

Regulations and other Acts

Gouvernement du Québec

O.C. 1419-2018, 12 December 2018

An Act respecting the Government and
Public Employees Retirement Plan
(chapter R-10)

Sûreté du Québec

— **Partition and assignment of benefits accrued
under the Régime de retraite des membres**
— **Amendment**

Regulation to amend the Regulation respecting the
partition and assignment of benefits accrued under the
Régime de retraite des membres de la Sûreté du Québec

WHEREAS, in accordance with section 52 of the Act to
amend various legislation for the purposes of partition and
assignment between spouses of benefits accrued under
a pension plan, the Government made the Regulation
respecting the partition and assignment of benefits
accrued under the Régime de retraite des membres de la
Sûreté du Québec (chapter R-10, r. 9);

WHEREAS, under the first paragraph of section 74 of
the Act respecting the implementation of recommenda-
tions of the pension committee of certain public sector
pension plans and amending various legislative provisions
(2018, chapter 4), the Government may, despite any pro-
vision to the contrary, by regulation, include the special
measures provided for in Chapter VII.1 of Title I of the
Act respecting the Government and Public Employees
Retirement Plan and the regulation made under that Act,
in the pension plan of the Sûreté du Québec (C.T. 181151
dated 18 August 1992) for the purposes of the partition
and assignment of benefits between spouses referred to
in section 122.1.1 of that Act;

WHEREAS, under the first paragraph of section 74 of the
Act respecting the implementation of recommendations
of the pension committee of certain public sector pen-
sion plans and amending various legislative provisions,
the Government may, by regulation, include the special
measures provided for in section 75 of that Act in the
pension plan of the Sûreté du Québec (C.T. 181151 dated
18 August 1992);

WHEREAS, under the second paragraph of section 74
of that Act, the Government may also include special pro-
visions in that regulation concerning the establishment

and assessment of benefits accrued under the Régime de
retraite des membres de la Sûreté du Québec and crite-
ria allowing persons to be considered spouses entitled to
partition and assignment of the benefits concerned;

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 assign-
ment of benefits accrued under the Régime de retraite des
membres de la Sûreté du Québec was published in Part 2
of the *Gazette officielle du Québec* of 20 June 2018 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 Regulation with-
out amendment;

IT IS ORDERED, therefore, on the recommendation of
the Minister responsible for Government Administration
and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respect-
ing the partition and assignment of benefits accrued
under the Régime de retraite des membres de la Sûreté
du Québec be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec

An Act respecting the Government and
Public Employees Retirement Plan
(chapter R-10; 1990, chapter 5, s. 52; 2018,
chapter 4, ss. 74)

1. Section 1 of the Regulation respecting the partition
and assignment of benefits accrued under the Régime
de retraite des membres de la Sûreté du Québec (chap-
ter R-10, r. 9) is amended:

(1) by replacing subparagraph 2 of the first paragraph
with the following:

“(2) in the case of married spouses, a marriage certifi-
cate and, where applicable, the date on which the spouses
resumed living together;”;

(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 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.** Where a member or former member and a person of the opposite or same sex whom the member or former member publicly represents as his spouse have ceased living together and neither was married or in a civil union on the date on which they ceased living together, and provided that the spouse had been living in a conjugal relationship with the member or former member for a period of not less than one year immediately prior to the date on which they ceased living together or during the year preceding that date, and one of the following situations occurred :

- (1) a child was born or is to be born of their union,
- (2) they adopted a child together, or
- (3) one of them adopted the child of the other,

the spouses may, in accordance with section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), agree within 12 months of the date on which they ceased living together to the partition of the benefits accrued by the member or the former member under the Régime de retraite des membres de la Sûreté du Québec; such an agreement may not, however, confer on the spouse more than 50% of the value of such benefits.

For that purpose, the member or former member and the spouse are entitled to obtain, upon application made to Retraite Québec, a statement setting out the value of the benefits accrued by the member or former member under the plan, established as at the date on which they ceased living together. Any application for a statement must be signed by the member or the former member 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 member or former member and of his spouse;

(2) an attestation by the member or former member 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 member or former member and his spouse of the dates on which they began and ceased living together and, where applicable, proof that they lived in a conjugal relationship. Furthermore, if the spouses lived in a conjugal relationship for less than one year 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 occurred and, where applicable, provide proof thereof;

(4) the information that must be provided by the employer in his annual report, in accordance with the provisions of the Régime de retraite des membres de la Sûreté du Québec, 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.

Any application made under this section is also valid for the ancillary benefits provided for in Chapter V of the Régime de retraite des membres de la Sûreté du Québec, that are administered by the Association des policières et policiers provinciaux du Québec.”

3. Section 2 is amended by adding, at the beginning of subparagraph 3 of the first paragraph, “in the case of married spouses or spouses in a civil union,”.

4. Section 15 is amended:

(1) by adding, at the end of paragraph 1, “, unless the judgment has already been sent to Retraite Québec”;

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

“(3.1) in the case of spouses referred to in the first paragraph of section 1.1, the agreement between the spouses concerning partition of the benefits accrued by the member or former member under the Régime de retraite des membres de la Sûreté du Québec, 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;”.

5. Section 27 is amended by adding, at the beginning of paragraph 2, “in the case of married spouses or spouses in a civil union,”.

6. The Regulation is amended by replacing the title of Division VI with “MISCELLANEOUS AND TRANSITIONAL PROVISIONS”.

7. The Regulation is amended by inserting, after section 33, the following:

“**33.1.** Notwithstanding the fact that under section 1.1, spouses to which that section applies may agree, within 12 months following the date on which they ceased living together, to the partition of the benefits accrued by the member or former member under the Régime de retraite des membres de la Sûreté du Québec, such persons who ceased living together after 31 August 1990 but before (*insert the date of coming into force of this Regulation*), may agree, in accordance with section 75 of the Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4), to such partition not later than 12 months following the latter date.”.

8. This Regulation comes into force on 10 January 2019.

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Gouvernement du Québec

O.C. 1420-2018, 12 December 2018

An Act respecting the Pension Plan of Elected Municipal Officers
(chapter R-9.3)

Pension Plan of Elected Municipal Officers — Partition and assignment of benefits accrued — Amendment

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers

WHEREAS, under subparagraph 4.1 of the first paragraph of section 75 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3), the Government may, by regulation, determine the terms and conditions of the applications required under Chapter VI.1 of the Act;

WHEREAS, under subparagraph 4.2 of the first paragraph of section 75 of the Act, amended by paragraph 1 of section 18 of the Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legis-

lative provisions (2018, chapter 4), the Government may, by regulation, determine, for the purposes of sections 63.1 and 63.1.1 of the Act respecting the Pension Plan of Elected Municipal Officers, the information which must be contained in the statement setting out the value of the benefits accrued by the member or former member of the council;

WHEREAS, under subparagraph 4.2.1 of the first paragraph of section 75 of the Act respecting the Pension Plan of Elected Municipal Officers, enacted by paragraph 2 of section 18 of the Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions, the Government may, by regulation, determine, for the purposes of section 63.1.1 of the Act respecting the Pension Plan of Elected Municipal Officers, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the member or former member of the council under the plan;

WHEREAS, under subparagraph 4.3 of the first paragraph of section 75 of the Act respecting the Pension Plan of Elected Municipal Officers, the Government may, by regulation, fix, for the purposes of section 63.2 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 determine, for the purposes of section 63.2 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 subparagraph 4.5 of the first paragraph of section 75 of the Act, the Government may, by regulation, determine, for the purposes of section 63.5 of the Act, the actuarial rules, assumptions and methods for reducing any sum payable under the plan, which may vary according to the nature of the benefit from which such sum is derived;

WHEREAS the Government made the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers (chapter R-9.3, r. 2);

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 Plan of Elected Municipal Officers was published in Part 2 of the *Gazette officielle du Québec* of 20 June 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;