

## Regulations and other Acts

Gouvernement du Québec

**O.C. 955-2019, 11 September 2019**

Supplemental Pension Plans Act  
(chapter R-15.1)

### **Exemption of certain provision plans from the application of provisions of the Act — Amendment**

CONCERNING the Regulation to amend the Regulation respecting the exemption of certain provision plans from the application of provisions of the Supplemental Pensions Plan Act

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plan Act (chapter R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan it designated from the application of all or part of the Act, particularly by reason of special characteristics of the plan or by reason of the complexity of the Act in relation to the number of members in the plan and prescribe special rules applicable to the plan;

WHEREAS, in accordance with the third paragraph of that section, such a regulation may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the second year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (chapter R-18.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act, a draft Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act was published in Part 2 of the *Gazette officielle du Québec* of 29 May 2019 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 without amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, attached hereto, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act**

Supplemental Pension Plans Act  
(chapter R-15.1, s. 2, 2nd and 3rd pars.)

**1.** The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 8) is amended in section 1:

(1) by adding the following after subparagraph 1.1 of the first paragraph:

“(1.1.2) section 21.1 of the Act, as it read on 31 December 2015, with respect to the consultation of members and beneficiaries regarding an amendment of the plan on the appropriation of surplus assets to the payment of employer contributions. For the purposes of that consultation, sections 146.4 and 146.5 of the Act in force on 1 January 2016 apply;”;

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

“(2) section 146 of the Act;”;

(3) by striking out the second paragraph.

**2.** The following is added after section 1:

“**1.0.1.** Despite the third paragraph of section 318.5 of the Act, the following provisions of the Act in force on 1 January 2016 apply to the plan, with the following modifications:

(1) section 60, with the modifications provided for in section 6.1 of the Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R-15.1, r. 2);

(2) section 119.1, where no actuarial valuation is required at the date of the end of a fiscal year of the pension plan by paragraph 2 of section 118 of the Act referred to in section 7 of the Regulation;

(3) section 143, except that the value of the benefits of members and beneficiaries who do not have the option of maintaining their benefits in the plan must be paid at 100%.

**1.0.2.** The following provisions of the Regulation respecting the funding of pension plans of the municipal and university sectors apply to the plan, with the following modifications:

(1) for the purposes of subparagraph 2 of the first and third paragraphs of section 146.3.4 of the Act referred to in section 24 of the Regulation, and paragraph 1 of section 146.3.6 of the Act referred to in section 25 of the Regulation, the general account must be replaced by plan assets and the liabilities increased by the provision for adverse deviation referred to in the second paragraph of section 13 of the Regulation;

(2) in addition to the information that must be indicated in the text of the plan under the third paragraph of section 38.1, the text of the plan must indicate that the termination of the deferred pension indexation before retirement does not give entitlement to an additional benefit;

(3) in addition to the contributions referred to in the first paragraph of section 38.7, the actuarial gains of the new component of the plan are used to provision the stabilization fund;

(4) the balance of the stabilization fund at the end of a fiscal year of the plan is determined without applying subparagraph 5 of the first paragraph of section 38.15 and the second paragraph of that section.”

**3.** Section 1.1 is amended:

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

“(3) sections 143 to 146 with respect to the accrued benefits in the former component of the plan;

(3.1) section 146 with respect to the accrued benefits in the new component of the pension plan and the benefits resulting from an amendment of conversion referred to in section 22 of the Act;”;

(2) by striking out the second paragraph.

**4.** The following is added after section 1.1:

“**1.2.** Despite the third paragraph of section 318.5 of the Act, the following provisions of the Act in force on 1 January 2016 apply to the plan, with the following modifications:

(1) section 60, with the modifications provided for in section 6.1 of the Regulation respecting the funding of pension plans of the municipal and university sectors;

(2) section 119.1, where no actuarial valuation is required at the date of the end of a fiscal year of the pension plan by paragraph 2 of section 118 of the Act referred to in section 7 of the Regulation;

(3) section 143, with respect to the value of benefits accrued in the new component of the pension plan by a member or beneficiary and with respect to the value of part of the benefits of a member who was the subject of an amendment of conversion referred to in section 22 of the Act, except that the value of the benefits of members and beneficiaries who do not have the option of maintaining their benefits in the plan must be paid at 100%.

**1.3.** The following provisions of the Regulation respecting the funding of pension plans of the municipal and university sectors apply to the plan, with the following modifications:

(1) for the purposes of subparagraph 2 of the first and third paragraphs of section 146.3.4 of the Act referred to in section 24 of the Regulation, and paragraph 1 of section 146.3.6 of the Act referred to in section 25 of the Regulation, the general account must be replaced by plan assets and the liabilities increased by the provision for adverse deviation referred to in the second paragraph of section 13 of the Regulation;

(2) in addition to the information that must be indicated in the text of the plan under the third paragraph of section 38.1, the text of the plan must indicate that the indexation of the deferred pension until the date on which the active membership ended does not give entitlement to an additional benefit;

(3) in addition to the contributions referred to in the first paragraph of section 38.7, the actuarial gains of the new component of the plan are used to provision the stabilization fund;

(4) the balance of the stabilization fund at the end of a fiscal year of the plan is determined without applying subparagraph 5 of the first paragraph of section 38.15 and the second paragraph of that section.”

**5.** If the actuarial valuation at 31 December 2018 shows that the degree of solvency of the Régime complémentaire de rentes des techniciens ambulanciers oeuvrant au Québec, determined without reference to the amendment referred to in section 22 of the Act, is less than 90%, a special amortization payment of an amount that corresponds to the assets lacking so that the plan's degree of solvency, at the date of the actuarial valuation, is at least equal to that which would have been determined at that date had it not been amended, must be paid into the pension fund in full on the day following the date of the valuation.

**6.** Despite paragraph 3 of section 1.0.1, introduced by section 2, the Régime de retraite du personnel des CPE et des garderies privées conventionnées du Québec is exempted from the application of sections 143 to 146 of the Act with respect to the payment of benefits of a member who received the statement referred to in section 113 of the Act before 1 January 2019 provided that the member requests payment of his or her benefits within 90 days after receipt of the statement.

**7.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. Despite the foregoing, it has effect from 1 January 2019, except paragraph 1.1.2 of section 1, introduced by paragraph 1 of section 1, which has effect from 31 October 2018.

104096