefits on 14 November 2008;

WHEREAS section 220 of the Act respecting the Québec Pension Plan provides that the regulations made by the Board are not to come into force until approved by the Government and published in the *Gazette officielle du Québec*;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 April 2009 with a notice 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, on the recommendation of the Minister of Employment and Social Solidarity:

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

GÉRARD BIBEAU,
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; para. *j.2*, *j.3* and *k*)

1. Section 2 of the Regulation respecting benefits is amended:

(1) by inserting, in the first paragraph, after the word “marriage”, the words “, civil union”;

2° by adding, at the end, the following paragraph:

“Proof of the dissolution or annulment of the civil union shall be made by filing a copy of the judgment of dissolution, the judgment of annulment or the notarized joint declaration of dissolution certified by the public officer with whom it was deposited.”

2. Section 3 of the Regulation is amended by inserting, after the word “marriage”, the words “, civil union”.

3. Section 9 of the Regulation is amended by adding, at the end, the following paragraph:

“Furthermore, a payment may be carried forward to the following six-month period if the amount thereof is less than 2\$, provided such carrying forward does not exceed 5 years.”

4. The regulation is amended by inserting, after section 13, the following section:

“**13.1** An application for a retirement pension may be made to the Régie by telephone. In such case, the application is made the day on which the contributor expresses his desire to receive a retirement pension and provides the information required under the Act.”

5. The Regulation is amended by inserting, after section 14, the following section:

* The last amendments to the Regulation respecting benefits, approved by Order in Council 967-94, dated 22 June 1994 (*G.O.* 1994, 2, 3213), were made by the Regulation approved by Order in Council 279-99 dated 24 March 1999 (*G.O.* 1999, 2, 754). For the preceding amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2009, updated to 1 March 2009.

“14.1 A contributor who is not the beneficiary of a retirement pension under the Québec Pension Plan and who is entitled to an additional pension in accordance with section 120.3 of the Act is deemed to have made an application for a retirement pension the last day of the first year for which unadjusted pensionable earnings are related to months subsequent to the end of his contributory period, under the terms of subparagraph *a* or *b* of the first paragraph of section 101 of the Act.”

6. Section 15 of the Regulation is amended:

(1) by inserting, in the first paragraph, after the words “married spouses”, the words “or civil union spouses”;

(2) by replacing, in paragraph 2 of the first paragraph, the words, “marriage certificate”, with the words “certificate of marriage or civil union”;

(3) by inserting, at the beginning of paragraph 3 of the first paragraph, the words “in the case of married spouses,”;

(4) by inserting, in paragraph 4 of the first paragraph, after the words “prior to the spouses’ marriage”, the words “or civil union”;

(5) by replacing, in paragraph 2 of the second paragraph, the words “married to another person” with the words “joined by marriage or civil union to another person”.

7. Section 20 of the Regulation is amended by inserting, after the words “separation from bed and board”, the words “or a judgment of dissolution or annulment of civil union or a notarized transaction fixing the consequences of a dissolution of civil union”.

8. Section 21 of the Regulation is amended by inserting, in paragraph 5, after the words “prior to marriage”, the words “or civil union”.

9. Section 22.3 of the Regulation is amended by inserting, in the first paragraph, after the words “prior to marriage”, the words “or civil union”.

10. Section 24 of the Regulation is amended by inserting, in paragraph 2 of the first paragraph, following the number “120,” the number “120.3,”.

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

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Gouvernement du Québec

O.C. 858-2009, 23 June 2009

An Act respecting the Ministère des Ressources naturelles et de la Faune
(R.S.Q., c. M-25.2)

Approval of a program relating to a delegation of land management of the lands in the domain of the State to regional county municipalities (RCMs) and municipalities whose territory is not included in the territory of an RCM

WHEREAS the Fédération québécoise des municipalités and the Union des municipalités du Québec signed, on 24 September 2008, with the Minister of Municipal Affairs and Regions and the Minister of Natural Resources and Wildlife, an agreement in principle on the decentralization of land management and the management of the mining of sand and gravel on the lands in the domain of the State;

WHEREAS, under section 17.13 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2), the Minister may, with the approval of the Government, prepare programs for the development of lands in the domain of the State that are under the Minister’s authority in order to encourage regional development or implement any other governmental policy;

WHEREAS, under the third paragraph of section 17.14 of the Act, the Minister may, for the purposes of such programs, entrust the management of any land in the domain of the State that is under the Minister’s authority and the property situated thereon to a legal person, and such legal person may in that case exercise the powers and responsibilities entrusted to it by the Minister that are defined in the program;

WHEREAS, under the third paragraph of section 17.14 of the Act, the program must identify, among the provisions of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1), the provisions whose application may be delegated to the legal person, as well as the powers and responsibilities vested in the Minister that may be exercised by the legal person;

WHEREAS, under the fourth paragraph of section 17.14 of the Act, where the management of land in the domain of the State is entrusted to a municipality by the Minister, the Minister may, to the extent necessary to implement a program and according to the terms and conditions specified in the program, determine, among the powers provided for in section 71 of the Act respecting the lands in the domain of the State, those that may be exercised by the municipality by means of regulations;