

Gouvernement du Québec

**O.C. 865-2010**, 20 October 2010

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

**Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Act**  
— Amendments

Amendments to the 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), 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 the supplementary benefits plan provisions concerning the payment of benefits to the spouse and children of a judge, and specify in the plan 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, under section 122.1 of the Courts of Justice Act, the Government may render all or some of the rules respecting the partition and assignment of benefits between spouses contained in or enacted pursuant to Part VI.2 of the Act applicable to the supplementary benefits plan;

WHEREAS, under section 122.3 of the Act, the cost of the supplementary benefits plan is to be borne, in respect of judges of the Municipal Courts to whom the plan provided for in Part V.1 of the Act applies, by each municipality, respectively, and each municipality is to pay its contribution according to the rules, terms and conditions determined by the order establishing the plan, and such rules, terms and conditions may fix the interest payable on late payments;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Amendments to the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act was published in Part 2 of the *Gazette officielle du Québec* of 17 June 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Amendments, with amendments;

WHEREAS, under section 123 of the Courts of Justice Act, any order made pursuant to sections 115 to 122.2 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 Amendments to 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.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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

Courts of Justice Act  
(R.S.Q., c. T-16, ss. 122, 122.1, 122.3, 4th par., and 123)

1. The Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act is amended by replacing section 2 by the following:

“2. The annual supplementary benefits payable to a judge are equal to the amount obtained

(1) by multiplying the average salary by 3% per year of service used to compute the pension payable under the pension plan; and

(2) by subtracting the pension amount from the amount obtained under subparagraph 1.

If the judge’s pension is reduced pursuant to the second paragraph of section 224.10 or section 224.16 of the Act, the amount obtained under subparagraph 1 of the first paragraph is reduced in the same way as the pension.”.

\* The Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act, made by Order in Council 695-2001 dated 6 June 2001 (2001, *G.O.* 2, 2804), has not been amended since it was made.

**2.** Section 3 is amended by adding the following paragraph at the end:

“If the pension is reduced pursuant to section 224.16 of the Act, the supplementary benefits are reduced in the same way as the pension.”.

**3.** Section 4 is replaced by the following:

“4. Where the pension granted under the pension plan becomes payable while the judge’s age and years of service total 80 or more, if the sum of that pension and the supplementary benefits granted under this Plan is, before any reduction in the pension and benefits under section 224.16 of the Act, less than 55% of the average salary, the amount of supplementary benefits is increased so as to reach that percentage.

The amount of that increase is attributed to the judge’s last year of service considered for the purposes of this Plan. If the pension is reduced pursuant to section 224.16 of the Act, the new amount of supplementary benefits is reduced in the same way as the pension.”.

**4.** Section 5 is replaced by the following:

“5. The sum of the supplementary benefits granted under this Plan and the pension granted under the pension plan may not be greater than 65% of the judge’s average salary before any reduction in those benefits and pension under section 224.16 of the Act.”.

**5.** Section 6 is amended by replacing “prescribed in” in the second paragraph by “determined by”.

**6.** Section 7 is revoked.

**7.** Section 10 is amended by replacing the first and second paragraphs by the following:

“The judge must pay to this Plan a contribution equal to 7% of the judge’s annual salary, less the contribution paid to the pension plan. From the date on which the judge has accumulated 21.7 years of service in the pension plan, the judge must pay to this Plan a contribution equal to 1% of the judge’s annual salary, less the contribution paid to the pension plan.

The first paragraph also applies, with the necessary modifications, to a judge who continues to exercise his or her functions after 30 December of the year in which age 69 is reached if payment of the judge’s pension has not begun.”.

**8.** Section 11 is amended

(1) by striking out “and his salary shall be reduced in accordance with section 118 of the Act” in the first sentence of the first paragraph;

(2) by replacing “in accordance with section 118 of the Act” in the second paragraph by “in accordance with the second sentence of the second paragraph of section 224.25”.

**9.** Section 12 is amended by adding the following at the end of the first paragraph: “, excluding a reduction resulting from the application of section 224.15 of the Act”.

**10.** The following is inserted after section 13:

“13.1. Where the Commission and Ville de Montréal, Ville de Laval or Ville de Québec enter into a transfer agreement under section 246.24 of the Act, that agreement must also apply to the judge’s supplementary benefits plan.”.

**11.** Section 16 is revoked.

**12.** Section 17 is amended by replacing the second paragraph by the following:

“Any amount of a payment that a municipality fails to make to the Commission on the 15th day of the month bears interest, compounded annually, at the rate provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) from that date. Despite the foregoing, if, for a period or part of a period indicated in that Schedule, the rate provided for therein is less than the rate provided for in Schedule VII to that Act, the rate in Schedule VII applies for that period or part of a period.”.

**13.** Section 18 is amended by replacing the second paragraph by the following:

“Any amount not paid within 30 days bears interest, compounded annually, from the date of the statement of account, at the rate provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and applicable on that date.”.

**14.** The provisions of these amendments come into force as follows:

(1) sections 1, 2, 3, 4 and 6 have effect from 1 July 2004;

(2) sections 7 and 8 have effect from 14 June 2002;

(3) the other provisions come into force on the fifteenth day following the date of publication of the amendments in the *Gazette officielle du Québec*.