

Gouvernement du Québec

**O.C. 866-2010**, 20 October 2010

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

**Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Act**  
— Amendments

Amendments to the Supplementary benefits plan for judges covered by the pension plan established under Part VI 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 VI 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 VI 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 established under Part VI 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 established under Part VI 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 established under Part VI 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 established under Part VI 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 for the judge’s 3 best paid years of service or, if the judge has fewer than 3, for all the judge’s years of service, by 2.8% per year of service used to compute the pension payable to the judge 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 232.1 or section 238 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 established under Part VI of the Courts of Justice Act, made by Order in Council 326-93 dated 17 March 1993 (1993, *G.O.* 2, 1949), was last amended by Order in Council 1473-2001 dated 12 December 2001 (2001, *G.O.* 2, 6861) and by section 3 of chapter 41 of the Statutes of 2004. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

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

“If the pension is reduced pursuant to section 238 of the Act, the supplementary benefits are reduced in the same way as the pension.”.

**3.** Section 4 is revoked.

**4.** Section 8 is revoked.

**5.** Section 9 is amended

(1) by striking out “, and his salary shall be reduced in accordance with section 118 of the Act, amended by section 1 of Chapter 79 of the Statutes of 1991” in the first sentence of the first paragraph;

(2) by replacing “in accordance with section 118 of the Act, amended by section 1 of Chapter 79 of the Statutes of 1991” in the second paragraph by “in accordance with the second sentence of the second paragraph of section 244.3 of the Act”.

**6.** Section 11 is replaced by the following:

“**11.** To calculate the supplementary benefits payable under this plan, the average salary is determined in accordance with section 231 of the Act. For the purposes of that calculation, the annual salaries taken into account are in no case limited by the defined benefit limit applicable for each year under the Income Tax Act (Revised Statutes of Canada, 1985, c. 1 (5th Supp.)).”.

**7.** Section 12 is amended by replacing the first paragraph by the following:

“All supplementary benefits are indexed each year in the manner provided for in section 244.11 of the Act, without taking into account subparagraph 1 of the first paragraph of that section.”.

**8.** The following is inserted after section 12:

“**12.1.** 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.”.

**9.** Section 16.1 is revoked.

**10.** Section 16.2 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.”.

**11.** Section 16.3 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.”.

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

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

(2) sections 5 and 7 have effect from 14 June 2002. Section 7 also applies to pensions in payment on that date.

(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*.

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Gouvernement du Québec

**O.C. 867-2010, 20 October 2010**

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

**Rules, terms and conditions of payment of the contribution of a municipality to the pension plans provided for in Parts V.1 and VI of the Act**

Regulation respecting the rules, terms and conditions of payment of the contribution of a municipality to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act

WHEREAS, under the second paragraph of section 246.26.1 of the Courts of Justice Act (R.S.Q., c. T-16), each municipality is to pay its contribution to the pension plan provided for in Part V.1 of the Act and to the pension plan provided for in Part VI of the same Act according to the rules, terms and conditions of payment which the Government determines by regulation, and such rules may fix the interest payable on late payments;