

**3.** Section 2 is amended by replacing subparagraph 3 of the first paragraph with the following:

“(3) in the case of married spouses or spouses in a civil union, the benefits accrued during the period of the marriage or civil union, as well as the value of those benefits;”.

**4.** Section 3 is amended by inserting “or civil union” in the second paragraph after “marriage”.

**5.** Section 4 is amended by replacing “proportionately to the amounts paid in capital for their payment out of the total capital amount. Those years or parts of a year are deemed to be credited or counted for the period of the marriage” with “as a ratio of the capital paid therefor to the total capital. The years or parts of a year are deemed to be credited or counted for the period of the marriage or civil union”.

**6.** Section 5 is amended:

(1) by replacing every occurrence of “comprised in the period of the marriage” with “included in the period of the marriage or civil union”;

(2) by inserting “or civil union” after every occurrence of “period of the marriage”.

**7.** Section 6 is amended by inserting “or the civil union” after every occurrence of “marriage”.

**8.** Section 7 is amended by adding “or the civil union” at the end.

**9.** Section 9 is amended by inserting, after “marriage” in the third paragraph, “or civil union”.

**10.** Section 10 is amended by inserting, after “marriage” in the second paragraph, “or civil union”.

**11.** Section 13 is amended:

(1) by replacing paragraph 1 with the following:

“(1) the judgement of separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or the payment of a compensatory allowance, unless the judgment has already been sent to Retraite Québec;”;

(2) by adding, at the end of paragraph 2, “or the joint declaration dissolving the civil union and the notarized transaction contract”;

(3) by inserting, after paragraph 3, the following:

“(3.1) in the case of spouses referred to in the first paragraph of section 72.1.1 of the Act, the agreement between the spouses concerning partition of the benefits accrued by the teacher or former teacher under the Teachers Pension Plan, signed before a notary or attorney, or a sworn declaration signed by both spouses within 12 months following the date on which they ceased living together;”.

**12.** This Regulation comes into force on (*insert the date of coming into force of section 34, paragraphs 2 and 3 of section 35 and section 36 of chapter 4 of the Statutes of 2018*).

103740

Gouvernement du Québec

**T.B. 220170, 19 November 2018**

An Act respecting the Civil Service Superannuation Plan  
(chapter R-12)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions  
(2018, chapter 4)

**Pension plans civil Service Superannuation Plan  
— Partition and assignment of benefits accrued  
— Amendment**

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan

WHEREAS, under paragraph 8.2 of section 109 of the Act respecting the Civil Service Superannuation Plan (chapter R-12), the Government may, by regulation, after Retraite Québec has consulted the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), determine the terms and conditions of the applications required under Division III.1 of the Act respecting the Civil Service Superannuation Plan;

WHEREAS, under paragraph 8.3 of section 109 of the Act, as amended by paragraph 2 of section 41 of chapter 4 of the Statutes of 2018, the Government may, by regulation, fix, for the purposes of sections 108.1 and 108.1.1 of

the Act respecting the Civil Service Superannuation Plan, the information which must be contained in the statement setting out the value of the benefits accrued by the officer or former officer;

WHEREAS, under paragraph 8.3.1 of section 109 of the Act, enacted by paragraph 3 of section 41 of chapter 4 of the Statutes of 2018, the Government may, by regulation, determine, for the purposes of section 108.1.1 of the Act respecting the Civil Service Superannuation Plan, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the officer or former officer under the plan;

WHEREAS, under paragraph 8.4 of section 109 of the Act, the Government may, by regulation, fix, for the purposes of section 108.2 of the Act, the rules which apply to the establishment of the benefits accrued under the plan, which may differ from the rules otherwise applicable under the Act and under Title IV of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS, under paragraph 8.4 of section 109 of the Act respecting the Civil Service Superannuation Plan, the Government may, by regulation, determine, for the purposes of section 108.2 of the Act, the actuarial rules, assumptions and methods which apply to the assessment of accrued benefits and which may vary according to the nature of the benefits;

WHEREAS, under paragraph 8.5 of section 109 of the Act, the Government may, by regulation, determine, for the purposes of section 108.3 of the Act, the rules and the terms and conditions of payment of the sums awarded to the spouse and, where applicable, the interest payable thereon;

WHEREAS the Government made the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan (chapter R-12, r. 2);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan has been consulted;

WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in paragraphs 2 and 4 to 6 of that provision;

WHEREAS the consultation has been held;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2018 with a notice that it could be made by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comment on the draft Regulation was received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

That the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan is hereby made.

*Le greffier du Conseil du trésor,*  
LOUIS TREMBLAY

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### **Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan**

An Act respecting the Civil Service Superannuation Plan  
(chapter R-12, s. 109, pars. 8.2 to 8.6)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions  
(2018, chapter 4, s. 41, pars. 2 and 3)

1. Section 1 of the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan (chapter R-12, r. 2) is amended:

(1) by adding, at the beginning of subparagraph 2 of the first paragraph, “in the case of married spouses,”;

(2) by inserting, after subparagraph 2 of the first paragraph, the following subparagraph:

“(2.1) in the case of spouses in a civil union, a certificate of civil union;”;

(3) by replacing subparagraph 3 of the first paragraph with the following:

“(3) written confirmation from a certified mediator to the effect that he or she has received a mandate within the context of family mediation or written confirmation from a notary to the effect that the spouses in a civil union have undertaken a joint procedure for the dissolution of their civil union or, as the case may be, the joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment disposing of such an application;”;

(4) by adding, at the end of the second paragraph, “in accordance with section 4 of the Act respecting Retraite Québec (chapter R-26.3)”.

**2.** The Regulation is amended by inserting, after section 1, the following:

“**1.1.** Any application for a statement referred to in section 108.1.1 of the Act must be signed by the officer or former officer and his spouse. The application must contain the following information and be accompanied with the following documents:

(1) the name, address, Social Insurance Number and date of birth of the officer or former officer and his spouse;

(2) an attestation by the officer or former officer and his spouse that neither was married or in a civil union on the date on which they ceased living together and, where applicable, the date of the divorce or the dissolution of the civil union and the documents attesting thereto, unless those documents have already been sent to Retraite Québec;

(3) an attestation by the officer or former officer and his spouse of the dates on which they began and ceased living together and, where applicable, proof concerning their marital residence. Furthermore, if the spouses lived in a conjugal relationship for at least one year but not more than three years preceding the date on which they ceased living together, they must also attest that one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 108.1.1 of the Act occurred and, where applicable, provide proof thereof;

(4) the information that must be provided by the employer in his annual report, in accordance with section 188 of the Act respecting the Government and Public

Employees Retirement Plan (chapter R-10), for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.”

**3.** Section 2 is amended by replacing subparagraph 3 of the first paragraph with the following:

“(3) in the case of married spouses or spouses in a civil union, the benefits accrued during the period of the marriage or civil union, as well as the value of those benefits;”.

**4.** Section 3 is amended by inserting, “or civil union” in the second paragraph after “marriage”.

**5.** Section 4 is amended by replacing “proportionately to the amounts paid in capital for their payment out of the total capital amount. Those years or parts of a year are deemed to be credited or counted for the period of the marriage” with “as a ratio of the capital paid therefor to the total capital. The years or parts of a year are deemed to be credited or counted for the period of the marriage or civil union”.

**6.** Section 5 is amended:

(1) by replacing every occurrence of “comprised in the period of the marriage” with “included in the period of the marriage or civil union”;

(2) by inserting “or civil union” after every occurrence of “for the period of the marriage”.

**7.** Section 6 is amended by inserting, “or civil union” after every occurrence of “marriage”.

**8.** Section 7 is amended by adding, “or civil union” at the end”.

**9.** Section 9 is amended by inserting “or civil union” in the third paragraph after “marriage”.

**10.** Section 10 is amended by inserting “or civil union” in the second paragraph after “marriage”.

**11.** Section 13 is amended:

(1) by replacing paragraph 1 with the following:

“(1) the judgement of separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or the payment of a compensatory allowance unless the judgment has already been sent to Retraite Québec;”;

(2) by adding, at the end of paragraph 2, “or the joint declaration dissolving the civil union along with the notarized transaction contract”;

(3) by inserting, after paragraph 3, the following:

“(3.1) in the case of spouses referred to in the first paragraph of section 108.1.1 of the Act, the agreement between the spouses concerning partition of the benefits accrued by the officer or former officer under the Civil Service Superannuation Plan, signed before a notary or attorney or a sworn declaration signed by both spouses within 12 months following the date on which they ceased living together;”

**12.** This Regulation comes into force on *(insert the date of coming into force of section 40, paragraphs 2 and 3 of section 41 and section 42 of chapter 4 of the Statutes of 2018)*.

103741

Gouvernement du Québec

## **T.B. 220171, 19 November 2018**

An Act respecting the Pension Plan of Management Personnel  
(chapter R-12.1)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

### **Supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel** **— Certain provisions relating to the partition and assignment of benefits accrued** **— Amendment**

Regulation to amend the Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the Government may, with respect to classes of employees designated under the first

paragraph of section 23 of the Act, establish a plan that provides for supplementary benefits payable from the date of retirement and the Government may also provide in the plan for the payment of benefits to the spouses of such employees;

WHEREAS the Government made the Order in Council respecting the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 3);

WHEREAS, under section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) that are in force on 20 June 2001 are considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as the regulations and orders made under the corresponding provisions of the Act, and they apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS the Government made the Order in Council respecting the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 220.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 6), and that Order in Council, which was in force on 20 June 2001, is considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, to be an Order in Council made under the corresponding provisions of the Act, and it applies, with the necessary modifications, until it is replaced by the regulation made under the corresponding provisions;

WHEREAS, under the second paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel, the Government may prescribe special rules governing the determination and assessment of the supplementary benefits of accrued benefits under the supplementary benefits plan with respect to certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel;

WHEREAS the Government made the Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R 12.1, r. 1.1);

WHEREAS it is expedient to amend the Regulation;