

For those purposes of the first and second paragraphs, the Member is deemed to have ceased to be a Member at the date of assessment.

**5.** Where the accrued benefits consist in a refund of contributions, the value of those benefits corresponds to the contributions paid to the date of assessment. The same applies in respect of the value of the benefits accrued during the marriage or civil union.

**16.** If the amount paid to the spouse derives from an entitlement to a refund of contributions or a retirement pension payment of which is deferred to age 60 or to the date determined under subparagraph *a* of subparagraph 1 of the first paragraph of section 3, the benefits of the Member or former Member are established in accordance with the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly and recalculated as follows:

(1) where the Member or former Member is entitled to a refund of contributions, the amount of the refund is reduced by the sums awarded to the spouse at the date of assessment;

(2) where the Member or former Member is entitled to a retirement pension, the pension is reduced, from the date at which it becomes payable or from the date of the payment to the spouse if the retirement pension is being paid at that date, by the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

**21.** Any refund of contributions made following a death must be reduced by the sums awarded to the spouse.”

**24.** For the purposes of the third paragraph of section 19 and the third paragraph of section 20, the reference to section 52 of Act respecting the conditions of employment and the pension plan of the Members of the National Assembly is replaced by a reference to section 103.11 of the Legislature Act, as it read on 31 December 1991.

#### **DIVISION V.1** TRANSITIONAL PROVISION

**25.** For the purposes of sections 19 and 20, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment is determined at that date according to the actuarial method and assumptions that were used for the assessment of the accrued benefits.

#### **DIVISION VI** MISCELLANEOUS PROVISIONS

**26.** This Regulation replaces the Règlement sur le partage et la cession des droits accumulés au titre du régime de retraite des membres de l'Assemblée nationale, made by decision 757 dated 19 September 1995.

**27.** This Regulation comes into force on the day it is passed.

1759

#### **Decision 1609-1**, 10 November 2011

An Act respecting the National Assembly  
(R.S.Q., c. A-23.1)

CONCERNING the Regulation respecting the survivor pension plan for Members of the National Assembly

AS, under section 106 of the Act respecting the National Assembly (R.S.Q., c. A-23.1), the Minister of Finance is to pay, for each Member participating in the plan, such portion of the premium of a group life insurance and disability insurance plan or of any other insurance plan as the Office may determine;

AS, by Decision 271 dated 16 December 1987, the Office adopted the Règlement sur le programme d'assurance à l'intention des membres de l'Assemblée nationale, which includes provisions concerning the survivor pension plan;

AS it is expedient that those provisions be set out in a separate regulation;

AS it is expedient that that regulation be adopted in French and in English and be published in the *Gazette officielle du Québec* in order to make it available to everyone concerned;

IT IS THE DECISION OF THE OFFICE

To adopt the Regulation respecting the survivor pension plan for Members of the National Assembly;

To publish the Regulation in the *Gazette officielle du Québec*.

JACQUES CHAGNON,  
*President of the National Assembly*

## Regulation respecting the survivor pension plan for Members of the National Assembly

An Act respecting the National Assembly  
(R.S.Q., c. A-23.1, s. 106)

**1.** The Members of the National Assembly are covered by a survivor pension plan.

**2.** A Member's participation in the plan and entitlement to benefits begin on the day the Member is elected and end on the 31st day after the day on which the Member is defeated in an election, resigns or completes a term without being a candidate in the next election.

**3.** On a Member's death, the Member's spouse receives a survivor pension equal to 40% of the Member's basic salary and the Member's dependent children, a survivor pension equal to 15% of the Member's basic salary and apportioned among them in equal shares.

If no survivor pension is payable to a surviving spouse, the Member's first dependent child gives entitlement to a survivor pension equal to 15% of the Member's basic salary and the Member's other dependent children, to a survivor pension equal to 10%. The total annual pension may not initially exceed 55% of the Member's basic salary at the time of death and is apportioned among the dependent children in equal shares.

**4.** The survivor pension is adjusted on 1 January each year, in the same manner as the retirement pension under the Québec Pension Plan, up to 3% per year.

The survivor pension, combined with the pension a spouse or dependent child may receive under the pension plan or the supplementary benefits plan of the Members of the National Assembly, may not exceed 90% of the Member's basic salary at the time of death.

**5.** The sums required to finance the survivor pension plan are provided by the Minister of Finance in accordance with section 126 of the Act respecting the National Assembly (R.S.Q., c. A-23.1).

**6.** The plan is administered in accordance with the Directive concernant le régime de rentes de survivants, adopted by C.T. 188102 dated 5 December 1995, with the necessary modifications, including the following:

(1) section 1, Chapter 2, section 14, Chapter 5 except section 24, and Chapters 6 and 7 do not apply;

(2) "fonctionnaire" is replaced wherever it occurs by "député";

(3) "traitement" means a Member's basic salary at the time of death.

**7.** The Règlement sur le programme d'assurance à l'intention des membres de l'Assemblée nationale, adopted by Decision 271 dated 16 December 1987, is repealed.

**8.** This Regulation comes into force on the day it is passed.

1758