

**Regulation  
respecting supplemental pension plans  
(R-15.1, r.1)  
and related provisions**

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Régie des rentes du Québec



**Regulation respecting supplemental pension plans  
and their amendments.**

*Regulation respecting supplemental pension plans [R-15.1, r. 1]*

O. C. 1158-90, 8 August 1990, G. O. 2 (1990), 2318  
(came into force on 30 August 1990,  
except Division V, which came into force on 1 September 1990,  
pursuant to O. C. 1159-90, G. O. 2 (1990), 2333)

Erratum G. O. 2 (1991), 41

O. C. 568-91, 24 April 1991, G. O. 2 (1991), 1535

O. C. 1895-93, 15 December 1993, G. O. 2 (1993), 7150  
(came into force on 13 January 1994)

O. C. 658-94, 4 May 1994, G. O. 2 (1994), 1876  
(came into force on 2 June 1994)

O. C. 1465-95, 8 November 1995, G. O. 2 (1995), 3145  
(came into force on 31 December 1995)

O. C. 1681-97, 17 December 1997, G. O. 2 (1997), 6329  
(came into force on 15 January 1998)

O. C. 577-98, 29 April 1998, G. O. 2 (1998),  
(came into force on 28 May 1998, except sections 1 to 3 and 5,  
which have effect from 1 January 1998)

O.C. 173-2002, 20 February 2002, G.O. 2 (2002), 1495  
(came into force on 21 March 2002, except section 59 which has effect from 1 January  
2001 and section 48 to the extent that it introduces section 56.2 and sections 49 and 51  
to 53 which have effect from 31 December 2002)

O.C. 204-2005, 16 March 2005, G.O. 2 (2005), 703  
(came into force on 14 April 2005)



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#### RELATED PROVISIONS



**Regulation respecting supplemental pension plans**  
**[R-15.1, r. 1]**

Supplemental Pension Plans Act  
(1989, c. 38, s. 244, subpars. 1, 2, 4, 6 to 8, 10, 11, 13 and 14 and s. 312)

**DIVISION I**

**REGISTRATION AND REPORTS**

1. An application for registration of a pension plan must, in addition to the documents and information required under the second paragraph of section 24 of the Supplemental Pensions Plans Act (1989, c. 38), contain the following information :

(1) the name of each employer party to the plan and the nature of the enterprise of the principal employer party to the plan;

(2) the name of the plan and the date on which it becomes effective;

(3) a list of any other plans to which an employer referred to in subparagraph 1 is required to contribute;

(4) *Repealed*;

(5) *Repealed*;

(6) with respect to the active members:

(a) the number of those exercising included employment within the meaning of section 4 of the Pension Benefits Standards Act (Revised Statutes of Canada (1985), chapter 32, 2nd supplement), distributed by sex;

(b) the number of active members working outside Canada, distributed by sex;

(c) the number of the other active members, distributed by sex and, according to the place where the work is carried out, by Canadian province and territory;

(6.1) with respect to the non-active members and beneficiaries:

(a) their total number;

(b) the number of those among them who are referred to in section 12;

(7) the date of the end of the fiscal year of the plan;

(8) *(Repealed)*;

(9) the name and office address of the signatory of the application;

(10) *(Repealed)*.

The signatory of the application must certify:

- (1) that he is the administrator of the plan or that he is authorized to act on the administrator's behalf;
- (2) that the person who certified the copy of the plan that accompanies the application to be a true copy is qualified to do so;
- (3) that the information contained in the application is exact to the best of his knowledge.

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O. C. 1158-90, s. 1; O.C. 173-2002, s. 1.

**1.1** A simplified pension plan, governed by Division IV of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, made by Order in Council 1160-90 dated 8 August 1990, prescribes, on the one hand, the registration of the provisions applicable to all the employers that are parties to the plan in accordance with this section and, on the other hand, the registration of an amendment to the plan for the provisions specific to each employer in accordance with section 2.1

An application for the registration of the provisions applicable to all the employers that are parties to the plan must contain the following information, in addition to the documents and information required under subparagraphs 1, 6 and 7 of the second paragraph of section 24 of the Act :

- (1) the name of the plan, the name of the financial institution that administers it, the address of its head office and, where applicable, the address of its principal establishment in Québec;
- (2) the effective date of those provisions and the number of active plan members on that date;
- (3) the name and office address of the signatory of the application.

The application must also contain an attestation by the signatory that :

- (1) the financial institution that administers the plan has obtained the employer's written acknowledgement of the obligations incumbent upon it under the plan;
- (2) the financial institution has obtained the employer's and the employees' association's written acknowledgement of the fact that the provisions to be registered correspond to what they agreed upon, where the employer has delegated powers to the association relating to the plan under the terms of an agreement referred to in paragraph 27 of section 10 of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act;
- (3) the signatory is authorized to prepare and sign that application on behalf of that financial institution.

- (4) the person who certified the copy of the plan that accompanies the application to be a true copy is qualified to do so;

(5) the information contained in the application are exact to the best of his knowledge.

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O. C. 658-94, s. 1; O.C. 173-2002, s. 2.

**2.** An application for registration of an amendment to a pension plan must, in addition to the documents and information required under the second paragraph of section 24 of the Act, contain the following information :

(1) the name of the plan and the number assigned to it by the Régie des rentes du Québec;

(2) the object of the amendment and the date on which it becomes effective;

(3) where the amendment has the effect of reducing the benefits of members or beneficiaries, as the case may be :

(a) the date on which the collective agreement, arbitration award in lieu thereof, or order or decree making that amendment or rendering it compulsory becomes effective;

(b) the date of sending of the notice prescribed in the first paragraph of section 26 of the Act;

(4) the name and office address of the signatory of the application;

(5) a copy of the pertinent part of any collective agreement, arbitration award, order or decree under which the amendment was made.

The signatory of the application must certify:

(1) that he is the administrator of the plan or is authorized to act on the administrator's behalf;

(2) that the person who certified the copy of the amendment that accompanies the application to be a true copy is qualified to do so;

(3) that the information contained in the application is exact to the best of his knowledge.

The application for registration shall also be accompanied with a declaration in conformity with the declaration provided in schedule 0.0.1.

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O. C. 1158-90, s. 2; O.C. 173-2002, s. 3.

**2.1** An application for the registration of an amendment to a simplified pension plan must contain the following information, in addition to the documents and information required under subparagraphs 1, 6 and 7 of the second paragraph of section 24 of the Act :

(1) the name of the plan and the number assigned to it by the Régie;

(2) the object of the amendment and its effective date and, where the amendment has the effect of reducing the benefits of members or beneficiaries, as the case may be :

- (a) the date on which the collective agreement establishing the amendment was signed;
  - (b) the effective date of the arbitration award standing in lieu of a collective agreement or the effective date of the decree or order rendering the amendment compulsory;
  - (c) the date of sending of the notice provided for in the first paragraph of section 26 of the Act;
- (3) in the case of the provisions specific to an employer and to members working for that employer, the name of the employer;
- (4) the name and office address of the signatory of the application.

The application must also contain the attestation provided for in the third paragraph of section 1.1, adapted as required to take into account the fact that the application concerns an amendment to the plan.

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O. C. 658-94, s. 2; O.C. 173-2002, s. 4.

### **3.** (*Revoked*)

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O. C. 1158-90, s. 3; O.C. 173-2002, s. 5.

**4.** A report referred to in section 119 of the Act shall, if it is referred to in section 5, contain the information and the declarations of the Actuary provided for in the procedure entitled "Standard of Practice for Valuation of Pension Plans" approved by the Canadian Institute of Actuaries on 20 January 1994 and the following information:

- (1) the name of the plan and the number assigned to it by the Régie;
- (2) the date of the actuarial valuation;
- (3) the number of active members, the number of non-active members to whom no pension is being paid and the number of the other non-active members whose benefits are covered by the actuarial valuation;
- (4) the value of the assets and of the plan's obligations determined on the basis of funding, as well as the methods or actuarial assumptions used to determine them.
- (5) the current service contribution projection for the first fiscal year covered by the actuarial valuation and the rule used to determine the current service contributions for each of the fiscal years between the date of the valuation and the date of the next valuation required under subparagraph 3 of section 118 of the Act, with a mention of the share that must be paid respectively by the employer and the members;

(6) the employer contribution under the plan, where it is greater than the contribution provided for in sections 39 and 140 of the Act.

(7) for each unfunded liability not yet entirely amortized:

(a) its type according to section 126 of the Act;

(b) the date of its determination as well as the date of the end of the period provided for its amortization;

(c) the amortization amounts to be paid monthly until the end of the period and their present value;

(8) for each sum determined under subparagraph 4 of the second paragraph of section 137 of the Act:

(a) the date of its determination as well as the date of the end of the prescribed amortization period;

(b) the amortization amounts to be paid monthly until the end of the period and their present value;

(9) the value of the plan's assets and liabilities determined on the basis of solvency as well as the methods or actuarial assumptions used to determine them and the degree of the plan's solvency at the valuation date;

(10) the estimated amount of the administration costs referred to in the first paragraph of section 138 of the Act.

(11) where the plan provides for obligations to which the last sentence of the second paragraph of section 138 of the Act applies:

(a) a description of the obligations;

(b) the scenario used by the actuary to determine the plan's liabilities on the basis of solvency and, where that scenario results in liabilities less than the value of the obligations arising from the plan in supposing that the plan is terminated on the date of the valuation in circumstances such that the benefits of the members must be estimated at their maximum value, such maximum value;

(12) the description of the approach used to estimate the premium referred to in the fourth paragraph of section 138 of the Act;

(13) where the plan's degree of solvency is less than 100%, the value of the amounts referred to in paragraphs 1 and 2 of the second paragraph of section 137 of the Act for each unfunded actuarial liability and each sum determined by the application of subparagraph 4 of the second paragraph of section 137;

(14) the liabilities, degree of solvency and date of application that results from the rule provided for in the fifth paragraph of section 138 of the Act;

(15) a description of the changes made by applying sections 133, 134 or 140 of the Act to the amortization amounts and periods mentioned in the last report on the valuation of the whole plan and in any later report prepared by the application of section 130 of the Act;

(16) the surplus assets determined on the basis of funding and that determined on the basis of solvency;

(17) the maximum amount referred to in section 146.2 of the Act, taking into account the rule set out in section 146.1 of the Act;

(18) a summary of the provisions of the plan that must be taken into account for the purposes of the valuation, including those bearing on contributions, normal retirement age, requirements to be met to be entitled to an early pension, pension indexation formula, assumptions used in accordance with the second paragraph of section 61 of the Act and the refunds and benefits payable for the purposes of a postponed pension, early pension and normal pension;

(19) a description of the contribution adjustments resulting from the application of the third paragraph of section 41 of the Act;

(20) the name of the signatory, his professional title, the name and address of his office and the date of signing.

In addition, a report to which the first paragraph applies, shall, where it determines the value of the additional commitments resulting from an amendment to the plan, contain the information referred to in section 5.

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O. C. 1158-90, s. 4; O. C. 173-2002, s. 6.

**5.** A report pertaining only to an actuarial valuation referred to in section 130 of the Act shall contain the following information:

(1) the name of the plan and the number assigned to it by the Régie;

(2) a summary of each amendment covered by the valuation and the effective date of the amendment;

(3) the valuation date;

(4) the value of the additional obligations resulting from the amendments referred to in paragraph 2 and the determination date for the value, indicating separately the value of the additional obligations, if any, that are the result of an amendment whose purpose is to temporarily facilitate the retirement of members and the value of the additional obligations that are the result of an amendment whose purpose is to increase the pensions paid to members or beneficiaries;

(5) the determination date for the improvement unfunded actuarial liability, the date of the end of the prescribed amortization period and the amortization amount to be paid until that date;

(6) the amount of the increase in the current service contribution that is a result of the amendments referred to in paragraph 2 and the rule used to determine the current



service contribution for each of the fiscal years between the date of the actuarial valuation and the date of the valuation required under paragraph (3) of section 118 of the Act, with a mention of the share that must be paid respectively by the employer and the members;

(7) the employer contribution under the plan, if it is greater than the contribution provided for in sections 39 and 140 of the Act;

(8) an attestation that the value of the additional obligations and the changes in the current service contribution referred to in paragraphs 4 and 6 were determined by using the same actuarial assumptions and methods as those used for the most recent actuarial valuation of the whole plan or, where the first or second paragraph of section 130 of the Act so authorizes, a description of the changes made to those assumptions and methods;

(9) the attestations required, if any, under section 130 of the Act, the amount referred to in paragraph 2 of the third paragraph of that section and the assumptions used for the purposes of estimating the degree of solvency referred to in the fifth paragraph of that section;

(10) the maximum amount referred to in section 146.2 of the Act, taking into account the amendment made to the plan and the rule set out in section 146.1 of the Act;

(11) the name of the signatory, his professional title, the name and address of his office and the date of signing.

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O. C. 1158-90, s. 5; O. C. 568-91, s. 1; O.C. 173-2002, s. 7.

## **6. (Repealed)**

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O. C. 1158-90, s. 6; O. C. 568-91, s. 2; O.C. 173-2002, s. 8.

**7.** The annual statement of information referred to in section 161 of the Act shall be established in accordance with Form 1 and, in the case of a simplified pension plan, in accordance with Form 2.

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O. C. 1158-90, s. 7; O. C. 1465-95, s. 1.

### **7.1 (Revoked)**

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O. C. 658-94, s. 3; O. C. 1465-95, s. 2.

## **8. (Revoked)**

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O. C. 1158-90, s. 8; O. C. 1465-95, s. 2.

## **9. (Revoked)**

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O. C. 1158-90, s. 9; erratum G. O. 2 (1991), 41; O. C. 568-91, s. 3; O. C. 1465-95, s. 2.

### **9.1 (Revoked)**

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O. C. 658-94, s. 4; O. C. 1465-95, s. 2.

**10.** *(Revoked)*

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O. C. 1158-90, s. 10; O. C. 1465-95, s. 2.

**10.1** *(Revoked)*

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O. C. 658-94, s. 5; O. C. 1465-95, s. 2.

**11.** *(Revoked)*

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O. C. 1158-90, s. 11; O. C. 1465-95, s. 2.

**11.1** *(Revoked)*

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O. C. 658-94, s. 6; O. C. 1465-95, s. 2.

**DIVISION II**

**FEES**

**12.** For the purposes of paragraphs 2, 3 and 4 of sections 13.0.1, 13.0.2 and 13.0.3, only members and beneficiaries in respect of whom the Régie may exercise the powers granted to it by the Act or an act of delegation shall be taken into consideration.

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O. C. 1158-90, s. 12; O.C. 173-2002, s. 9.

**13.** The following applications for registration shall, at the time they are filed with the Régie, be accompanied with the fees indicated with respect thereto:

(1) an application concerning a standard contract for a life income fund referred to in section 19 or a locked-in retirement account referred to in section 29: \$1 000;

(2) an application concerning a simplified pension plan referred to in Division IV of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, made by Order in Council 1160-90, dated 8 August 1990, with respect to the provisions common to all the employers party to the plan: \$1 000 to which is added \$4.50 for each active plan member on the date of the application;

(3) an application concerning a pension plan that is not referred to in paragraph 2 or 4: \$250 or, in the case of a plan to which chapter X of the Act applies: \$500, to which shall be added \$7 for each plan member or beneficiary on the date of the application, to a maximum of \$100 000;

(4) an application concerning a flexible pension plan referred to in Division VII of the Regulation respecting plans exempted from certain provisions of the Supplemental Pension Plans Act: \$1 000 plus fees calculated in accordance with paragraph (3);

(5) an application concerning an amendment to a pension plan referred to in section 31 of the Regulation respecting plans exempted from certain provisions of the Supplemental Pension Plans Act: \$1000.

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O. C. 1158-90, s. 13 ; O.C. 1895-93, s. 1; O. C. 658-94, s. 7; O.C. 173-2002, s. 9.

**13.0.1.** The annual statement provided for in section 161 of the Act shall, when transmitted to the Régie, be accompanied with fees determined as follows: \$250 or in the case of a plan to which chapter X of the Act applies: \$500, to which shall be added \$7 for each plan member or beneficiary on the ending date of the fiscal year to which the statement pertains, to a maximum of \$100 000.

However, where the annual statement concerns a simplified pension plan, the fees are determined as follows: \$1 000 plus \$4,50 for each active plan member on the ending date of the fiscal year to which the statement pertains.

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O.C. 173-2002, s. 9.

**13.0.2.** From 31 December 2002, the amount payable for an active member or for a member or beneficiary under paragraph 2, 3 or 4 of section 13 or pursuant to the first paragraph of section 13.0.1 shall be adjusted on 31 December of each year by multiplying the amount payable before that date by the ratio that the average, for the 12-month period ending on 30 June of the current year, of the average weekly salaries and wages for the Industrial Composite in Canada for each of the months comprised in that period, as published by Statistics Canada pursuant to the Statistics Act bears to the average, for the 12-month period ending at the end of June of the year immediately preceding the current year, of the average weekly salaries and wages for the Industrial Composite in Canada, as published by Statistics Canada pursuant to the Statistics Act. The product of the multiplication shall be increased or decreased to the next multiple of \$0,05.

The amount thus determined may not be less than the amount that was payable before the adjustment.

The Régie gives public notice of the result of the adjustment made under this section in Part 1 of the *Gazette officielle du Québec* and, if the Régie deems it to expedient, by any other means.

The adjustment provided for in the first paragraph applies to any annual statement pertaining to a fiscal year ending during the 12-month period for which the adjustment is made.

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O.C. 173-2002, s. 9.

**13.0.3.** The termination report referred to in section 207.2 of the Act shall, when it is transmitted to the Régie, be accompanied with fees determined as follows: \$250 or, in the case of a plan to which chapter X of the Act applies, \$500, plus, for each plan member and beneficiary on the date which precedes the termination date, an amount equal to twice the amount set for a member or beneficiary under paragraph 3 of section 13 and section 13.0.2 for the period in which the plan is terminated, to a maximum of \$100 000.

The termination report provided for in paragraph 2 of section 15 of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, shall when it is submitted to the Régie, be accompanied by fees of \$1 000.

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O.C. 173-2002, s. 9.

**13.1** Before distributing the surplus assets of a terminated pension plan, the administrator of the plan shall pay the Régie a fee equal to 1 % of the surplus assets; that fee may not be less than \$ 500 without however exceeding the surplus assets, or more than \$ 50 000.

This section also applies to the pension plans referred to in the second paragraph of section 311.1 of the Act, enacted by section 56 of Chapter 60 of the Statutes of 1992. Notwithstanding the foregoing, this section does not apply where the surplus assets of the plan are the subject of proceedings, of an apportionment or of an order referred to in the first paragraph of that section, or of a judgment having compulsory effect prior to 1 January 1993.

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O.C. 1895-93, s. 2; O.C. 173-2002, s. 10.

**14.** In the event of failure to produce a document referred to in section 13.0.1 or 13.0.3, additional fees equal to 10% of the fees initially due pursuant to the relevant provision must be paid for each complete month of delay, to a maximum of the fees initially due.

In the event of failure to pay the fees that must accompany a document referred to in the first paragraph, additional fees equal to 10% of the unpaid balance at the expiry of the time allotted for submitting the document to the Régie must be paid for each complete month of delay, to a maximum of the said balance.

No additional fee is due pursuant to the second paragraph with respect to a month for which additional fees must be paid in application of the first paragraph. Moreover, in the event of failure to submit a termination report or failure to pay the fees that must accompany it, no additional fee is due with respect to a period prior to the latest of the following dates:

- (1) the date of expiry of the time allotted in section 207.2 of the Act;
- (2) the date that falls 90 days after the date of the plan's termination.

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O. C. 1158-90, s. 14; O. C. 1681-97, s.1; O.C. 173-2002, s. 11.

**14.1** A financial institution shall pay the Régie, before 31 December of each year, fees of \$250 for each standard contract for a life income fund or locked-in retirement account registered in its name. In case of failure to pay, additional fees equal to 10% of the balance owing at that date shall be paid to the Régie.

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O. C. 1681-97, s.2; O.C. 173-2002, s. 12.

**15.** Any communication referred to in section 165 of the Act and concerning untraceable members or beneficiaries must be accompanied by payment of a fee of \$20 for each name mentioned therein.

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O. C. 1158-90, s. 15; O.C. 173-2002, s. 13.

## **DIVISION II.0.1**

### **ADDITIONAL PENSION BENEFIT**

**15.0.1.** For the purposes of applying the first paragraph of section 60.1 of the Act:

(1) the value of the member contributions referred to by A is determined by taking into account the value of the pension resulting from the member's credited service for any period of work during which the rules set out in section 60 of the Act apply to him by supposing that he is entitled, under the plan, to a pension whose value is determined in accordance with the second paragraph of section 60.1 of the Act for service credited to him for any period of work during which the indexation provided for in that section applies to him;

(2) the value of the member contributions referred to by B is determined by taking into account the value of the pension to which the member is entitled for service credited to him for any period of work during which, under the provisions of the plan, the rules set out in section 60 of the Act apply to him.

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O.C. 173-2002, s. 14

**15.0.2.** The additional pension benefit is, at the date on which the member ceased to be an active member, determined in one or the other of, or a combination of, the following forms, in accordance with the provisions of the pension plan :

(1) a life annuity ;

(2) a lump-sum payment at the date on which the member ceased to be an active member.

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O.C. 173-2002, s. 14; O.C. 204-2005, s. 1

**15.0.3.** The life annuity purchased with the additional pension benefit is determined, on the date on which the member ceased to be an active member, using the assumptions referred to in section 61 of the Act that are used at that date to determine the value of the pension benefits to which section 60 of the Act applies and to which entitlement is obtained on that date.

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O.C. 173-2002, s. 14

**DIVISION II.1****MEMBER BENEFITS AND PAYMENT OF AN EARLY BENEFIT**

**15.1** Unless provisions of the pension plan provide otherwise, payment of the early benefit referred to in section 69.1 of the Act is made from the benefits of the member that, accumulated as refunds or benefits, are related to amounts credited to the member's account as contributions paid, assets transferred and interest on such contributions and assets but that have not yet been used to provide a benefit.

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O. C. 1681-97, s.3.

**15.2** Where payment of the early benefit referred to in section 69.1 of the Act is made from the benefits referred to in section 15.1, the value of such benefits, determined as at the date of payment, is reduced by the amount of the benefit paid.

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O. C. 1681-97, s.3.

**15.3** Where payment of the early benefit referred to in section 69.1 of the Act is made from pension plan benefits accumulated by the member that are not referred to in section 15.1, the pension committee shall determine the amount of the portion of the normal pension that would have been payable to the member at the normal retirement age and that is equivalent to the benefit paid.

That amount, as well as the value of the benefits referred to in subparagraph 3 of the first paragraph of section 69.1 of the Act, shall be determined, as at the date of payment, according to the conditions or characteristics provided for the normal pension and according to the assumptions referred to in section 61 of the Act, other than those related to early or postponed payment of the pension which are used at that date to determine the value of the other benefits to which section 60 of the Act applies and to which entitlement is vested as at that date.

The benefits referred to in the first paragraph are then reduced in the following manner:

(1) The pension paid is reduced either by the amount determined in the second paragraph or, if its requirements and characteristics, with the exception of those related to early or postponed payment, are different from those used to determine such

amount or, if its payment begins on a date other than that of the normal retirement age, by a sum equivalent to such amount;

(2) any other benefit, excluding the one referred to in section 69.1 of the Act and any refund that are payable to the member are reduced by the value of that portion of the pension of which the valuated amount is referred to in the second paragraph.

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O. C. 1681-97, s.3; O.C. 173-2002, s. 15.

## **DIVISION II.2**

### TEMPORARY PENSION

**15.4** A member or spouse is entitled to the replacement of the pension to which he is entitled under a pension plan by the temporary pension referred to in section 91.1 of the Act only if he provides the pension committee with a declaration in conformity with the one prescribed in schedule 0.1.

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O. C. 1681-97, s.3.

## **DIVISION III**

### OPTION TO REPLACE A PENSION

**16.** For the purposes of this Division, the spouse of a purchaser who is a former member or a member is a person who fulfils the conditions prescribed in the first and third paragraphs of section 85 of the Act, *mutatis mutandis* in the case of a former member.

Spousal status is established on the day of conversion of all or part of the balance of the fund into a life pension or, in the case of the benefit referred to in subparagraph 4 of the first paragraph of section 19, on the day preceding the day of the purchaser's death. The fourth paragraph of section 85 of the Act applies, *mutatis mutandis*, with respect to the spouse.

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O. C. 1158-90, s. 16; O.C. 173-2002, s. 16.

**16.1.** A member or spouse who has become entitled to a pension under a defined contribution pension plan or under provisions that, in a defined benefit plan or defined benefit-defined contribution plan, are similar to those of a defined contribution plan is entitled, upon an application to the pension committee accompanied with a declaration in conformity with the one prescribed in schedule 0.2, to replace it, before payment of it begins, by a lump-sum payment under the following conditions:

- (1) he is at least 65 years of age;

(2) the total of the sums credited to his account in the retirement savings instruments referred to in schedule 0.2 do not exceed 40 % of the Maximum Pensionable Earnings determined in accordance with the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) for the year in which he applies for the payment.”.

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O. C. 1681-97, s.4.

**16.2.** On application to the pension committee accompanied with a declaration in conformity with the one prescribed in schedule 0.3, a member or spouse at least 55 years of age but less than 65 years of age who has become entitled to a pension under a pension plan is entitled to replace it partially, before it comes into payment, by the payment in a lump sum of an amount equal to “Y” in the following formula:

$$G - W = Y$$

“G” is equal to 40 % of the Maximum Pensionable Earnings determined, for the year in which the application is made, pursuant to the Act Respecting the Québec Pension Plan;

“W” is equal to the total temporary income that the purchaser has received or must receive during the year under a supplemental pension plan subject to or created by law, an annuity purchase contract of which the capital originates directly or not in such plan or a contract establishing a life income fund.

The member or spouse may not make the application provided for in the first paragraph more than once a year.”.

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O. C. 1681-97, s.4.

**16.3.** Sections 15.1 to 15.3 apply, adapted as required, with respect to the allocation of benefits and the determination of residual benefits of the member or spouse to whom a payment referred to in section 16.2 has been paid.”.

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O. C. 1681-97, s.4.

**17.** A member or spouse who has become entitled to a pension under a pension plan may replace such pension with a life or temporary annuity purchased with funds from the life income fund referred to in section 18. The exercise of this option involves the transfer to a life income fund of the value of the pension to be replaced.

Unless the pension plan has a more advantageous provision, the pension under the plan is not replaced by an annuity purchased from the funds of a life income fund, unless the pension to be replaced may, under the provisions of the Act, the pension plan or the Regulation, be transferred in whole or in part to another pension plan.

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O. C. 1158-90, s. 17; O. C. 1681-97, s.5.

**18.** A life income fund is a fund established under a contract entered into by a financial institution duly authorized for that purpose and a purchaser who is a former member, a member or the spouse thereof, and under the terms of which the institution, in return for the capital that it receives, must pay the purchaser an income of which the



amount may vary annually. That contract must fulfil the requirements of the Taxation Act (R.S.Q., c. I-3) to be a registered retirement income fund.

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O. C. 1158-90, s. 18; O. C. 1681-97, s.6.

**19.** Replacement of the pension referred to in section 92 of the Act by a life pension is authorized only where the provisions of the contract establishing the life income fund are in conformity with provisions of the standard contract previously registered with the Régie that provide:

(0.1) that the only amounts that may be transferred to a life income fund are amounts coming directly or initially from the fund of a pension plan subject to the Act or referred to in subparagraphs 1, 2, 4 or 5 of section 28, or another life income fund;

(1) the fiscal year of the fund must end on 31 December of each year and may not exceed 12 months;

(2) that the amount of the income paid during a fiscal year must, subject to the upper limits referred to in section 20.1 and the lower limit referred to in section 20.2, be set by the purchaser each year, or at another agreed to interval of more than one year if the financial institution guarantees the balance of the fund at the end of that interval and if the purchaser is not entitled to payment of the income in a form other than a life income; such an interval must, in every case, terminate at the end of a fiscal year of the fund;

(3) (*Repealed*);

(4) that, where the purchaser who is a former member or a member dies before conversion of the total balance of the fund into a life pension, his spouse or, failing that, his assigns are entitled to a benefit of which the amount is equal to the balance;

(5) that the spouse of the purchaser who is a former member or beneficiary may, by giving notice in writing to the financial institution, waive his entitlement to receive the pension benefit provided for in paragraph 4 above or the life pension provided for in paragraph 2 of the second paragraph of section 23 and may, in the case of the pension benefit, revoke such a waiver by giving notice in writing to the financial institution to that effect before the death of the purchaser and, in the case of the life pension, before the date of conversion, in whole or in part, of the life income fund;

(6) that the spouse of the purchaser who is a former member or a member ceases to be entitled to the pension benefit provided for in paragraph 2 of the second paragraph of section 23 upon separation from bed and board, divorce, annulment of marriage or, in the case of an unmarried spouse, upon cessation of the conjugal relationship, unless the purchaser has transmitted to the financial institution the notice provided for in section 89 of the Act;

(6.0.1) that the seizable portion of the balance of the fund may be paid in a lump sum in execution of a judgment rendered in favour of the purchaser's spouse that gives entitlement to a seizure for unpaid alimony;

(6.1) that the entire balance of the fund may be paid in a lump-sum to the purchaser upon an application to the financial institution accompanied with a declaration in conformity with the one prescribed in schedule 0.2 under the following conditions:

- (a) the purchaser is at least 65 years of age at the end of the year preceding the application;”
- (b) the total sums credited to his account in the retirement savings instruments referred to in schedule 0.2 do not exceed 40 % of the Maximum Pensionable Earnings determined in accordance with the Act respecting the Québec Pension Plan for the year in which the purchaser applies for the payment.

(7) that the purchaser may transfer, in whole or in part, the balance of the fund to a pension plan governed by the Act or referred to in paragraph 1, 2, 3.1, 4 or 5 of section 28, unless the agreed to term of the investments has not expired;

(7.1) that the purchaser may, provided the agreed to term of the investments has not expired, require that the total balance of the fund be paid to him in a lump sum if he has not resided in Canada since at least two years;

(8) the name and address of the financial institution;

(9) the powers that, where applicable, are granted to the purchaser with respect to investment of the capital;

(10) the method and factors used to establish the value of the fund or of the balance of the fund, for the purpose of a transfer of assets or of a conversion into a pension, or upon a death;

(10.1) that if the income paid to the purchaser during a fiscal year of the fund exceeds the maximum amount that may be paid to him in accordance with the provisions of the contract of the Regulation, the purchaser may, unless the payment is attributable to a false declaration by him, require that the financial institution pay him, as a penalty, a sum equal to the surplus income paid;”

(11) that the financial institution may not make any amendment that would have the effect of reducing benefits under the contract unless, before the date of the amendment, the purchaser has the right to transfer the balance of the fund and receives, not less than 90 days before the date on which he may exercise that right, a notice indicating the nature of the amendment and the date from which he may exercise that right;

(12) that the transfer referred to in subparagraphs 7 and 11 may, at the option of the financial institution and unless otherwise stipulated, be effected by remittance of the investment securities of the fund;

(13) that the financial institution may not, except to fulfil requirements under law, make any amendment other than the amendment provided for in subparagraph 11 without having given prior notice to the purchaser;

(14) that the financial institution may amend the contract only to the extent that it remains in conformity with the standard contract amended and registered with the Régie.

Sections 27 to 31 of the Act and the second and third paragraphs of section 32 of the Act apply, *mutatis mutandis*, to the registration of a standard contract designed to propose the establishment of a life income fund and to amendments thereto. The registration of a standard contract may, in addition, be cancelled where no contract establishing a life income fund in conformity with it exists and where the financial institution attests that it no longer intends to make any contracts in conformity with that standard contract.

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O. C. 1158-90, s. 19; O. C. 1681-97, s.7; O.C. 173-2002, s. 17.

**19.1.** The standard contract referred to in section 19 may also provide that the purchaser is entitled to the payment of a temporary income that he determines if he meets the following requirements:

(1) makes an application to the financial institution to that effect, accompanied with a declaration in conformity with the one prescribed in schedule 0.4;

(2) is at least 54 years of age but under 65 years at the end of the year preceding the application.

In such case, the contract must also provide:

(1) that if the payment of a portion of the income is made in the form of a transfer to a retirement savings instrument of which the balance is not to be converted to a life annuity, such portion may not exceed the upper limit referred to in section 20, determined by assuming that the purchaser is not entitled to payment of a temporary pension;

(2) that the temporary income may not be paid after the end of the year in which the purchaser reaches 65 years of age.

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O. C. 1681-97, s.8.

**19.2** The standard contract that includes the provisions referred to in section 19.1 shall provide that the purchaser may, during a fiscal year of the life income fund, receive on application the balance of the fund, in whole or in part, in the form of a temporary income payable in monthly payments, none of which may exceed one twelfth of the difference between the following amounts:

(1) 40 % of the Maximum Pensionable Earnings determined, for the year in which the payment is made, pursuant to the Act respecting the Québec Pension Plan;

(2) 75 % of the purchaser's income for the 12 months that follow, excluding the income provided for in this section,

provided the following conditions are met:

— the income of the purchaser for the 12 months that follow, excluding the income provided for in this section, does not exceed the amount referred to in subparagraph 1 hereinbefore;

— the purchaser makes an application to the financial institution to that effect, accompanied with a declaration in conformity to the one prescribed in schedule 0.5 and his written undertaking to request a suspension of payments as soon as his income, excluding the income provided for in this section, reaches the amount referred to in subparagraph 1 hereinbefore.

— the purchaser was less than 54 years of age at the end of the year that precedes his application.

In such case, the contract shall stipulate:

(1) that the income provided for in this section may not be paid to the purchaser where he has requested a suspension of payments nor after the end of the year in which he reaches 54 years of age;

(2) that the purchaser who is entitled to receive the income referred to in this section and who is a member or spouse who has become entitled to a pension under a pension plan may, for the purposes of replacing such pension by a temporary income, apply once a year for the transfer from the pension plan to the life income fund of an amount equal to the lesser of the following amounts:

(a) the additional amount required for the balance of the life income fund to allow, until the end of the year, the payment of the monthly payments provided for in the first paragraph;

(b) the value of his benefits under the plan.

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O. C. 1681-97, s.8; O. C. 577-98, s.1.

**19.3** Replacement of the pension referred to in section 92 of the Act by a temporary pension is authorized only where the contract establishing the life income fund contains the provisions required in sections 19, 19.1 and 19.2.

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O. C. 1681-97, s.8.

**20.** The maximum amount of the life income for a fiscal year of the life income fund is equal to the amount “E” in the following formula:

$$F \times C - \frac{A}{D} = E$$

“F” represents the factor provided for in schedule 0.6 with respect to the reference rate for the year covered by the fiscal year and the purchaser’s age at the end of the preceding year;

“C” represents the balance of the fund at the beginning of the fiscal year, increased by any sums transferred to the fund after that date and reduced

by any sums originating directly or not during the same year from a life income fund of the purchaser;

“A” represents the maximum temporary income for the fiscal year determined in accordance with section 20.4 or 20.5 or, if no amount was determined, the figure zero;

“D” represents the factor provided for in schedule 0.7 with respect to the purchaser’s age at the end of the year preceding the one covered by the fiscal year.

The amount “E” may not be less than zero.

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O. C. 1158-90, s. 20; O. C. 1681-97, s.9; O. C. 577-98, s.2.

**20.1** The amount of the income paid during a fiscal year of the life income fund may not exceed the amount “M” in the following formula:

$$A + E = M$$

“A” represents the maximum temporary income for the fiscal year determined in accordance with section 20.4 or 20.5 or, if no amount was determined, the figure zero;

“E” represents the maximum life income determined in accordance with section 20.

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O. C. 1681-97, s.9; O. C. 577-98, s.2.

**20.2** The amount of the income paid during the fiscal year of the life income fund may not be less than the minimum amount prescribed by the Taxation Act, determined on the basis of the purchaser’s age. That amount may be determined on the basis of the age of the purchaser’s spouse where he is younger than the purchaser.

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O. C. 1681-97, s.9.

**20.3** Where the purchaser of a life income fund established by a contract that provides for payment of a temporary income was at least 54 years of age but less than 65 years of age at the end of the year preceding the one covered by a fiscal year of the fund, the financial institution that manages the fund shall establish a reference temporary income the amount of which shall be equal to the lesser of the following amounts:

(1) 40 % of the Maximum Pensionable Earnings, determined for the year covered by the fiscal year, pursuant to the Act respecting the Québec Pension Plan;

(2) the amount “R” in the following formula:

$$F \times C \times D = R$$

“F” represents the factor provided for in schedule 0.6 with respect to the reference rate for the year covered by the fiscal year and the purchaser’s age at the end of the preceding year;

“C” represents the balance of the fund at the beginning of the fiscal year, increased by the sums transferred to the fund after that date and reduced by the sums originating directly or not during the same year from a life income fund of the purchaser;

“D” represents the factor provided for in schedule 0.7 with respect to the purchaser’s age at the end of the year preceding the one covered by the fiscal year.

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O. C. 1681-97, s.9.

**20.4.** A purchaser who is entitled to payment of the temporary income referred to in section 19.1 may determine, for each fiscal year of the life income fund, a maximum temporary income that may not exceed the lesser of the following amounts:

(1) the reference temporary income determined in accordance with section 20.3;

(2) the amount “X” in the following formula:

$$G - T = X$$

“G” is equal to 40 % of the Maximum Pensionable Earnings determined, for the year covered by the fiscal year, pursuant to the Act respecting the Québec Pension Plan;

“T” represents the sum of the following amounts:

(a) the total temporary income that the purchaser must receive during the year covered by the fiscal year under a pension plan subject to or established by law or under a contract creating a pension of which the capital comes directly or not from such a plan;

(b) the total of the amounts that the purchaser has determined or that he must determine for his other life income funds, in the form of a maximum temporary income for the current fiscal year.

However, in the event that the reference temporary income determined in accordance with section 20.3 is less than the amount “X” in the first paragraph, where the purchaser provides to the financial institution a declaration in conformity with the one prescribed in schedule 0.8, the purchaser may determine, as the maximum temporary income, an amount that does not exceed the lesser of the following amounts:

(1) the amount “X” in the first paragraph;

(2) the balance of the fund at the beginning of the fiscal year, increased by any sums transferred to the fund and any income earned by the fund after that date and reduced by any sums originating directly or not during the same year from a life income fund of the purchaser.

The purchaser may, at any time before the end of the fiscal year, determine a new, increased, maximum temporary income for the fiscal year. In such event, he shall

send to the financial institution declarations in conformity with the ones prescribed in schedules 0.4 and 0.8.

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O. C. 1681-97, s.9.

**20.5.** The financial institution determines the maximum temporary income for the fiscal year of the life income fund following presentation of an application in accordance with section 19.2. The said income shall be equal to the product of multiplying the maximum monthly payment set in accordance with section 19.2 by the number of months remaining in the year as of the first day of the month of the application or, where the purchaser is entitled, for that month, to a temporary income by reason of a prior application, as of the first day of the following month; the product is increased where necessary by any income provided for in section 19.2 and paid to the purchaser during the year but prior to payment of the income payable as a consequence of the application and reduced by any income paid to the purchaser, during the same period, from another life income fund.

The maximum temporary income for the fiscal year may not be less than zero.

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O. C. 577-98, s.3.

**21.** The reference rate for a year is determined on the basis of the month-end, nominal rate of interest earned on long-term bonds issued by the Government of Canada for the month of November preceding the beginning of the fiscal year, as compiled by Statistics Canada and published in the Bank of Canada Review under identification number B-14013 in the CANSIM system, by applying successively to that rate the following adjustments:

- (1) an increase of 0.5 %;
- (2) the conversion of the increased rate, based on interest compounded semi-annually, to an effective annual rate of interest;
- (3) the rounding of the effective interest rate to the nearest multiple of 0.5 %.

The reference rate thus determined may not, however, be less than 6 %.

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O. C. 1158-90, s. 21; erratum G. O. 2 (1991), 41; O. C. 1681-97, s.10.

**22.** Where, in application of subparagraph 2 of the first paragraph of section 19, the amount of the life income paid to the purchaser is set at an interval of more than one year, the maximum income amount that may be paid during each of the fiscal years comprised in the interval is determined, on the date of the beginning of the first of those fiscal years, so as to be equal:

- (1) for the initial fiscal year, to the upper limit determined in accordance with section 20;
- (2) for each of the subsequent fiscal years, to the amount "L" in the following formula:

$$M \times \frac{J}{K} = L$$

- “ M” represents the upper limit determined for the initial fiscal year;
- “ J” represents the balance of the fund at the beginning of the fiscal year;
- “ K” represents the fund’s reference balance at the beginning of the fiscal year and is equal to the reference balance of the preceding fiscal year, reduced as of the first day of the said preceding fiscal year by the upper limit calculated for the initial fiscal year and increased by the earnings determined by applying, in the case of the first 16 fiscal years, the reference rate, and, in all other cases, a rate of interest of 6 %.

For the application of subparagraph 2, the fund’s reference balance at the beginning of the initial fiscal year shall be equal to the balance of the fund at that date.

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O. C. 1158-90, s. 22; O. C. 1681-97, s.11.

**22.1** Where a sum is transferred from a pension plan to a life income fund in accordance with subparagraph 2 of the second paragraph of section 19.2, sections 15.1 to 15.3 shall apply, adapted as required, with respect to the allocation of benefits and the determination of the residual benefits of the member or spouse in the pension plan.

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O. C. 1681-97, s.12.

**22.2** The sums transferred to a life income fund are deemed to come in their entirety from a life income fund of a given purchaser, unless he sends to the financial institution that manages the fund to which the sums are transferred a declaration in conformity with the one prescribed in schedule 0.9 or 0.9.1, as the situation requires.

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O. C. 1681-97, s.12; O. C. 577-98, s.4.

**23.** To be registered with the Régie, a standard contract referred to in section 19 must, in addition to the provisions required by sections 19, 19.1 and 19.2, provide that the financial institution that manages the life income fund undertake to provide the statements prescribed in sections 24 to 26 at the times determined therein.

That contract must also provide that all or a part of the balance of the life pension fund may be converted only upon the following conditions :

(1) the insurer guarantees payment of that pension in periodic, equal amounts that may not vary unless each of them is uniformly increased in accordance with an index or rate provided for in the annuity contract or uniformly adjusted by reason of a seizure effected on the purchaser’s benefits, a redetermination of the purchaser’s pension, a partition of the purchaser’s benefits in favour of his spouse, the payment of a temporary pension in accordance with the conditions provided for in section 91.1 of the Act or the option provided for in subparagraph 3 of the first paragraph of section 93 of the Act;

(2) in the event of the death of a purchaser who is a former member or a member, the insurer guarantees to the purchaser’s spouse who has not waived it a life



pension equal to at least 60 % of the amount of purchaser's pension, including, during the replacement period, the amount of any temporary pension;

(3) (*Repealed*).

The provisions required by this section shall be included in any contract that establishes a life income fund.

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O. C. 1158-90, s. 23; O. C. 1681-97, s.13; O.C. 173-2002, s. 18.

**24.** The financial institution shall, at the beginning of each fiscal year of a life income fund that it manages, provide the purchaser with a statement that indicates:

(1) the balance of the fund at the said date and, where required, the reconciliation of that balance with the balance indicated on the previous statement pertinent thereto with, notably, an indication of the sums on deposit, the accumulated earnings, the withdrawals made and the fees charged;

(2) where the beginning of the fiscal year is later than the beginning of the year, the sums coming directly or initially during the year from another life income fund of the purchaser;

(3) the maximum amount that may be paid to the purchaser as a life income during the current fiscal year;

(4) the minimum amount that must be paid to the purchaser as income during the current fiscal year;

(5) where the contract that establishes the fund provides for the payment of a temporary income and the purchaser was at least 54 years of age but less than 65 years of age at the end of the preceding year:

(a) the terms and conditions that the purchaser must meet to be entitled to payment of the temporary income referred to in section 19.1;

(b) the reference temporary income for the current fiscal year;

(c) the effect of payment of an income greater than the amount referred to in paragraph 3, for each year until the end of the year in which the purchaser reaches 65 years of age, on the income that may be paid to him after that date;

(d) under what conditions the purchaser may obtain payment of a temporary income greater than the reference temporary income;

(6) where the contract establishing the funds provides for payment of a temporary income and the purchaser was less than 54 years of age at the end of the preceding year, the terms and conditions that the purchaser must meet to be entitled to payment of the temporary income referred to in section 19.2;

(7) that the transfer to the fund of sums originating directly or not from a life income fund of the purchaser during a given year may not result in a revision of the maximum amount that may be paid to the purchaser by the fund during the fiscal year;

(8) that if the purchaser wishes to transfer, in whole or in part, the balance of the fund and still receive from the fund the income that he determined for the fiscal year, he must ensure that the balance of the fund after the transfer is at least equal to the difference between the income determined for the fiscal year and the income that he has already received since the beginning of the fiscal year.

Where the contract establishing the fund provides for payment of a temporary income and the purchaser was at least 54 years of age but less than 65 years of age at the end of the preceding year, the financial institution shall accompany the statement with a copy of the declarations that are prescribed in schedules 0.4 and 0.8.

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O. C. 1158-90, s. 24; O. C. 1681-97, s.14; O.C. 173-2002, s. 19.

**24.1.** Where sums that do not originate directly or indirectly from a life income fund of the purchaser are deposited in a fund that it manages or the purchaser informs it of the maximum temporary income that he determines, the financial institution shall, within the following 30 days, supply the purchaser with a statement that indicates the following:

(1) the balance of the fund at the beginning of the fiscal year and the sums that have been deposited therein, identifying any amounts coming directly or not during that year from a life income fund of the purchaser, as well as the balance of the fund for the purpose of calculating the maximum amount that may be paid to the purchaser as income during the fiscal year;

(2) the maximum amount that may be paid to the purchaser as income during the fiscal year;

(3) the minimum amount that must be paid to the purchaser as income during the fiscal year;

(4) where the contract establishing the fund provides for payment of a temporary income and the purchaser is at least 54 years of age but less than 65 years of age at the end of the preceding year:

(a) the reference temporary income for the current fiscal year;

(b) the maximum temporary income, if any, determined by the purchaser.

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O. C. 1681-97, s.15.

**25.** Where the purchaser who is a former member or a member dies before the total balance of the life income fund has been converted into a life pension, the financial institution that manages that fund must provide to the purchaser's spouse or, failing that, to his successors a statement established at the date of death and containing the information prescribed in paragraph 1 of section 24 and established at the date of the member's death.

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O. C. 1158-90, s. 25; O.C. 173-2002, s. 20.

**26.** Where the total balance of the life income fund is transferred to another financial institution or converted into a life pension with an insurer, the institution that manages the fund must provide to the purchaser a statement containing the information

prescribed in paragraph 1 of section 24 and established at the date of the transfer or of the annuity contract.

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O. C. 1158-90, s. 26.

## **DIVISION IV**

### **TRANSFER OF BENEFITS AND ASSETS**

**27.** For the purposes of this Division, the spouse is the person who fulfils the conditions prescribed in the first and third paragraphs of section 85 of the Act.

Spousal status is established on the day on which payment of the pension to the purchaser begins or on the day preceding his death, whichever comes first. The fourth paragraph of section 85 of the Act applies, *mutatis mutandis*, with respect to the spouse referred to in this section.

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O. C. 1158-90, s. 27; O.C. 173-2002, s. 21.

**28.** The pension plans not governed by the Act and to which transfers may be made under section 98 of the Act are :

(1) a supplemental pension plan governed by an Act emanating from a legislative authority other than the Parliament of Québec and granting entitlement to a deferred pension;

(2) a supplemental pension plan established by an Act emanating from the Parliament of Québec or from another legislative authority;

(3) for sums that may be refunded to the member or paid to him in a lump sum, with accrued interest, a registered retirement savings plan;

(3.1) a life income fund referred to in section 18;

(4) a locked-in retirement account referred to in section 29;

(5) an annuity contract referred to in section 30.

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O. C. 1158-90, s. 28; O. C. 1681-97, s.16; O.C. 173-2002, s. 22.

**29.** A locked-in retirement account is an account established under an agreement in writing entered into by a purchaser who is a former member, a member or the spouse thereof and a financial institution authorized for that purpose in order to pay a retirement pension to the purchaser. That agreement must fulfil the requirements of the Taxation Act in order to be a registered retirement savings plan.

An agreement establishing a locked-in retirement account must be in conformity with the standard contract previously registered with the Régie, which must provide :

(1) that the only sums that may be transferred into the locked-in retirement account are the sums originating, directly or initially, from the fund of a pension plan

governed by the Act or referred to in paragraph 1, 2, 3.1 or 5 of section 28, or from another locked-in retirement account;

(2) that, with the exception of the cases referred to in paragraphs 3 and 8 to 9.1, the balance of the account may only be converted into a life pension guaranteed by an insurer and established for the duration of the life of the purchaser alone or for the duration of the life of the purchaser and the life of his spouse; the periodic amounts paid under that pension must be equal, unless each amount to be paid is uniformly increased by reason of an index or a rate provided for in the contract or uniformly adjusted by reason of a seizure effected on the benefits of the purchaser, a redetermination of the purchaser's pension, partition of the purchaser's benefits with his spouse, the payment of a temporary pension under the conditions provided for in section 91.1 of the Act or the election provided for under paragraph 3 of the first paragraph of section 93 of the Act;

(3) that where the purchaser who is a former member or a member dies before the conversion of the balance of the account into a pension, that balance is paid to his spouse or, failing that, to his successors;

(4) that the purchaser may require the conversion of the balance of the account into a life pension at any time, unless the term agreed to for the investments has not expired;

(5) that the balance of the account may not be converted into a pension guaranteed by an insurer unless, at the death of the purchaser who is a former member or a member, a life pension equal to at least 60% of the amount of the purchaser's pension, including, during the replacement period, the amount of any temporary pension is granted to his spouse who has not waived it;

(6) that the purchaser's spouse may, by giving written notice to the financial institution, waive his right to receive the payment provided for in paragraph 3 or the pension provided for in paragraph 5 and may revoke such a waiver by transmitting to the financial institution a written notice to that effect before, in the case referred to in paragraph 3, the death of the purchaser or, in the case referred to in paragraph 5, the date of conversion, in whole or in part, of the balance of the account into a life pension;

(7) that the spouse of the purchaser ceases to be entitled to the benefit provided for in paragraph 3 or, as the case may be, in paragraph 5 upon separation from bed and board, divorce, annulment of marriage or, in the case of an unmarried spouse, upon cessation of conjugal relationship, unless the purchaser has transmitted to the financial institution the notice provided for in section 89 of the Act;

(7.1) that the seizable portion of the balance of the fund may be paid in a lump sum in execution of a judgment rendered in favour of the purchaser's spouse that gives entitlement to a seizure for unpaid alimony;

(8) that the purchaser may transfer, in whole or in part, the balance of the account to a pension plan governed by the Act or referred to in paragraph 1, 2, 3.1, 4 or 5 of section 28, provided the agreed to term of the investments has not expired;

(8.1) that the purchaser may, provided that the agreed to term of the investments has not expired, require that the total balance of the fund be paid to him in a lump sum if he has not resided in Canada since at least two years;

(9) that the purchaser may withdraw all or a part of the balance of the account and receive a payment or a series of payments where a physician certifies that his physical or mental disability reduces his life expectancy;

(9.1) that the entire balance of the account may be paid in a lump-sum to a purchaser on application to the financial institution accompanied with a declaration in conformity with the one prescribed in schedule 0.2, on the following conditions:

- (a) the purchaser was at least 65 years of age at the end of the year preceding the application;
- (b) the total of the sums credited to him in the retirement savings instruments mentioned in schedule 0.2 does not exceed 40 % of the Maximum Pensionable Earnings, for the year in which the purchaser applies for payment, pursuant to the Act respecting the Québec Pension Plan;

(10) that the purchaser is entitled to receive, at least once a year, a statement indicating the sums deposited, their source, the accumulated earnings, the fees debited since the last statement and the balance of the account;

(10.1) that where a sum is paid from the account contrary to the provisions of the contract or the Regulation the purchaser may, unless the payment is attributable to a false declaration by him, require that the financial institution pay him, as a penalty, a sum equal to the irregular payment;

(11) that the financial institution may make no amendment that would entail a reduction of the benefits resulting from the agreement unless the purchaser is entitled, before the date of the amendment, to a transfer of the balance of the account and has received, at least 90 days before the date on which he may exercise that entitlement, a notice indicating to him the subject of the amendment and the date from which he may exercise that entitlement;

(12) that the transfer referred to in subparagraphs 8 and 11 may, at the option of the financial institution and unless otherwise stipulated, be effected by remittance of the investment securities respecting the account;

(13) that the financial institution may not, except to fulfil requirements under law, make any amendment other than that provided for in subparagraph 11 without having previously notified the purchaser;

(14) that the financial institution may amend the agreement only to the extent that it remains in conformity with the standard contract amended and registered with the Régie.

Sections 27 to 31 of the Act and the second and third paragraphs of section 32 of the Act apply, *mutatis mutandis*, to the registration of a standard contract designed to propose the establishment of a locked-in retirement account and to amendments thereto. The registration of a standard contract may, in addition, be cancelled where no contract establishing a life income fund in conformity with it exists and where the financial institution attests that it no longer intends to make any contracts in conformity with that standard contract.

**30.** An annuity contract is a contract under which, in consideration for capital originating directly or initially from the fund of a supplemental pension plan, an insurer guarantees to the purchaser who is a former member, a member or the spouse thereof a life pension of which payment begins immediately after the transfer of the capital or is deferred to a later date. The text of that contract must provide that :

(1) the insurer may, for the purposes of purchasing the pension, accept only sums originating directly or initially from the pension fund of a plan governed by the Act or referred to in paragraphs 1, 2, 3.1 or 4 of section 28, or from another insurer who is a party to a similar annuity contract;

(2) with the exception of the cases referred to in paragraph 3 or in section 31, the pension benefit resulting from the contract may not be paid to the purchaser or to his spouse except in the form of a life pension established for the duration of the life of the purchaser alone or for the duration of the life of the purchaser and the life of his spouse; the periodic amounts paid under that pension must be equal, unless each amount to be paid is increased by reason of an index or rate provided for in the contract or uniformly adjusted by reason of a seizure effected on the benefits of the purchaser, a redetermination of the purchaser's pension, the partition of the benefits of the purchaser with his spouse, the payment of a temporary pension under the conditions provided for in section 91.1 of the Act or the election provided for in subparagraph 3 of the first paragraph of section 93 of the Act;

(3) where the purchaser who is a former member or a member dies before the beginning of payment of the pension, his spouse or, failing that, his successors are entitled to a benefit at least equal to the capital transferred to the insurer with interest accrued at the rate obtained monthly on 5-year personal term deposits in chartered banks, as compiled by the Bank of Canada;

(4) where the purchaser who is a former member or a member dies after the beginning of payment of his pension, the insurer grants to the purchaser's spouse who has not waived it a life pension equal to at least 60% of the amount of the purchaser's pension, including, during the period of replacement, the amount of any temporary pension;

(5) the spouse of the purchaser may, by giving written notice to the insurer, waive his entitlement to receive the benefit provided for in paragraph 3 or the pension provided for in paragraph 4 and may revoke such a waiver by giving written notice to that effect to the insurer before, in the case of the benefit, the death of the purchaser or, in the case of the pension, the beginning of payment of the purchaser's life pension;

(6) the spouse of the purchaser ceases to be entitled to the benefit provided for in paragraph 3 or, as the case may be, in paragraph 4 upon separation from bed and board, divorce, annulment of marriage or, in the case of an unmarried spouse, upon cessation of conjugal relationship, , unless the purchaser has transmitted to the insurer the notice provided for in section 89 of the Act;

(7) where the pension paid to the purchaser was determined by taking into account his spouse's entitlement to the pension provided for in paragraph 4, the purchaser may, if the spouse is no longer entitled to that pension pursuant to paragraph 6, require that his pension be replaced by another pension, which has the same characteristics as the replaced pension, with the exception of the benefit granted

to the spouse under paragraph 4, and whose value is equal to the value that pension commuted to the date of the purchaser's application for replacement;

(8) the seizable portion of the capital accrued to pay the pension may be paid in a lump sum in execution of a judgment rendered in favour of the purchaser's spouse that gives entitlement of a seizure for unpaid alimony.

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O. C. 1158-90, s. 30; erratum G. O. 2 (1991), 41; O.C. 173-2002, s. 24.

**31.** Notwithstanding section 30, the annuity contract may provide that :

(1) the purchaser may transfer, in whole or in part, the commuted value of the pension that he receives or his deferred pension to a pension plan governed by the Act or referred to in paragraph 1, 2, 3.1, 4 or 5 of section 28;

(2) the purchaser may, if a physician certifies that his physical or mental disability reduces his life expectancy, replace all or a part of his deferred pension by a payment or a series of payments; that payment or, as the case may be, the sum of those payments must at least equal the discounted value of the pension or of the part thereof replaced.

(3) that the purchaser, if he meets the following conditions:

- make an application to this effect to the insurer, accompanied with a declaration in conformity with the one prescribed in schedule 0.10, prior to the beginning of payment of the pension to be replaced;
- be at least 55 years of age but less than 65 years of age,

may replace, in whole or in part, the pension referred to in paragraph 2 of section 30 with a temporary pension the annual amount of which may not, for the year in which payment begins, exceed 40 % of the Maximum Pensionable Earnings determined pursuant to the Act respecting the Québec Pension Plan

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O. C. 1158-90, s. 31; O. C. 1681-97, s.18; O.C. 173-2002, s. 25.

## **DIVISION IV.1**

### **TRANSFER, PARTITION AND SEIZURE OF THE PURCHASER'S BENEFITS**

**31.1.** The benefits accrued in behalf of the purchaser in a life income fund or a locked-in retirement account or under an annuity contract referred to in section 30, which, following their partition or transfer in the cases and under the conditions referred to in sections 107 and 110 of the Act, are granted to the spouse of the purchaser, are paid by transferring their value to a plan governed by the Act or referred to in paragraph 1, 2, 3.1, 4 or 5 of section 28.

A sum granted to the spouse of the purchaser following a seizure for unpaid alimony effected on the benefits or sums accrued on behalf of the purchaser in a life income fund or a locked-in retirement account or under an annuity contract referred to in section 30 shall be paid in a lump sum. That sum may, moreover, be paid without taking into account any conditions or time periods related to the purchaser's benefits.

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O.C. 173-2002, s. 26.

## **DIVISION V**

### **TRANSFER OF BENEFITS BETWEEN SPOUSES**

[The provisions of this section came into force on 1 September 1990, pursuant to O.C. 1159-90].

§1. *Application and interpretation*

**32.** This Division applies only to pension plans governed by Chapter I of the Act.

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O. C. 1158-90, s. 32.

**33.** For the purposes of this Division :

“capital benefits” means benefits that have been accumulated by the member in the form of refunds, pensions or other benefits where those capital benefits are a function of the amounts which, credited to his account in the form of contributions paid, assets transferred and interest on those contributions and assets, have not yet been used for the purchase of a pension or other pension benefit;

“pension benefits” means benefits that have been accumulated by the member in the form of refunds, pensions or other benefits and that, taking into account the obligations prescribed by the pension plan or the elections exercised by the member, are expressed as a pension or other pension benefits of a determined amount or of an amount corresponding to a percentage of the member's remuneration;

“date of institution of the action” means the date of the application for separation from bed and board, for divorce, for annulment of marriage or for payment of a compensatory allowance, according to the procedure at the origin of the partition or transfer of benefits;

“period of membership” means, unless provided otherwise in this Regulation, the number of whole months or parts of months between the date on which the member became a member of the pension plan and the date on which he ceased to be an active member, without taking into account the months during which he did not work for an employer who is a party to the plan; where the member is active at the date of institution of the action or, in the case of unmarried spouses, at the date of cessation of the conjugal relationship, the date on which he ceases to be active corresponds to the date of institution of the action or, where applicable, to the date of cessation of the conjugal relationship; in the case of transfer of benefits or assets, the contribution period also includes the period relative to membership in the plans from which the rights and assets were transferred.

The period of membership defined in the first paragraph may, if the pension plan so stipulates, be determined in days instead of months. In such case, this section as well as sections 35, 35.2, 39 to 42 and 44 apply by substituting the word “days” for the word “months”.

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O. C. 1158-90, s. 33; erratum G. O. 2 (1991), 41; O.C. 173-2002, s. 27.



§2. *Statement of the member's benefits*

**34.** The application for the statement provided for in section 108 of the Act shall contain the following documents and information:

- (1) the name and address of the member or of his spouse;
- (2) in the case of married spouses, a proof of the date of their marriage and either a proof of the date on which proceedings were instituted or, where the application is made on the occasion of a mediation, a joint declaration of the date of cessation of their conjugal relationship;
- (3) in the case of *de facto* spouses, an attestation from the member as to his spousal status as well as an attestation from the member and his spouse of the dates on which their conjugal relationship began and ended and, if they lived in a conjugal relationship for at least one year but less than three years, a proof of one or the other of the cases referred to in paragraph 2 of the first paragraph of section 85 of the Act.

The application made on the occasion of a mediation shall also contain the written confirmation of an accredited mediator to the effect that he received a mandate within the context of a family mediation.

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O. C. 1158-90, s. 34; O.C. 173-2002, s. 28.

**35.** The pension committee must, within 60 days of receiving the application, provide the applicant and his spouse with the statement referred to in section 108 of the Act.

That statement is divided into two parts, the first of which must contain the following information :

- (1) the total benefits accumulated by the member from the date on which he became a member of the plan until the date of institution of the action or, in the case of unmarried spouses, until the date of cessation of their conjugal relationship and, in each case, the value of those benefits;
- (2) the benefits and value referred to in subparagraph 1, with an indication as to whether they are capital benefits or pension benefits;
- (3) (*Repealed*);
- (4) in the case of married spouses :
  - (a) the value of the benefits accrued during the marriage, distributed according to their nature as capital benefits or pension benefits;
  - (b) accept where the value referred to in subparagraph a is calculated in accordance with paragraph 1 of the first paragraph of section 39, the number of months in the period of membership which began on the date on which the member joined the plan concerned as well as the number of those months in the period of the marriage and, where such information is available, the number of months in the period of membership in any other plan from which benefits or assets were transferred as well as the number of such months in the period of marriage;

(5) the residual value of the member's benefits after the final partition of benefits or the final transfer granted to a former spouse of the member that had the effect of reducing the member's benefits, where the pension committee has that residual value.

The first part of the statement shall be signed by the person who prepared it. Unless it the Court is shown that the benefits and periods appearing on the statement must be corrected or that the values appearing on the statement were not determined according to the rules provided for in this Division, the statement shall constitute proof of its content.

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O. C. 1158-90, s. 35; O. C. 568-91, s. 4; O.C. 173-2002, s. 29.

**35.1.** The second part of the statement shall contain the following information:

- (1) the name of the plan and the number assigned to it by the Régie;
- (2) in the case of married spouses, the date of marriage of the member and his spouse and the date of institution of proceedings or, where the application is made on the occasion of a mediation, the date of they ceased living together;
- (3) in the case of unmarried spouses, the dates of the beginning and end of the conjugal relationship of the member and his spouse;
- (4) the date on which the member joined the plan;
- (5) the personnel information relative to a member and his spouse and taken into account in determining the first part of the statement, with a mention that it may be in the their interest to have the information corrected if it is erroneous;
- (6) the name and address of the person to be contacted for any information concerning the plan;
- (7) the terms, conditions and periods applicable to payment of the share that goes to the spouse, taking into account in particular, the plan's degree of solvency;
- (8) the rules governing the calculation of the interest that is added to the amount granted to the spouse
- (9) in the event that the member's benefits include benefits or assets transferred from another plan and where the pension committee does not have the information required for the application of section 41, a mention of the fact that the value of the member's benefits given in the statement could be different if the committee was provided with the lacking information;
- (10) the rules set out in section 89.1 of the Act.

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O.C. 173-2002, s. 30.

**35.2.** For the purposes of a statement required on the occasion of a mediation, the rules provided for in this section apply by replacing the date of institution of proceedings with the date on which the spouses ceased living together.

However, in the event that the pension committee does not have information related to the value of the member's benefits at the date on which the spouses ceased living together, the date on which proceedings were instituted is replaced by the date on which the spouses ceased living together for the sole purpose of determining the number of months in the period of membership from the date of the marriage. For any other purpose the said date is replaced by the date of the application for the statement.

Moreover, in the case referred to in the second paragraph, the following rules apply:

(1) the value of the capital benefits accrued during the marriage is determined in the manner provided for in paragraph 2 of the first paragraph of section 39 or, if the benefits have already been the object of a partition or transfer, in the manner provided for in section 42;

(2) for the purposes of paragraph 1 of the second paragraph of section 35,7 the value of the aggregate benefits of the member are represented by the "E" in the following formula:

$$V \times \frac{p}{X} = E$$

"V" represents the value determined pursuant in section 37;

"p" represents the number of months of the period of membership related to those benefits included between the date on which the member's membership began and the date on which the spouses ceased living together;

"X" represents the number of months of the period of membership related to those benefits included between the date on which the member's membership began and the date of the application for the statement;

(3) for the purposes of paragraph 4 of the second paragraph of section 35, the value of the benefits accrued during the marriage is determined by using the value of the member's total benefits at the date of the application for the statement, without taking into account the rule provided for in paragraph 2.

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O.C. 173-2002, s. 30.

### §3 *Total benefits accumulated by the member*

**36.** The total benefits accumulated by the member correspond to the benefits that he acquired during his period of membership. For the purposes of this Division, a distinction must be made as to whether those benefits are capital benefits or pension benefits.

Where the member is still active at the date of institution of the action or, in the case of unmarried spouses, at the date of cessation of the conjugal relationship, his benefits must, on the presumption that he ceased to be active at the same date, correspond :

(1) (*Repealed*);

(2) to a postponed pension, if he was still working for an employer for whom he was working at normal retirement age;

(3) to a deferred pension, if he was not entitled to a postponed pension;

(4) to any other benefit or to any refund to which he would then be entitled.

Where the member's benefits correspond to a pension, pension benefits include:

(1) benefits relative to excess member contributions, with accrued interest, up to the ceiling set in section 60 of the Act;

(2) benefits relative to the additional pension benefit provided for in section 60.1 of the Act.

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O. C. 1158-90, s. 36; O. C. 568-91, s. 5; O.C. 173-2002, s. 31.

**37.** The value of the member's total benefits corresponds to the value of the capital benefits and of the pension benefits accumulated at the date of institution of the action or, in the case of unmarried spouses, at the date of cessation of their conjugal relationship.

The value of the pension benefits must be determined according to assumptions referred to in section 61 of the Act which, at that date, are used to establish the value of other benefits to which section 60 of the Act applies and to which entitlement is acquired at that date.

Where the benefits of the member correspond to a deferred pension whose payment has not begun, the value of the pension to which the member is entitled is determined according to the following formula:

$$\frac{O + P}{2}$$

“O” represents the value of the pension to which the member is entitled and the benefits resulting therefrom by supposing that payment of the pension begins on date on which the member reaches the normal retirement age;

“P” represents the value of the pension to which the member is entitled and the benefits resulting therefrom by supposing that the member acts so as to maximize it.

However, in the case of a member whose benefits correspond to a deferred pension in accordance with paragraph 3 of the second paragraph of section 36, the value of the benefits referred to in the third paragraph of this section is determined by supposing that the value of the deferred pension to which the member is entitled in accordance with the terms of paragraph 1 of the first paragraph of section 60 of the Act and, for the purpose of calculating element “B” of section 60.1 of the Act, is, with respect to the member's recognized service related to the period during which section 60 of the Act applied with respect to him, the value determined according to the formula provided for in the third paragraph of this section.

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O. C. 1158-90, s. 37; O.C. 173-2002, s. 32.

§4 *Value of benefits accumulated during the marriage*

**38.** The value of the benefits accumulated by the member at the date of his marriage is determined on the presumption that, where the member is entitled to a pension at the date of institution of the action, he is also entitled to a pension for service credited to him until the date of his marriage.

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O. C. 1158-90, s. 38.

**39.** The value of the capital benefits accumulated during the marriage is, depending on the circumstances, determined as follows :

(1) where the pension committee has information related to the sum accumulated as at the date of the marriage:

- (a) if no benefit referred to in section 69.1 of the Act was paid or if no transfer referred to in subparagraph 2 of the second paragraph of section 19.2 of the Regulation was made between the date of the marriage and the date on which proceedings were instituted, the value corresponds to the difference between the value of the capital benefits accumulated as at the date of the institution of proceedings and the sum accumulated as at the date of the marriage, increased by interest for the period included between the date of the marriage and the date of the institution of proceedings;
- (b) if a benefit referred to in section 69.1 of the Act was paid or if a transfer referred to in subparagraph 2 of the second paragraph of section 19.2 of the Regulation was made between the date of the marriage and the date on which proceedings were instituted and the pension committee has information related, as the case may be, to the amount accumulated to the date of payment of the benefit or the amount and the date of the transfer, the value is equal to the amount "W" in the following formula:

$$W = Y - \left[ Z \times \frac{Y}{Y + S} \right]$$

"Y" represents the accumulated sum as at the date of institution of proceedings;

"Z" represents the accumulated sum as at the date of the marriage, increased by the interest for the period included between the date of the marriage and the date of the institution of proceedings.

"S" represents the amount of the benefit paid, increased by interest for the period included between the date of payment and the date of institution of proceedings;

(2) where the pension committee does not have information relative to the amount accumulated at the date of marriage, or, where required, those related to the amount or to the date of payment of a benefit referred to in section 69.1 of the Act or to the date of a transfer referred to in subparagraph 2 of the second paragraph of

section 19.2 of the Regulation that value is equal to the amount obtained by multiplying the value of the capital benefits accumulated at the date of institution of the action by the fraction represented by the number of months in the period of membership relative to those benefits between the date of marriage and the date of institution of the action over the number of months in the period of membership relative to those benefits.

The interest referred to in subparagraph 1 of the first paragraph is calculated at the rates of return used during the period in question to calculate interest on the member contributions or, in the case of a non-contributory plan, on the employer contributions. Where that rate is not available, interest is calculated at the yearly rates provided for in Schedule I for the years indicated and, for the subsequent period, at the average annual rates of return on five-year personal term deposits with chartered banks.

The average annual rates of return referred to in the second paragraph are determined by taking the average of the rates of return on those term deposits, as compiled monthly by Statistics Canada and published in the Bank of Canada Review under identification number B-14045 in the CANSIM system. However, where the annual rates of return published monthly and available for the current year are fewer than six in number, that average is taken on the basis of the last six rates of return available.

Where the result of the calculation made in accordance with the third paragraph is not a multiple of one-quarter of one percent, the average is rounded down to the nearest one-quarter.

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O. C. 1158-90, s. 39; O. C. 1681-97, s.19; O.C. 173-2002, s. 33.

**40.** The value of the pension benefits accumulated during the marriage is equal to the amount obtained by multiplying the total value of the pension benefits by the fraction represented by the number of months in the period of membership relative to those benefits between the date of marriage and the date of institution of the action over the number of months in the period of membership relative to those benefits.

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O. C. 1158-90, s. 40; O.C. 173-2002, s. 34.

**41.** Where all or part of the capital benefits or of the pension benefits, as the case may be, consists of benefits or assets transferred from another pension plan and where the sums or benefits transferred, as well as the period of membership related thereto are known, the value of the capital benefits or of the pension benefits accumulated during the marriage is, notwithstanding section 39 or section 40, equal to amount "V" in the following formula :

$$[G - T] \times \frac{a}{p} + T \times \left( \frac{P - A}{P} \right) = V$$

"G" represents the total value of the capital benefits or of the pension benefits, as the case may be, accumulated at the date of institution of the action;

"T" represents, in the case of capital benefits, the amounts transferred plus interest calculated at the rates provided for in the second paragraph of section 39, for the period between the date of transfer and the date of institution of the action and, in the case of pension benefits, the value of those transferred benefits, discounted at the date of institution of the action;

- “p” represents the number of months in the period of membership, excluding the months relative to all benefits or assets transferred;
- “a” represents the number of months in the period of membership represented by “p” between the date of marriage and the date of institution of the action;
- “A” represents the number of months previous to the marriage in the period of membership in the plan from which the amounts or benefits were transferred;
- “P” represents the number of months in the period of membership in the plan from which the sums or benefits were transferred.

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O. C. 1158-90, s. 41; O.C. 173-2002, s. 35.

**42.** Where, prior to the date of institution of the action, the member's benefits had already been partitioned or transferred to a former spouse, the value of the capital benefits or of the pension benefits, as the case may be, accumulated during the most recent marriage must be determined as follows :

(1) where the residual value of the capital benefits or the amount of the residual pension resulting from the partition or transfer is known, it corresponds to the amount “N” in the following formula:

$$[ G - R ] \times \frac{M}{Q} = N$$

- “G” represents the total residual value of the capital benefits or, in the case of pension benefits, the value of the total residual pension, accrued to the date on which proceedings were instituted;
- “R” represents the residual value of capital benefits at the date on which proceedings were instituted or on which the spouses ceased living together that led to the last partition or transfer, increased by interest calculated at the rate provided for in the second paragraph of section 39, for the period between that date and the date on which proceedings were instituted. In the case of pension benefits, this variable represents the value, at the date on which proceedings were instituted, of the residual pension at the date on which proceedings were instituted or on which the spouses ceased living together that lead to the last partition or transfer;
- “M” represents the number of months of membership in the period of the last marriage;
- “Q” represents the number of months of membership between the date on which proceedings were instituted or on which the spouses stopped living together that led to the last partition or transfer and the date on which proceedings were instituted;

(2) where the residual value of the capital benefits or the amount of the residual pension resulting from that partition or transfer is not known, it is deemed to be equal to the total residual value, as the case may be, of the capital benefits or pension

benefits, adjusted pro rata to the number of months of the last marriage in the period of membership over the total number of months elapsed before and during that marriage and in that period of membership.

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O. C. 1158-90, s. 42; O.C. 173-2002, s. 36.

**43.** Where the residual value of the capital benefits accumulated at the date of the member's most recent marriage is known, the value of the benefits accumulated during that marriage is, notwithstanding the rules provided for in section 42, calculated in accordance with subparagraph 1 of the first paragraph of section 39 by substituting the residual value of the benefits for the value of the benefits.

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O. C. 1158-90, s. 43; O.C. 173-2002, s. 37.

**44.** Where the Court decides that the value of the patrimony that may be partitioned or transferred between the spouses shall be determined as at the date on which they ceased living together, the value of the member's accrued benefits is the value shown on the statement referred to in section 35.2.

In the absence of the said statement, the value of the benefits accrued by the member is determined according to sections 36 to 43. If the pension committee has the information related to the value of the member's benefits as at the date on which the spouse's ceased to live together, those sections apply by replacing the date of the institution of proceedings by the date on which the spouses ceased living together. Otherwise, the following rules apply:

(1) sections 36 to 43 apply by replacing the date of the institution of proceedings with the date on which the spouses ceased living together for the sole purpose of determining the number of months in the membership period from the date of the marriage;

(2) the value of the capital benefits accrued during the marriage is determined in the manner provided for in paragraph 2 of the first paragraph of section 39 or, where the benefits have already been the object of a partition or transfer, section 42;

(3) where the value liable to partition or transfer between the spouses has to be determined so as to include the benefits accrued to the member from the date on which he became a member of the pension plan, prior to the marriage, the value of the member's total benefits corresponds to the amount "G" in the following formula:

$$V \times \frac{p}{Y} = G$$

"V" represents the value determined in accordance with section 37;

"p" represents the number of months of the period of membership relative to those benefits included between the date on which the member joined the pension plan and the date on which the spouses ceased living together;

"Y" represents the number of months of membership relative to those benefits included between the date on which the member joined the plan and the date on which proceedings were instituted.



(4) where the value liable to partition or transfer between the spouses has to be determined so as to include only the benefits accrued during the marriage, the value of those benefits shall be determined by using the value of the total benefits at the date on which proceedings were instituted, without taking into account the rule provided for in paragraph 3.

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O. C. 1158-90, s. 44; O.C. 173-2002, s. 38.

**45.** The total value of the benefits accumulated by the member during his marriage is equal to the sum of the value of the capital benefits and of the pension benefits accumulated during the same period.

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O. C. 1158-90, s. 45.

**§5** *Execution of partition or of transfer of benefits*

**46.** The application for partition or transfer of the member's benefits must be submitted to the pension committee along with a copy of the following documents :

(1) the judgment ordering separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance and, where applicable, any agreement entered into by the married spouses relative to the partition or transfer of the member's benefits;

(2) any other judgment relative to the partition or transfer of the member's benefits;

(3) the certificate of non-appeal;

(4) in the case of unmarried spouses, the agreement entered into by them relative to the partition of the member's benefits.

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O. C. 1158-90, s. 46; O.C. 173-2002, s. 39.

**47.** Unless the application for partition or for execution of the transfer is a joint application, the pension committee must, upon receipt, send the applicant's spouse a written notice informing him of that application and of the value of the benefits claimed by his spouse.

The pension committee may not execute the partition or transfer before the expiry of a 60-day period following the sending of that notice to the applicant's spouse, nor may the pension committee do so if it is advised that the member's spouse has duly waived his entitlement or that the member has filed a judicial application in order to oppose the partition or transfer.

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O. C. 1158-90, s. 47.

**48.** Where the partitioned or transferred benefits were part of the capital benefits, interest calculated at the rates provided for in the second paragraph of section 39 fits or, where the benefits were part of the pension benefits, at the rate used to determine their value, must be added to the amount granted to the spouse

In the case of partition of benefits between married spouses, interest accrues from the date of institution of proceedings or, where the Court decides that the value of the patrimony that may be partitioned or transferred is determined as at the date on which the spouses ceased living together, from the latter date, until the date of execution of partition or transfer. In the case of partition of benefits between unmarried spouses, interest accrues from the date of cessation of their conjugal relationship.

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O. C. 1158-90, s. 48; O.C. 173-2002, s. 40.

**49.** Unless the Court indicates otherwise, the pension committee may partition the member's benefits or execute the transfer of part of those benefits only to the extent that that partition or that transfer does not have the effect of depriving the member of more than half of the total value of the benefits that he accumulated before and during his marriage.

Where the judgment or the agreement entered into by married spouses does not provide for the amount or the portion of the value of the member's benefits allocated to the spouse, the value of the benefits that the member accumulated during his marriage is divided equally between the spouses.

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O. C. 1158-90, s. 49.

**50.** The pension committee shall, within 60 days following either receipt of a joint application concerning partition or execution of a transfer, or the expiry of the period provided for in the second paragraph of section 47 and, except in the latter case, unless it has been notified of the spouse's waiver or of a judicial opposition to the partition or transfer of the member's benefits take, with respect to the sum corresponding to the benefits granted to the spouse, one of the following measures:

(1) transfer the sum to another pension plan of which the spouse is a member or to a plan referred to in paragraph 3.1, 4 or 5 of section 28;

(2) where the plan so allows, transfer the sum to the account of the spouse who is already a member of the plan or grant to the spouse, who then is deemed to be a member, benefits under the plan;

(3) pay the sum to the spouse or transfer it to a plan referred to in paragraphs 3 of section 28, in the following cases:

(a) the benefits in question correspond to a refund to which the member would have been entitled on the date of institution of proceedings, it being understood that subject to subparagraph *b* and *c*, the benefits granted to the spouse may not be paid to the spouse in a proportion greater than for which the member's benefits could have been refunded to the member;

(b) the value of such benefits is less than 20% of the Maximum Pensionable Earnings determined under the Act respecting the Québec Pension Plan for the year in which the transfer or partition is carried out;

(c) the spouse has ceased to live in Canada since at least two years.

Failing an indication by the spouse to the pension committee, prior to the expiry of the period in which it must act in accordance with the first paragraph, the payment

method selected from among those mentioned in that paragraph, the pension committee shall transfer the sum to be paid to one of the plans referred to, as the case may be, in paragraph 1, 2 or 3 of the first paragraph.

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O. C. 1158-90, s. 50; O.C. 173-2002, s. 41.

**51.** *(Repealed).*

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O. C. 1158-90, s. 51; O.C. 173-2002, s. 42.

**52.** Sections 101 to 106 of the Act apply *mutatis mutandis* to any sum granted to a member's spouse by reason of the partition or transfer of the benefits accumulated by the member.

For the purposes of applying section 145 of the Act, the minimum sum that must be paid or transferred to the spouse or to the spouse's account must bear to the sum granted to the spouse, the same proportion that the contributions, amounts and interest referred to in section 145 bear to the total value of the member's benefits.

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O. C. 1158-90, s. 52; O.C. 173-2002, s. 43.

**53.** The partition or transfer of a member's benefits executed in the year of a judgment ordering divorce, separation from bed and board, annulment of marriage or payment of a compensatory allowance may be revoked or annulled only for one of the causes provided for in article 424 of the Civil Code of Québec.

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O. C. 1158-90, s. 53; O.C. 173-2002, s. 44.

**54.** The pension committee must, where no pension is being paid to the member at the date of execution of the partition or transfer of pension benefits, determine at that date the amount of the part of the normal pension which, determined according to the value of the benefits attributed to the spouse, would have been payable to the member at normal retirement age according to the conditions and characteristics provided for by the plan for that pension. The pension committee must keep a record of that amount.

Where the pension benefits correspond to a postponed pension, the amount provided for in first paragraph is determined on the basis of the value of the retirement pension recalculated at the date of execution of the partition or transfer in accordance with section 79 of the Act.

In every case, the amount provided for in the first paragraph is determined by using the assumptions provided for in the second paragraph of section 37.

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O. C. 1158-90, s. 54; O.C. 173-2002, s. 45.

§6 *Residual benefits of the member*

**55.** Execution of the partition or transfer of the member's benefits shall reduce his benefits as follows :

(1) where the benefits partitioned or transferred are part of the capital benefits, the value of those benefits shall be reduced by the amount attributed to the spouse;

(2) where the benefits partitioned or transferred are part of the pension benefits,

- any pension of which payment has begun shall, after having been, where required, re-determined under section 89.1 of the Act, be reduced by the proportion represented by the value of the benefits attributed to the spouse at the date of execution of the partition or transfer over the value that the pension paid to the member would have had on the day preceding the effective date of the judgment, it being understood that the latter value is determined by using the same assumptions as those used to determine the value of the benefits attributed to the spouse;
- any pension of which payment begins after the execution of the partition or transfer must be reduced by the amount referred to in section 54 or, if payment of that pension begins on a date other than the date of normal retirement age, by a sum equal to that amount;
- any other benefits, with the exception of a benefit referred to in section 69.1 of the Act, and any benefit or refund that must be paid or transferred must be reduced, up to its amount or value by the value of the pension of which the amount is referred to in section 54.

The pension plan may provide for reducing the member's benefits in a different manner, provided that manner leads to a lesser reduction of such benefits.

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O. C. 1158-90, s. 55; O. C. 1681-97, s.20; O.C. 173-2002, s. 46.

**56.** Where the member's benefits that may be partitioned or transferred to the spouse include both an entitlement to a refund and an entitlement to receive a pension benefit, each of those entitlements must be reduced by the value of all the benefits attributed to the spouse over the total value of such refund and benefit.

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O. C. 1158-90, s. 56; O. C. 568-91, s. 6.

## **DIVISION V.1**

### **SEIZURE OF THE MEMBER'S BENEFITS**

**56.0.1.** This division applies with respect to a seizure referred to in the second paragraph of section 109 of the Act that is effected by the member's spouse or on his behalf.

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O.C. 173-2002, s. 47.

**56.0.2.** The value of the benefits accrued by the member at the date on which the seizure is carried out is determined pursuant to sections 36 and 37, which are applied by replacing the date of institution of proceedings with the date of seizure.

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O.C. 173-2002, s. 47.

**56.0.3.** Where the benefits attributed to the spouse are paid from the benefits of the member that are pension benefits within the meaning of section 33 and no pension is

being paid to the member at the date on which the seizure is effected, the pension committee shall determine at that date the amount of the portion of the normal pension that, determined according to the value of the benefits attributed to the spouse, would have been paid to the member by the plan for that pension. The pension committee must conserve a mention of that amount in its records.

Where the pension benefits correspond to a postponed pension, the amount provided for in the first paragraph is determined on the basis of the value of the pension recalculated at the date of the seizure, pursuant to section 79 of the Act.

In every case, the amount provided for in the first paragraph shall be determined by using the same assumptions as those used to determine the value of the member's benefits at the date of the seizure.

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O.C. 173-2002, s. 47.

**56.0.4.** Where the member's benefits include both entitlement to a refund and entitlement to receive a pension benefit, both of them must be reduced in the proportion that represents the value of the benefits attributed to the spouse upon seizure over the total value of those benefits.

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O.C. 173-2002, s. 47.

**56.0.5.** Subject to section 56.0.4 and any contrary provision of the pension plan, capital benefits within the meaning of section 33 are the first to be used to pay the benefits attributed to the spouse.

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O.C. 173-2002, s. 47.

**56.0.6.** The benefits allocated to the spouse may be paid without taking into account the conditions or time periods that affect the member's benefits. Such payment reduces the member's benefits in the following manner:

(1) where the benefits attributed to the spouse are paid from capital benefits, the value of the capital benefits is reduced by the amount paid;

(2) where the benefits attributed to the spouse are paid from pension benefits:

- any pension of which payment has begun is reduced in proportion to the amount paid to the spouse over the value of the pension being paid at the date of the seizure;
- any pension of which payment begins after the payment to the spouse must be reduced by the amount referred to in section 56.0.3 or, where the payment of the pension begins on a date other than the date of the normal retirement age, by a sum equal to the amount of the payment to the spouse;
- any other pension benefit, except for a pension benefit referred to in section 69.1 of the Act, as well as any benefit or refund that must be paid or transferred must be reduced, up to its amount or its value, by the value of the pension of which the amount is referred to in section 56.0.3.

The pension plan may provide for reducing the member's benefits in a different manner, provided that manner leads to a lesser reduction of such benefits.

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O.C. 173-2002, s. 47.

## **DIVISION VI**

### **INFORMATION FOR MEMBERS AND BENEFICIARIES**

**56.1.** The summary of the pension plan provided for in section 111 of the Act must contain, in addition to the information provided for in that section, the following information:

(1) the index or rate provided for in the plan for indexation of the pension before and during its payment;

(2) the rules applicable to the transfer of the member's benefits to another pension plan;

(3) the plans referred to by any general agreement allowing the member's benefits or assets to be transferred to them;

(4) the nature of the fees that may be charged to the member;

(5) the rules that apply where members decide investments that may be made with the plan's assets;

(6) in the case of a plan to which chapter X of the Act applies, a mention that for members who cease to be active members, only those whose benefits are not paid before the plan's termination or who cease to be active members less than three years prior to that date remain members for the purposes of the eventual allocation of surplus assets upon the plan's termination.

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O.C. 173-2002, s. 48.

**56.2.** The annual statement provided for in section 112 of the Act shall have two parts, of which the first concerns the benefits of the member or beneficiary to whom the statement is sent and the second the financial situation of the pension plan.

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O.C. 173-2002, s. 48.

**57.** The first part of the annual statement referred to in section 112 of the Act and transmitted to an active member must contain the following information :

(1) the member's name;

(2) the name of the pension plan and the number that the Régie assigned to it;

(3) the fiscal year in question;

(4) the name and address of the person to contact for any information concerning the plan;

(5) the address of the office of the pension committee;

(6) the name of any person entered in the records of the plan as the spouse or beneficiary of the member or, where necessary, a mention of the absence of an entry related to either of those capacities;

(7) the date on which the member became a member of the plan;

(8) (*Repealed*);

(9) the date on which the normal pension becomes payable to the member;

(10) the member contributions and the additional voluntary contributions entered in the member's account during the fiscal year as well as the total of such contributions, distributed by type, with the interest accrued since the member joined the plan up to the end of the said fiscal year, less, in the case of contributions paid under a defined contribution pension plan or under provisions similar to those of such a plan contained in a defined benefit plan, any sums applied to payment of an early pension benefit or the execution of a seizure, transfer or partition of benefits;

(11) (*Replaced*);

(12) the employer contributions entered in the member's account during the fiscal year under a defined contribution plan or under provisions identical to the provisions of such a plan contained in a defined benefit plan, as well as the total of the employer contributions entered in that member's account at the end of the fiscal year, including accrued interest, less any sums applied to payment of an early pension benefit or to the execution of a seizure, transfer or partition of benefits;

(13) the benefits and sums transferred to the member's account and the sums paid into the account during the fiscal year to purchase past service, the total of such benefits and sums thus transferred or paid to the member's account since the date on which he became a member of the plan, with accrued interest, and distributed according as the benefits or amounts must or must not be used to constitute a pension as well as any credited service added or the amount of the normal pension constituted with such benefits and sums;

(14) the rate applied during the fiscal year for the calculation of interest on the contributions and on the sums referred to in paragraphs 10 to 13, or the method used to calculate that interest;

(15) in the case of any plan other than a defined contribution plan:

(a) the service, including that referred to in paragraph 13, credited to the member for the calculation of the normal pension and appearing in the records of the plan at the end of the fiscal year;

(b) the annual amount of the normal pension that would be payable to the member for his recognised credited service at the end of the fiscal year;

- (c) the amount of the reduction of that pension resulting from the payment, if any, of an early pension benefit or the execution of a seizure, a transfer or a partition of benefits;
  - (d) where the normal pension is determined on the basis of the member's annual remuneration or average remuneration, the remuneration or, where necessary, the average remuneration that the committee took into account to determine the amount provided for in subparagraph *b*.
- (16) (*Repealed*).
- (17) (*Repealed*).

At least once every three years, the first part of the statement sent to a person who, as an active member of a pension plan other than a defined contribution plan would have been entitled to transfer the value of his benefits at the end of the preceding fiscal year if he had then ceased to be an active member, shall also include the following information:

- (1) the value of the benefits that the member would have been able to transfer at the end of that fiscal year, accompanied with a mention explaining that the value is provided for information purposes and that the value of the benefits is subject to large variations by reason in particular of fluctuations in the interest rates used to determine the value as well as the payment conditions of the pension benefits;
- (2) the latest date on which the member will be able to cease to be an active member and still have a transfer right;
- (3) the personal information relative to the member and his spouse which were taken into account in determining the value referred to in paragraph 1, with a mention that it may be in the interest of the member and his spouse to have that information correct if it is erroneous.

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O. C. 1158-90, s. 57; erratum G. O. 2 (1991), 41; O. C. 568-91, s. 7; O.C. 173-2002, s. 49.

**57.1.** The statement provided to a member in application of section 112.1 of the Act shall contain the following information:

- (1) the name of the member;
- (2) the name of the pension plan and the number that the Régie assigned to it;
- (3) the date of payment of the early benefit;
- (4) in the event that the benefits referred to in section 15.1 were used to pay the benefit:
  - (a) the amount of the benefit paid;
  - (b) the balance of the value of the benefits after payment of the benefit;
- (5) in the event that the benefits referred to in section 15.3 were used to pay the benefit:



- (a) the amount of the benefit paid;
- (b) the amount of the reduction of the member's pension following payment of the said benefit;
- (c) a mention that the amount will be adjusted if the conditions or characteristics of the pension paid under the plan, with the exception of those related to early or postponed payment, are different from those used to determine the amount or if payment of the pension begins on a date other than the date of the normal retirement age.

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O. C. 1681-97, s.21; O.C. 173-2002, s. 50.

**58.** The statement referred to in the first paragraph of section 113 of the Act shall, in addition to what is stated in that paragraph with respect to a refund, the pension benefit or other benefits provided for under the pension plan, contain the following information:

- (1) the date on which the member ceased to be an active member;
- (2) the amount that may be refunded to him;
- (3) for the period elapsed since the end of the fiscal year covered by the last annual statement sent to the member affected until the date on which he ceased to be an active member, the information provided for in paragraphs 1 to 15 of the first paragraph of section 57;
- (4) in the event that the member is entitled to payment of a retirement pension in respect of which he exercised an option provided for in the plan, the following information:
  - (a) the date on which payment of the retirement pension began;
  - (b) the amount of that pension, excluding the amounts referred to in subparagraphs *c* to *h*;
  - (c) the amount by which that pension is reduced by reason of payment of an early pension benefit or execution of a seizure, a transfer or partition of benefits, as well as the amount of any adjustments related to joint and survivor rights, an early pension, a postponement or the exercise of an option provided for in section 93 of the Act;
  - (d) in the case of a temporary pension or pension fraction, the amount thereof and the date on which it will cease to be paid;
  - (e) the member contributions which exceed the maximum set in section 60 of the Act and the amount of the additional pension constituted with that excess;
  - (f) the value of the additional pension benefit to which the member is entitled pursuant to section 60.1 of the Act, the amount of the pension constituted with that benefit and the portion, if any, of the value of the additional pension benefit that must be paid to him in a lump sum;

- (g) the amount of the additional pension constituted with the member's additional voluntary contributions or contributions paid during the period of postponement of the pension and the interest accrued thereon;
  - (h) the amount of the pension constituted following a transfer of benefits or assets or a purchase of past service for the member;
- (5) where the member is entitled to payment of a retirement pension without exercising the choices provided for under the plan, the following information:
- (a) the date on which payment of the retirement pension may begin;
  - (b) the amount of that pension, excluding pension amounts referred to in subparagraphs *c* to *g*, with a mention of the adjustments made following payment of an early pension benefit or execution of a seizure, transfer or partition of benefits and the adjustments related to integration, early payment or postponement of the normal pension;
  - (c) a description of the choices provided for under the plan;
  - (d) the member contributions that exceed the maximum set in article 60 of the Act, and the amount of the additional pension constituted with that excess;
  - (e) the value of the additional pension benefit to which the member is entitled in accordance with section 60.1 of the Act, the amount of the pension constituted with that benefit and the portion, if any, of the value of the additional pension benefit that must be paid to him in a lump sum;
  - (f) the amount of the additional pension constituted with the member's additional voluntary contributions and the interest accrued thereon;
  - (g) the amount of any pension constituted following a transfer of benefits or assets or the purchase of past service to the advantage of the member;
- (6) where the member is entitled to payment of a disability pension, the information referred to in subparagraphs *e* to *h* of paragraph 4, as well as the following information:
- (a) the date on which payment of the disability pension begins;
  - (b) the amount of the disability pension or the amount of the payment or series of payments resulting from the option provided for in paragraph 4 of the first paragraph of section 93 of the Act, with, the latter case, the due date of each payment;
  - (c) the amount of the reduction of the disability pension resulting from payment of an early pension benefit or execution of a seizure, transfer or partition of benefits;
  - (d) in the case of a temporary pension or pension fraction, the amount thereof and the date on which it will cease to be paid;

- (7) in the event of the member's death, the nature and amount of the death benefit;
- (8) in all other cases, the following information:
  - (a) the value of the deferred pension vested to the member;
  - (b) the member contributions that exceed the maximum set in section 60 of the Act;
  - (c) the value of the additional pension benefit to which the member is entitled pursuant to section 60.1 of the Act, the amount of the pension constituted with that benefit and the portion, if any, of the value of the additional pension benefit that must be paid to the member in a lump sum;
  - (d) the value and amount, if any, of the pension constituted following a transfer of benefits or assets or the purchase of past service to the advantage of the member;
  - (e) the amount of the reduction of the deferred pension resulting from payment of an early pension benefit or execution of a seizure, transfer or partition of benefits;
- (9) the pension plan's degree of solvency determined at the date of the last actuarial valuation of the entire plan;
- (10) the personal information related to the member and his spouse, which was taken into account in determining the amounts shown on the statement, with a mention that it may be in the member's interest to have any erroneous information corrected.

O. C. 1158-90, s. 58; O. C. 568-91, s. 8; O. C. 1681-97, s.22; O.C. 173-2002, s. 51.

**59.** The first part of the annual statement referred to in section 112 of the Act and sent to a non-active member must contain the following information:

- (1) that provided for in paragraphs 1 to 6 of the first paragraph of section 57;
- (2) where a member has begun receiving a retirement pension:
  - (a) the amount of the pension;
  - (b) where a pension must be reduced to take into account, in whole or in part, benefits payable under a public plan, the beginning date of the reduction and its amount;
  - (c) in the case of a pension or a fraction of a temporary pension, the date on which payment will cease;
  - (d) the nature of the death benefit payable by supposing that the member had died on the date of the statement.
- (3) where a member has begun receiving a disability pension, the information referred to in subparagraphs *a* and *c* of paragraph 2, *mutatis mutandis* where the

pension is not a life pension, as well as, in the latter case, the anticipated date of the final payment;

- (4) where a member is entitled to a deferred pension:
  - (a) the date on which he ceased to be an active member;
  - (b) the anticipated amount of the pension, where the plan is not a defined contribution plan;
  - (c) the amount of the reduction of the pension resulting from payment of an early pension benefit or execution of a seizure, transfer, or partition of benefits;
  - (d) the amount of the member contributions and employer contributions paid under the plan where the plan is a defined contribution plan, or under provisions similar to those of a defined contribution plan where the plan is a defined benefit plan, with accrued interest;
  - (e) the amount of the member contributions that exceed the ceiling set in section 60 of the Act and the amount of the additional voluntary contributions, with, in each case, accrued interest;
  - (f) the amount of the pension constituted with the additional pension benefit to which the member is entitled under section 60.1 of the Act;
  - (g) the benefits and sums transferred to the member's account and the sums paid to his account for the purchase of past service during the fiscal year, the total of the benefits and sums thus transferred or paid to the member's account since the date on which he became a member of the plan, with accrued interest, distributed according as they must or must not be used to constitute a pension and any credited service added or the amount of the normal pension constituted with such benefits and sums;
  - (h) the rate applied or the method used during the fiscal year to calculate the interest referred to in subparagraphs *d* to *g*;
- (5) where the value of the member's benefits has been paid only in part by the application of section 142 or 143 of the Act, the balance owing and an indication of each year in which a payment will be made.

At least once every three years, the first part of the statement sent to a non-active member who is entitled to a deferred pension under a plan other than a defined contribution plan and who, on a date subsequent to the sending of the statement, will be able to transfer the value of his benefits to another pension plan, shall also contain the following information:

- (1) the value, at the end of the fiscal year, of the benefits that may be transferred, accompanied with a mention explaining that the value is provided for information purposes and that the value of the benefits is subject to large variations by reason in particular of fluctuations in the interest rates used to determine the value as well as the payment conditions of the deferred pension;

(2) the latest date on which the member will be able to exercise his transfer right;

(3) the personnel information relative to a member and his spouse and taken into account in determining the value referred to in paragraph 1 with a mention that it may be in their interest to have the information corrected if it is erroneous.

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O. C. 1158-90, s. 59; O. C. 568-91, s. 9; O. C. 1681-97, s.23; O.C. 173-2002, s. 51.

**59.0.1.** The first part of the annual statement referred to in section 112 of the Act and sent to the beneficiary must contain the following information:

(1) the beneficiary's name;

(2) the information provided for in paragraphs 2 to 5 of the first paragraph of section 57;

(3) the amount of the pension benefit paid;

(4) where there is provision for a reduction of the pension benefit, the amount of the reduction and the date on which the reduction may be effective;

(5) in the case of a temporary pension benefit, the date on which the benefit will cease to be paid;

(6) the index or rate used for the indexation of the pension benefit.

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O.C. 173-2002, s. 52.

**59.0.2.** The second part of an annual statement referred to in section 112 of the Act shall, where the statement is sent to a member or beneficiary of a pension plan to which chapter X of the Act applies, contain the following information:

(1) the degree of solvency of the pension plan determined at the date of the most recent actuarial valuation of the whole plan, and where the degree is less than 100%, the measures taken to bring it up to 100%;

(2) the lesser of the pension plan's surplus assets determined on a funding basis and those assets determined on a solvency basis on the occasion of the last actuarial valuation of the whole plan;

(3) the employer contribution that the employer paid during the fiscal year concerned;

(4) the member contributions paid by the members during the fiscal year concerned;

(5) the portion of the plan's excess assets used to pay the employer contribution during the fiscal year and the portion used during that year to fund additional commitments resulting from an amendment to the plan.

Where the statement is sent to a member or beneficiary not referred to in the first paragraph, this part must indicate the plan's surplus assets and the portion thereof used to pay the employer contribution during the fiscal year.

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O.C. 173-2002, s. 52.

**59.1** In the case of a simplified pension plan, the statements referred to in paragraph 1 of section 112 and in section 113 of the Act must indicate whether the administration costs are borne in whole or in part by the members or by the pension fund, as well as the amount, per member, of those costs or the formula for determining them, showing separately the portion of those costs borne by the member, the pension fund and the employer.

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O. C. 658-94, s. 8; O.C. 173-2002, s. 53.

**60.** The other documents that may, under section 114 of the Act, be consulted by an eligible employee, a member or a beneficiary are :

(1) any provision forming part of a document providing for working conditions relative to the pension plan;

(2) the investment policy of the pension committee;

(3) the deeds of delegation of powers by the pension committee;

(4) any general agreement permitting the members to transfer benefits or assets into another plan;

(5) the annual statements and financial reports referred to in section 161 of the Act;

(6) the reports transmitted to the Régie relative to the actuarial valuations of the plan;

(7) the documents referred to in paragraph 3 of section 24 of the Act;

(7.1) in the case of an insured pension plan, any report prepared by the insurer relative to the plan;

(8) the correspondence between the Régie and the pension committee during the 60 months preceding the date of the application for consultation, with the exception of correspondence concerning another employee, member or beneficiary;

(9) (*Repealed*)

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O. C. 1158-90, s. 60; O.C. 173-2002, s. 54.

## **DIVISION VII**

### **INVESTMENTS**

**61.** A loan cannot be granted to an employer, a partnership or a person referred to in section 177 of the Act unless that loan is fully secured by any of the following types of security :

- (1) in the case of a member, his spouse or his child, a hypothec on an immovable;
- (2) in other cases :
  - (a) a hypothec of the first rank;
  - (b) a hypothec of an investment presumed sure and referred to in section 1339 of the Civil Code or the pledge of a gilt-edged security referred to in section 3 of the Securities Regulation, made by Order in Council 660-83 dated 30 March 1983, as amended from time to time;
  - (c) the hypothec of a security guaranteed by a security of the first rank;
  - (d) the guarantee of the gouvernement du Québec, of the Government of Canada, of a Canadian province, of any of their agencies or of a financial institution empowered to guarantee borrowings in Canada.

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O. C. 1158-90, s. 61; O.C. 173-2002, s. 55.

## **DIVISION VII.1**

### **MERGER OF THE ASSETS AND LIABILITIES OF SEVERAL PENSION PLANS**

**61.1.** The notice provided for in section 196 of the Act must contain:

- (1) the name of the absorbed plan and the number assigned to it by the Régie;
- (2) the name of the absorbing plan and the number assigned to it by the Régie;
- (3) the number of members and beneficiaries of the absorbed plan at the effective date of the amendment intended to merge the assets and liabilities of the affected plans;
- (4) where a merger does not include the total assets of the absorbed plan, a description of the group constituted by the members and beneficiaries whose benefits would be transferred to the absorbing plan and their number;
- (5) the provisions of the affected plans relative to the allocation of the surplus assets determined upon termination and, where one of the plans has no provisions of that nature, a mention of that fact and of the rule set out in the second paragraph of section 288.1 of the Act;

(6) in the case provided for in the fourth paragraph of section 196 of the Act, a mention of the rule therein set out, the identity of those whose consent is required under section 146.5 of the Act for an amendment to the absorbed plan and a mention that the consents have or have not already been obtained;

(7) where the Régie authorizes a merger, a mention that only the provisions of the absorbing plan will apply, with respect to the employer's entitlement to appropriate the surplus assets of the plan to the payment of his contributions as well as the allocation of surplus assets upon termination in respect of the members and beneficiaries of the absorbed plan who are affected by the merger;

(8) a mention that the members and beneficiaries whose benefits may be transferred from the absorbed plan to the absorbing plan may, within 60 days following receipt of the notice or of the publication, if any, of the notice provided for in the second paragraph of section 230.4 of the Act, according the latest of them, to make known in writing to the pension committee their opposition to the merger of the plans;

(9) the address of the pension committee;

(10) the name of the signatory, the attestation that he is duly authorized by the pension committee to give the notice and the date of signing.

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O.C. 173-2002, s. 56.

## **DIVISION VIII**

### **LIQUIDATION OF THE BENEFITS OF THE MEMBERS AND BENEFICIARIES**

**62.** The report provided for in the second paragraph of section 202 of the Act must contain the following information:

(1) the name of the plan and the number assigned to it by the Régie;

(2) the effective date of the amendment giving rise to the withdrawal and the name of the affected employer;

(3) the value of the plan's assets at the date of the valuation of the members' and beneficiaries' benefits;

(4) the employer and member contributions required and those paid for the period between the date of the plan's last fiscal year and the year of the withdrawal, distinguishing the contributions relative to the affected employer from the total contributions of the other employers;

(5) the assets allocated to the group constituted of the benefits of the affected members and beneficiaries and the assets allocated to all the other groups, in accordance with sections 220 to 227 of the Act as well as the description and method used;

(6) where required, the assumptions and methods used to determine the value of the assets and of the benefits of the plan's members and beneficiaries;



(7) the value of the benefits of the members and beneficiaries not affected by the withdrawal;

(8) the names of the members and beneficiaries affected by the withdrawal, grouped according to the categories provided for in paragraph 2 of section 201 of the Act, as well as the nature and the value of their benefits at the date of their valuation;

(9) the degree of solvency of the plan at the date of the valuation of the members' and beneficiaries' benefits;

(10) where, with respect to the employer and the members and beneficiaries affected by the withdrawal, the contributions paid are less than the contributions required, the report must, in addition, indicate the distribution of the total contributions required and the total contributions paid among those members and beneficiaries, with a mention for each of them of the portion related to employer contributions, member contributions and additional voluntary contributions;

(11) the debt, if any, of the employer affected by the withdrawal, a description of the measures put into effect to ensure the collection of the debt and its distribution among the members and beneficiaries affected by the withdrawal;

(12) where, at the date of withdrawal, the assets allocated to the group consisting of the benefits of the members and beneficiaries affected by the withdrawal is, after deducting any contribution relative to that group and referred to in section 227 of the Act, less than the value of the benefits of those members and beneficiaries, the amount of the reduction in benefits that each of them will sustain if the employer's debt and the unpaid contributions are not collected;

(13) a description of the payment methods offered to each category of members and beneficiaries affected by the withdrawal;

(14) a certificate by the author of the report that it was prepared in conformity with the provisions of the Act and the Regulation;

(15) the name and address of the author of the report, his professional title and the date of signing.

In the case provided for in paragraph 12 of the first paragraph, the value of the members' and beneficiaries' benefits affected by the withdrawal shall be distributed in accordance with each item of the payment order provided for in section 218 of the Act.

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O. C. 1158-90, s. 62; O.C. 173-2002, s. 57.

**63.** The termination declaration that the pension committee sends in application of section 207.1 of the Act must be in conformity with that provided in schedule II where the termination follows a notice by the employer and that provided in schedule III where the termination follows a decision of the Régie. The pension committee that sends a declaration in conformity with that provided in schedule II must attach to it a copy of the termination notice.

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O. C. 1158-90, s. 63 ; O.C. 1895-93, s. 3; O.C. 173-2002, s. 57.

**64.** The termination report provided for in section 207.2 of the Act must contain the following information, subject to the adaptations required in the case of an insured plan or a plan referred to in paragraph 2 of section 116 of the Act:

- (1) the name of the plan and the number assigned to it by the Régie;
- (2) the plan's termination date;
- (3) the value of the plan's assets at the date of termination, distributed according to the nature of each element of which it is constituted;
- (4) the employer and member contributions required and those paid for the period between the end of the preceding fiscal year of the plan and the date of termination;
- (5) in the case of a plan is referred to in the second paragraph of section 230.0.1 of the Act:
  - (a) the assets allocated to each group of benefits, determined in accordance with sections 220 to 227 and 230.0.1 of the Act;
  - (b) the share of surplus assets, if any, allocated to each group of benefits and the proportion of the surplus assets at the termination date represented by that share;
  - (c) the description of the method used to determine the sums referred to in subparagraphs *a* and *b*;
- (6) where required, the assumptions and methods used to determine the value of the assets and the value of the benefits of the plan's members and beneficiaries;
- (7) the names of the members and beneficiaries affected by the termination, distributed by employer and according to the categories referred to in section 207 of the Act, as well as the nature and value of their benefits at the date of termination;
- (8) the ratio of the assets to the liabilities, determined in accordance with section 212.1 of the Act;
- (9) where, with respect to the employer affected by the termination, the contributions paid are less than the contributions required, a mention of the unpaid portion related to employer contributions, member contributions and additional voluntary contributions;
- (10) the debt, if any, of each employer affected by the termination, determined in accordance with section 228 of the Act;
- (11) where, at the date of termination, the assets allocated to a group of benefits of members and beneficiaries affected by the termination is, after reduction of any contribution relative to that group and referred to in section 227 of the Act, less than the value of the benefits of the those members and beneficiaries, the amount of the reduction of benefits that each of them will sustain if the employer's debt and the unpaid contributions are not collected;

(12) the list of the payment methods offered to each category of members and beneficiaries affected by the termination;

(13) a certificate by the author of the report:

- (a) that the report was prepared in conformity with the provisions of the Act and the Regulation;
- (b) where the report must be prepared by an actuary, that it is in conformity with the standards of the Canadian Institute of Actuaries;
- (c) where the report may be prepared by the pension committee, that the author is a member of the committee or that he is mandated by the committee to prepare the report;

(14) the name of the author of the report, his professional title and the date of signing.

In the case provided for in paragraph 11 of the first paragraph, the value of the benefits of the affected members and beneficiaries shall be distributed in accordance with each item of the payment order provided for in section 218 of the Act.

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O. C. 1158-90, s. 64; O.C. 173-2002, s. 57.

**65.** The statement provided for in section 207.3 of the Act must contain, in addition to the information prescribed in that section, the following information:

(1) the information referred to in paragraphs 3 to 10 of section 58, determined or updated at the date of termination;

(2) the assets and liabilities as well as the surplus or deficiency of the pension plan's assets indicated in the termination report for the employer to whom the member or beneficiary to whom the statement is addressed is connected;

(3) where there is a deficiency of assets, the measures put into place to cause the amounts due to the pension fund to be paid by the employer concerned;

(4) the information referred to in paragraphs 9 to 11 of the first paragraph of section 64 relative to the member or beneficiary or to the employer with whom he is connected;

(5) where the plan's assets, in whole or in part, is allocated to the members and beneficiaries in application of the second or third paragraph of section 230.1 of the Act, the proportion of the surplus assets that is allocated to the participant or beneficiary.

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O. C. 1158-90, s. 65 ; O.C. 1895-93, s. 4; O.C. 173-2002, s. 57.

**66.** The supplement to the termination report referred to in section 207.5 of the Act must contain the following information:

- (1) the name of the pension plan and the number assigned to it by the Régie;

(2) the plan's surplus assets at the date of termination and at the latest date at which its value is known;

(3) a description of the method of apportionment for the surplus assets, in accordance with any declaration, agreement, arbitration decision referred to in the first paragraph of section 230.1 of the Act, or to any increase or allocation provided for in the second or third paragraph of section 230.1 of the Act or in section 230.3 or the Act;

(4) the name of each employer who is party to the plan and, for each of them, the surplus assets allocated to the group of benefits connected to each, the portion of the surplus assets granted to each at the dates referred to in paragraph 2 and the proportion that such portion represents at the same dates with respect to the total surplus assets of the plan;

(5) where a portion of the surplus assets is granted to persons who remain or who are considered to be members or beneficiaries under section 240.2, 308.3 or 310.1 of the Act, the actuarial assumptions and methods used to determine the presumed value of their benefits for the purposes of determining their share of the surplus assets;

(6) where a portion of the surplus assets is granted to the members or beneficiaries:

(a) their names;

(b) the share that each of them would have received had the surplus assets been allocated at the date of termination;

(c) an estimate of the share that each will receive, determined at the latest date referred to in paragraph 2;

(d) the methods for payment of the surplus assets thus allocated;

(7) the author's certificate:

(a) that the supplement to the termination report was prepared in conformity with the provisions of the Law and the Regulation;

(b) where the supplement must be prepared by an actuary, that it is in conformity with the standards of the Canadian Institute of Actuaries;

(c) where the supplement may be prepared by the pension committee, that the author is a member of the committee or that he is mandated by the committee to prepare the supplement;

(8) the name of the author, his professional title and the date of signing.

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O. C. 1158-90, s. 66 ; O.C. 1895-93, s. 5; O.C. 173-2002, s. 57.

**67.** Except where otherwise indicated, the benefits of a member or beneficiary that are referred to in sections 62 to 66 do not include the share that he may have in the surplus assets.

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O. C. 1158-90, s. 67 ; O.C. 1895-93, s. 6; O.C. 173-2002, s. 57.

**67.1** The draft agreement referred to in section 230.1 of the Act must indicate, in addition to the information prescribed in that section, the following information:

- (1) the name of the plan and the number assigned to it by the Régie;
- (2) the date of termination of the plan;
- (3) the name of each employer who is party to the draft agreement;
- (4) the share of the surplus assets at the date of termination that would be granted to each employer who is party to the draft agreement;
- (5) the share of the surplus assets at the date of termination that would be granted to the members and beneficiaries, as a whole, who are affected by the draft agreement;
- (6) where the agreement does not allocate the total surplus assets that it covers to the employer and where persons remain or are deemed to be members or beneficiaries in accordance with section 240.2, 308.3 or 310.1 of the Act, the actuarial assumptions and methods used to determine the presumed value of the benefits of such persons for the purpose of determining the portion of the surplus due to them.

A draft agreement that does not cover all the members and beneficiaries of the plan must stipulate that it covers only some of them.

Where the draft agreement proposes that the share of the surplus assets apportioned to a member or beneficiary be determined according to a method that has a distribution formula specific to a group members or beneficiaries determined in the report, the report must indicate the share of the surplus assets at the date of termination to be granted to each group.

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O.C. 1895-93, s. 7 ; O.C. 173-2002, s. 57.

**67.2** The actuary's certificate required under the third paragraph of section 230.2 of the Act for a specific method of apportionment of the surplus assets must:

- (1) define the group of members or beneficiaries that the method affects;
- (2) describe the circumstances justifying that those members or beneficiaries receive a share of the surplus assets that is greater than that which they would have received pro rata;
- (3) determine the portion of the surplus assets that results from those circumstances;
- (4) be attached to the draft agreement so as to be a part thereof.

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O.C. 1895-93, s. 7 ; O.C. 173-2002, s. 57.

**67.3.** The notice provided for in section 230.4 of the Act must indicate, in addition to the information prescribed in that paragraph, the following information:

- (1) the name of the pension plan and the number assigned to it by the Régie;

(2) in the case of a multi-employer plan, the surplus assets determined in application of section 230.0.1 of the Act with respect to each employer who is party to the draft agreement and the proportion of the surplus assets at the date of termination represented by that portion;

(3) the number of members and beneficiaries for the purposes of distributing the surplus assets referred to in the draft agreement as well as the value of their benefits;

(4) the plan's assets, the liabilities and the surplus indicated in the termination report provided for in section 207.2 of the Act;

(5) where the plan has no provision relative to allocation of surplus assets determined upon termination, a mention of that fact and of the rule set out in the second paragraph of section 288.1 of the Act;

(6) a mention of the rule set out in paragraph 1 or 2 of section 230.6 of the Act that applies to the draft agreement in view of the method of apportionment proposed;

(7) the address of the pension committee;

(8) the name of the signatory, the certificate that he is duly authorized by the pension committee to give the notice and the date of signing.

Where the draft agreement does not cover all plan's the members and beneficiaries, the notice must contain the following additional information:

(1) the total number of members and beneficiaries for the purposes of apportioning the plan's surplus assets and the value of their benefits;

(2) where a portion of the surplus assets is not covered by the draft agreement but has already been apportioned in conformity with the Act, the proportion of the total surplus assets that was thus granted to any group members or beneficiaries and to any employer.

Where the draft agreement proposes that the share of the surplus assets apportioned to a member or beneficiary be determined according to a method that has a distribution formula specific to a group members or beneficiaries determined in the report, the report must indicate the share of the surplus assets at the date of termination to be granted to each group.

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O.C. 173-2002, s. 57.

## **DIVISION VIII.1**

### **ACTUARIAL ASSUMPTIONS**

**67.4.** The assumptions referred to in the first paragraph of section 61 of the Act are those described in section 4 of the standard of practice entitled "Standard of Practice for Determining Pension Commuted Values", confirmed by the Board of the Canadian Institute of Actuaries on 15 June 2004, it being understood that a sex-specific mortality table must be used.

These assumptions apply taking into account the rules set out in Part D of Section 3 of that standard of practice.

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O.C. 173-2002, s. 57; O.C. 204-2005, s. 2

**67.5.** Where the value of the member's benefits for the purposes of section 66 or 66.1 of the Act is determined more than 90 days after the date on which the member received the statement referred to in section 113 of the Act but before payment of a pension to him begins, the assumptions referred to in section 61 of the Act that are used at the date of the application for a refund to determine the value of the pension benefits to which section 60 of the Act applies and to which entitlement is acquired at that date shall be used. That value is increased by interest calculated at the rate used to determine it between the date of the application for a refund and the date of the refund.

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O.C. 173-2002, s. 57.

**67.6.** For determining the value of the pension referred to in paragraph 1 of the first paragraph of section 86 of the Act, the assumptions referred to in section 61 of the Act that are used at the date of the member's death to determine the value of the pension benefits to which section 60 of the Act and to which entitlement was acquired at that date shall be used.

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O.C. 173-2002, s. 57.

## **DIVISION VIII.2**

### **SPOUSE'S WAIVER**

**67.7.** The declaration provided for in section 88.1 of the Act is made in written form, signed by the waiving spouse and contains:

- (1) the date of the declaration;
- (2) the names and addresses of the member and the waiving spouse;
- (3) the name of the member's pension plan and the number assigned to it by the Régie;
- (4) the name of the member's employer;
- (5) an indication of each benefit that the spouse declares to be waived, that is, the benefit provided for in section 86 of the Act or the pension provided for in section 87 or 88 of the Act.

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O.C. 173-2002, s. 57.

**DIVISION VIII.3**

## REPLACEMENT VALUE

**67.8.** The value of the replacement pension that the member elected to receive under section 92.1 of the Act must be at least equal to the value of the replaced pension, commuted to the date of replacement.

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O.C. 173-2002, s. 57.

**DIVISION IX**

## MISCELLANEOUS AND TRANSITIONAL PROVISIONS

**68.** (*Revoked*)

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O. C. 1158-90, s. 68; O. C. 658-94, s. 9; O. C. 1465-95, s. 3.

**69.** This Regulation replaces the General Regulation respecting supplemental pension plans (R.R.Q., 1981, c. R-17, r. 1), amended by the Regulations approved by Orders in Council 2708-82 dated 24 November 1982, 3078-82 dated 21 December 1982, 377-84 dated 15 February 1984 and 354-85 dated 21 February 1985, except with respect to :

(1) matters pending referred to in section 286 of the Act and matters governed by the Act respecting supplemental pension plans (R.S.Q., c. R-17) under the first paragraph of section 73, to the extent that that Act applies to those matters;

(2) (*Repealed*);

(3) pension plans governed by an agreement concluded with the representatives of a government other than the gouvernement du Québec under section 74 of the Act respecting supplemental pension plans, for which sections 21, 53 and 92 of that General Regulation continue to apply, notwithstanding any inconsistent provision of the Act, until the date of tabling in the National Assembly of a new agreement concluded under section 249 of the Act.

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O. C. 1158-90, s. 69; O.C. 173-2002, s. 58.

**70.** The provisions of section 87 of the Act, as it read as of 1 January 2001, that are relative to the bridge benefit do not apply to the spouse of a member where the member began to receive such a benefit prior to that date.

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O. C. 1158-90, s. 70; O.C. 173-2002, s. 59.

**70.0.1.** Where the application provided for in section 89.1 of the Act is made by a member referred to in section 300.4 of the Act, the amount of the pension resulting from the new determination is calculated in accordance with the following formula:

$$A \times \frac{B}{C}$$



“A” represents the amount of the being paid to the member at the date of the application;

“B” represents the amount of the pension that would be paid to the member at the date of the application if he had not had a spouse at the date on which payment of his pension began;

“C” represents the amount of the pension that would be paid to the member at the date of the application were no account take of the judgment or the cessations of the conjugal relationship following which the application was made as well as any partition or transfer of benefits that followed such judgment or cessation.

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O.C. 173-2002, s. 60.

**70.1** The provisions of a pension plan that, where such provisions were in effect on 4 June 1997, allowed a member or spouse who had become entitled to a pension to choose, before it comes into payment, to replace it, in whole or in part, by a pension of which the amount is changed in accordance with the Act in order to take into account an amount similar to the benefits determined under the Old Age Security Act (R.S.C. 1985, c. O-9), the Québec Supplemental Pension Plans Act or a similar plan within the meaning of subparagraph u of section 1 of the Supplemental Pension Plans Act, continue to apply with respect to any person who was a member of the plan on the date mentioned hereinabove and to that member's spouse.

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O. C. 1681-97, s.24.

**71.** (*Revoked*).

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O. C. 1158-90, s. 71; O.C. 173-2002, s. 61.

**72.** (*Revoked*).

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O. C. 1158-90, s. 72; O. C. 568-91, s. 11; O.C. 173-2002, s. 61.

**73.** Any amendment, division or merger referred to in sections 20 to 23 of the Act or Chapter XII of that Act and submitted to the Régie before 23 March 1989 is governed by the Act respecting supplemental pension plans if the Régie, before that date, had subordinated its approval to conditions met before 1 January 1990.

Those sections and that Chapter apply to any matter that they cover and that is pending before the Régie at 22 March 1989.

This section has effect from 23 March 1989.

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O. C. 1158-90, s. 73; O.C. 173-2002, s. 62.

**74.** Subject to the provisions of section 45.1 of the Act, the employer contributions paid before 1 January 1990 under a defined contribution plan or under provisions which, in a defined benefit plan, are identical to the provisions of a defined contribution plan, with accrued interest where applicable, shall bear interest from that date at the rate referred to in section 44 or 45.1 of the Act.

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O. C. 1158-90, s. 74; O.C. 173-2002, s. 63.

**75.** Where a member ceased to be an active member before 1 January 2001 and where, in application of the second paragraph of section 36, the member's benefits are valued by supposing that he ceased to be an active member at a date following that date, the second paragraph of section 36 must be applied with respect to the service credited to the member before 1 January 1990 separately from that credited after that date, taking into account the transitional provisions of the Act and by supposing, for the application of section 293 of the Act as it read prior to 1 January 2001, that the period of continuous employment of the member ended at the date of institution of proceedings or, in the case of unmarried spouses, the date of cessation of the conjugal relationship.

Moreover, where the member is not entitled to a pension at the date on which he ceased or is considered to have ceased being an active member, his aggregate benefits correspond to a refund.

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O. C. 1158-90, s. 75 ; O.C. 173-2002, s. 64.

**76.** (*Revoked*).

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O. C. 1158-90, s. 76 ; O.C. 173-2002, s. 65.

**76.1** (*Revoked*).

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O.C. 1895-93, s. 8; O.C. 173-2002, s. 65.

**76.2** (*Revoked*).

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O.C. 1895-93, s. 8; O.C. 173-2002, s. 65.

**77.** (*Revoked*).

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O. C. 1158-90, s. 77; O.C. 173-2002, s. 65.

**78.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except Division V, which comes into force on the date or dates fixed by the Government.

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O. C. 1158-90, s. 78.

This regulation was published in the *Gazette officielle du Québec* on 15 August 1990 and came into force on 30 August 1990, except for Division V, which came into force on 1 September 1990 pursuant to O.C. 1159-90.

**SCHEDULE 0.0.1**

(s. 2)

**DECLARATION ACCOMPANYING THE APPLICATION FOR  
REGISTRATION OF AN AMENDMENT TO A PENSION PLAN**

(The administrator of the pension plan affected by the application for registration or his mandatary must:

— either complete section A that follows;

— or have section B completed by an actuary who is a member of the Canadian Institute of Actuaries and has the title of “Fellow” or who has a status that the Institute deems to be equivalent.)

**Section A**

I, \_\_\_\_\_, declare that I have read the application for application attached herewith and I certify to the best of my knowledge that:

*(Only one box may be checked.)*

- The report on the actuarial valuation of the plan attached to this declaration takes into account the amendment(s) made to the plan.
- The amendment(s) made to the plan does not (do not) have the effect of changing the contribution required from the employer or the members or the other sums to be paid into the pension fund, nor the effect of changing the benefits or refunds payable by the fund.
- The plan, as amended, is an uninsured plan under which the benefits of all the members and beneficiaries arise at all times from the sums credited to their accounts.
- The plan, as amended, is an uninsured plan under which the benefits of the members and beneficiaries are constituted solely of benefits or refunds guaranteed at all times by an insurer and of benefits arising, at all times, solely from the sums credited to their accounts.
- The plan as amended is an insured plan for which the insurer undertakes to assume all the costs and fees relative to its termination.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

.....

**Section B**

I, \_\_\_\_\_, declare that I have read the application for (actuary FCIA)

registration and the amendment(s) to the plan cover thereunder and I certify that:

*(Only one box may be checked.)*

- The effect of the amendment(s) has already been valued in the report on the actuarial valuation of the plan dated \_\_\_\_\_,
  
- The amendment(s) does not give rise to any change in the employer contribution, the member contribution, if any, the liabilities or the assets of the plan as determined in the report dated \_\_\_\_\_ on the actuarial valuation of the plan as at \_\_\_\_\_.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

**SCHEDULE 0.1**

(s. 15.4)

## DECLARATION OF THE MEMBER OR THE SPOUSE

I declare that I am not now receiving any temporary income under any other supplemental pension plan subject to or established by an act of the Parliament of Québec or any other legislative authority or under an annuity purchase contract of which the capital comes directly or not from such a plan.

I declare furthermore that no other application intended to allow me to receive a temporary income from such a plan or contract has been made or accepted.

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Date

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Signature

NOTE Whosoever makes a false declaration with the intention of obtaining a temporary income payable under a pension plan or contract mentioned in this declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

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O. C. 1681-97, s. 25; O.C. 173-2002, s. 67.

**SCHEDULE 0.2**

(s. 16.1, s. 19 par. 6.1 and s. 29 par. 9.1)

**DECLARATION OF THE MEMBER OR PURCHASER**

I declare:

(1) that the total of the sums credited to my account in the following retirement savings instruments:

- (a) defined contribution pension plans;
- (b) defined benefit or defined benefit-defined contribution pension plans in application of provisions similar to those of a defined contribution plan;
- (c) life income funds;
- (d) locked-in retirement accounts;
- (e) registered retirement savings plans of which the balance must be converted into a life annuity (locked-in RRSPs)

is \$ \_\_\_\_\_;

- (2) that the total is based on the most recent information that I have;
- (3) that the said information is less than 18 months old.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

NOTE Whosoever makes a false declaration with the intention of obtaining a lump-sum payment payable under a retirement savings instrument mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

\_\_\_\_\_  
O. C. 1681-97, s. 25.

**SCHEDULE 0.3**

(s. 16.2)

## DECLARATION OF THE MEMBER OR THE SPOUSE

I declare:

(1) that I am not a party to any contract establishing a life income fund or locked-in retirement account or any registered retirement savings plan of which the balance must be converted into a life annuity (locked-in RRSP);

(2) that the total amount of the temporary pensions that I will receive during the current year under the following contracts:

(a) supplemental pension plans subject to or established by an act of the Parliament of Québec or any other legislative authority;

(b) annuity purchase contracts of which the capital comes directly or not from such a plan,

is \_\_\_\_\_ \$;

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

NOTE Whosoever makes a false declaration with the intention of obtaining the lump-sum payment provided for in section 92 of the Act is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

O. C. 1681-97, s. 25; O.C. 173-2002, s. 68.

**SCHEDULE 0.4**  
(s. 19.1 and 20.4)

DECLARATION OF THE PURCHASER

I declare:

(1) that I was at least 54 years of age but less than 65 years of age at the end of last year;

(2) that the total amount of the temporary pensions that I will receive during the current year under the following plans or contracts:

(a) supplemental pension plans subject to or established by an act of the Parliament of Québec or any other legislative authority;

(b) annuity purchase contracts of which the capital comes directly or not from such plans,

is \_\_\_\_\_ \$;

(3) that the overall total maximum temporary income that I have determined for my life income funds, excluding the one for which I am making this declaration, is \$\_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

NOTE Whosoever makes a false declaration with the intention of obtaining a temporary income payable under a pension plan or contract mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.



**SCHEDULE 0.5**

(s. 19.2)

## DECLARATION OF THE PURCHASER

I declare:

(1) that the income whose payment I shall receive during the next 12 months, other than the temporary income of which I am applying for payment from the life income fund with respect to which I am making this declaration, is \$ \_\_\_\_\_;

(2) that I am not a party to any other contract establishing a life income fund;

(3) that a total of \$ \_\_\_\_\_ has been paid to me during the current year from the life income funds to which I have been party, other than the one with respect to which I am making this declaration, and that the said total included \_\_\_\_\_ \$ that was paid to me in the form of a temporary income.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

NOTE Whosoever makes a false declaration with the intention of obtaining a temporary income payable from the life income fund mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

\_\_\_\_\_  
O. C. 1681-97, s. 25; O. C. 577-98, s.5.



Age	10,00%	10,50 %	11,00 %	11,50%	12,00 %	12,50 %	13,00 %	13,50 %
Under 55	0,084	0,087	0,090	0,093	0,097	0,100	0,103	0,107
55	0,088	0,091	0,094	0,097	0,101	0,104	0,107	0,111
56	0,088	0,091	0,095	0,098	0,101	0,104	0,108	0,111
57	0,089	0,092	0,095	0,098	0,102	0,105	0,108	0,112
58	0,090	0,093	0,096	0,099	0,102	0,106	0,109	0,112
59	0,090	0,093	0,097	0,100	0,103	0,106	0,110	0,113
60	0,091	0,094	0,097	0,101	0,104	0,107	0,110	0,114
61	0,092	0,095	0,098	0,101	0,105	0,108	0,111	0,115
62	0,093	0,096	0,099	0,102	0,105	0,109	0,112	0,115
63	0,094	0,097	0,100	0,103	0,106	0,110	0,113	0,116
64	0,095	0,098	0,101	0,104	0,107	0,111	0,114	0,117
65	0,096	0,099	0,102	0,105	0,108	0,112	0,115	0,118
66	0,097	0,100	0,103	0,106	0,110	0,113	0,116	0,119
67	0,098	0,101	0,104	0,108	0,111	0,114	0,117	0,121
68	0,100	0,103	0,106	0,109	0,112	0,115	0,119	0,122
69	0,101	0,104	0,107	0,111	0,114	0,117	0,120	0,123
70	0,103	0,106	0,109	0,112	0,115	0,119	0,122	0,125
71	0,105	0,108	0,111	0,114	0,117	0,120	0,123	0,127
72	0,107	0,110	0,113	0,116	0,119	0,122	0,125	0,129
73	0,109	0,112	0,115	0,118	0,121	0,124	0,127	0,131
74	0,111	0,114	0,117	0,120	0,124	0,127	0,130	0,133
75	0,114	0,117	0,120	0,123	0,126	0,129	0,132	0,135
76	0,117	0,120	0,123	0,126	0,129	0,132	0,135	0,138
77	0,121	0,124	0,127	0,130	0,133	0,136	0,139	0,142
78	0,126	0,128	0,131	0,134	0,137	0,140	0,143	0,146
79	0,131	0,134	0,137	0,139	0,142	0,145	0,148	0,151
80	0,136	0,139	0,142	0,144	0,147	0,150	0,153	0,155
81	0,143	0,145	0,148	0,151	0,153	0,156	0,159	0,161
82	0,150	0,153	0,155	0,158	0,161	0,163	0,166	0,169
83	0,159	0,161	0,164	0,167	0,169	0,172	0,175	0,177
84	0,169	0,172	0,174	0,177	0,180	0,182	0,185	0,187
85	0,181	0,184	0,187	0,189	0,192	0,194	0,197	0,200
86	0,195	0,198	0,200	0,200	0,200	0,200	0,200	0,200
87	0,200	0,200	0,200	0,200	0,200	0,200	0,200	0,200
88 or over	0,200	0,200	0,200	0,200	0,200	0,200	0,200	0,200

**SCHEDULE 0.7**  
(s. 20 and 20.3)

Age	
Under 54	1,00
54	1,691
55	1,706
56	1,804
57	1,953
58	2,151
59	2,379
60	2,705
61	3,202
62	4,090
63	5,811
64	10,989
65 or over	1,000

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O. C. 1681-97, s. 25.

**SCHEDULE 0.8**

(s. 20.4)

## DECLARATION OF THE PURCHASER

I declare:

(1) that I am not a party to any contract establishing a locked-in retirement account or a registered retirement pension plan of which the balance does not have to be converted into a life annuity (locked-in RRSP);

(2) that the amount that I have determined or intend to determine as the maximum temporary income for the current fiscal year is, for each of my life income funds, at least equal to the reference temporary income calculated for this fund.

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Date

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Signature

NOTE Whosoever makes a false declaration with the intention of obtaining a temporary income payable from the life income fund mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

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O. C. 1681-97, s. 25; O.C. 173-2002, s. 70.

**SCHEDULE 0.9**

(s. 22.2)

DECLARATION OF THE PURCHASER WHEN TRANSFERRING SUMS TO A LIFE INCOME FUND (purchaser aged 54 years or over at the end of the year preceding the year of the transfer)

I declare that there is in the total of \$\_\_\_\_\_ transferred to the life income fund that is the object of this declaration a sum of \$\_\_\_\_\_ does not come directly or indirectly from a life income fund established by a contract to which I have been a party during the current year.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

NOTE Whosoever makes a false declaration with the intention of obtaining an income payable from the life income fund mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

\_\_\_\_\_  
O. C. 1681-97, s. 25; O. C. 577-98, s.6.

**SCHEDULE 0.9.1**

(s. 22.2)

DECLARATION OF THE PURCHASER WHEN TRANSFERRING SUMS TO A LIFE INCOME FUND (purchaser aged under 54 years at the end of the year preceding the year of the transfer)

I declare:

(1) that since the beginning of the current year, I have not received any temporary income from a life income fund other than the one concerned by this declaration;

(2) that, of the total of \$ \_\_\_\_\_ transferred to the life income fund concerned by the present declaration, a sum of \$ \_\_\_\_\_ does not come directly or indirectly from a life income fund established by a contract to which I have been party during the current year.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

NOTE Whosoever makes a false declaration with the intention of obtaining an income payable from the life income fund mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

\_\_\_\_\_  
O. C. 577-98, s.7; O.C. 173-2002, s. 71.

**SCHEDULE 0.10**

(s. 31)

**DECLARATION OF THE PURCHASER**

I declare that I am not now receiving any temporary income under a supplemental pension plan subject to or established by an act of the Parliament of Québec or any other legislative authority or under any other annuity purchase contract of which the capital comes directly or not from such a plan.

I further declare that no other application intended to allow me to receive a temporary income from such a plan or contract has been made or accepted.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

NOTE Whosoever makes a false declaration with the intention of obtaining a temporary income payable under a contract mentioned in the declaration is subject to the penalties provided for in sections 257 and 262 of the Supplemental Pension Plans Act.

\_\_\_\_\_  
O. C. 1681-97, s. 25.



**SCHEDULE I**

## ANNUAL RATES OF INTEREST REFERRED TO IN SECTION 39

		%
–	For each of the years prior to 1951	3,00
–	For each of the years from 1951 to 1955	4,00
–	For each of the years from 1956 to 1960	4,50
–	For each of the years from 1961 to 1965	5,00
–	For each of the years 1966 and 1967	5,75
–	For the following years :	
	1968	6,50
	1969	7,50
	1970	7,50
	1971	6,25
	1972	6,75
	1973	7,75
	1974	8,75
	1975	8,25
	1976	9,25
	1977	7,75
	1978	8,75
	1979	10,00
	1980	11,25
	1981	14,75
	1982	12,75
	1983	8,25
	1984	11,00
	1985	9,50
	1986	8,25
	1987	7,00
	1988	7,75
	1989	9,50

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O. C. 1158-90, schedule I; O. C. 1465-95, s. 4.

**SCHEDULE II**

(s. 63)

**DECLARATION OF TERMINATION OF A PENSION PLAN**  
(following notice given by the employer who is party to the plan)Name of the plan: \_\_\_\_\_  
\_\_\_\_\_

Number: \_\_\_\_\_

I, \_\_\_\_\_, being duly authorized to act as the administrator or mandatary of the administrator of the plan mentioned above, declare that the plan is being terminated and that the date of its termination is \_\_\_\_\_.

I certify that:

(1) the termination follows a decision of the employer who is party to the plan (or, in the case of a multi-employer plan, the unanimous decision of the employers who are parties to the plan);

(2) to the best of my knowledge, no agreement prevents the employer or the employers from terminating the plan;

(3) the employer or the employers communicated their decision to terminate the plan by giving written notice, a copy of which is attached hereto, that, to the best of my knowledge, was transmitted to all the affected members and beneficiaries (*that is, all the plan's members and beneficiaries whose benefits were not paid in full before the termination date and, if the termination resulted from a division, merger, disposal or closure of the enterprise or a part of the enterprise, all the members whose active membership ceased during the period between the date on which the members were informed of the event in question and the date of termination*), the accredited association representing the members, the pension committee and the insurer, if any;

(4) the notice mentioned in paragraph 3 indicates the plan's date of termination as will as the members and beneficiaries affected;

(5) the date of termination mentioned above is not subsequent to the day preceding the day on which the benefits of the plan's last member or beneficiary were paid in full;

(6) to the best of my knowledge, the date of termination (check, as appropriate, one of the following boxes):

is not prior to the date of the cessation of collection of member contributions nor the date preceding by 30 days the transmittal of the notice of termination to the active members;

is prior to the date of the cessation of collection of member contributions or the date preceding by 30 days the transmittal of the notice of termination to the active members, but each of the members whose active membership ended on

the occasion of the termination or thereafter has consented in writing to the termination of the plan at the date mentioned above and the pension committee is able to produce those consents at the request of the Régie;

(7) the pension committee received the written notice of termination from the employer (or employers) on \_\_\_\_\_

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

Attachment: notice of termination

\_\_\_\_\_  
O.C. 173-2002, s. 72.

**SCHEDULE III**

(s. 63)

**DECLARATION OF TERMINATION OF A PENSION PLAN**  
(following a decision of the Régie des rentes du Québec)

Name of the plan: \_\_\_\_\_  
\_\_\_\_\_

Number: \_\_\_\_\_

I, \_\_\_\_\_, being duly authorized to act as administrator or as the mandatary of the administrator of the plan mentioned above, declare that I was notified of the decision of the Régie des rentes du Québec (the Régie) to terminate the plan at \_\_\_\_\_,

I certify that:

(1) the pension committee that administers the plan received a copy of the Régie's decision on \_\_\_\_\_;

(2) the pension committee transmitted a copy of the decision of the Régie to all the members and beneficiaries affected by the decision, the accredited association representing the members, the employer and the insurer, if any.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

## **RELATED PROVISIONS**

### **Regulation to amend the Regulation respecting supplemental pension plans (O. C. 568-91)**

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1)

12. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

*This regulation was published in the Gazette officielle du Québec on 8 May 1991.*

### **Regulation to amend the Regulation respecting supplemental pension plans (O. C. 1895-93)**

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1, s. 230.2, s. 244, 1<sup>st</sup> par., subpars. 1, 12.1 and 14, and s. 312; 1992, c. 60, ss. 34 and 38)

9. The fees prescribed by paragraph 2 of section 1 apply to applications for approval of a draft termination report that are filed with the Régie des rentes du Québec from the date of coming into force of this Regulation.

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

*This regulation was published in the Gazette officielle du Québec on 29 December 1993 and came into force on 13 January 1994.*

### **Regulation to amend the Regulation respecting supplemental pension plans (O. C. 658-94)**

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1, s. 244, 1<sup>st</sup> par., subpars. 1, 2 and 14, and s. 161)

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

*This regulation was published in the Gazette officielle du Québec on 18 May 1994 and came into force on 2 June 1994.*

**Regulation to amend the Regulation respecting supplemental pension plans  
(O. C. 1465-95)**

Supplemental Pension Plans Act

(R.S.Q., c. R-15.1, s. 244, 1<sup>st</sup> par., subpars. 1, and 8.3, and s. 161; 1994, c.24, ss.13 and 24)

**6.** For any fiscal year ended before the coming into force of this Regulation, sections 7, 8, 9, 10 and 11, as they read before 31 December 1995, continue to apply in respect of the annual statement of information referred to in section 161 of the Act..

**7.** The annual statement that the pension committee must transmit to the Régie under section 161 of the Act must, for any type of plan, contain the following information :

(1) the name of the plan and the number of the certificate of registration issued by the Régie for the plan;

(2) the date of the beginning and of the end of the fiscal year of the plan covered by the annual statement;

(3) changes in the names and addresses of employers who are parties to the plan, and changes in their principal establishment in Québec or in the main activity of their business;

(4) identification of other plans that, during the fiscal year, were set up by any employer who is a party to the plan or were subject to total termination;

(5) changes made during the fiscal year in the delegation of the pension committee's powers and in the name or address of any person to whom the pension committee has delegated powers;

(6) the names and addresses of the members of the pension committee who were designated or replaced or who resigned during the fiscal year, and the effective date of their designation, replacement or resignation;

(7) the number of employees working for employers who are parties to the plan, the number of active members classified by sex and, depending on the place where the work is carried out, by province and territory of Canada, and the number of active members working outside Canada;

(8) the number of active members at the beginning and end of the fiscal year, indicating the number of new active members and the number of withdrawals, classified by reason for withdrawal;

(9) the number of non-active members at the beginning and end of the fiscal year, indicating the number of members who became non-active and the number of those who have ceased to be non-active members, classified by the reason for which they ceased to be non-active members;

(10) the name of any employer who became a party to or who ceased to be a party to a multi-employer plan during the fiscal year and the effective date on which he became or ceased to be a party to the plan;

(11) the date of adoption or of the last revision of the investment policy;

(12) the name and office address of the signatory.

---

O. C. 1158-90, s. 7.

**8.** Where the annual statement referred to in section 7 pertains to an insured plan, it must, in addition to the information prescribed by that section, contain the following information :

(1) the premium required by the insurer for the fiscal year, the premium actually paid, indicating the employer contribution, the additional voluntary contributions and the member contributions;

(2) the amount of dividends, refunds or other advantages granted by the insurer and used to reduce the premium.

---

O. C. 1158-90, s. 8.

**9.** Where the annual statement referred to in section 7 pertains to an uninsured plan, it must, in addition to the information prescribed by that section, contain the following information from the financial report :

(1) the income of the pension fund, established according to the accrual basis of accounting and classified as follows :

(a) the current service contribution, indicating the share paid respectively by the employer and by the members;

(b) the amortization amount related to each unfunded actuarial liability and to each amount determined under subparagraph 4 of the second paragraph of section 137 of the Act;

(c) additional voluntary contributions;

(d) amounts from a transfer referred to in Chapter VII of the Act;

(e) income from investments;

(f) any other element constituting income of the pension fund, indicating the type of income and the amount;

(2) the expenditures of the pension fund, established according to the accrual basis of accounting and classified as follows :

(a) the amount of the benefits and of the refunds, indicating the amounts used to replace a pension in accordance with section 92 of the Act and the amounts transferred in accordance with Chapter VII of that Act;

- (b) the premiums required by any insurer in order to guarantee refunds or benefits of the plan;
- (c) investment losses;
- (d) the administration costs of the plan and the management fees of the pension fund;
- (e) any other element constituting an expenditure of the pension fund, indicating the type of expenditure and the amount;
- (3) the net assets of the pension fund at the closing date of the fiscal year as well as the method used to determine those net assets, indicating :
- (a) cash on hand;
- (b) the book value and the market value of all investments of the pension fund and the portion of the book value invested in each of the following categories :

- immovables;
- bonds;
- shares;
- hypothecary titles;
- unincorporated mutual funds and shares of mutual funds;
- amounts on deposit with an insurer;
- other investments;

- (c) unpaid contributions and amortization amounts due for the fiscal year covered by the statement or for a previous fiscal year;
- (d) the sum of other amounts receivable;
- (e) the value of other assets;
- (f) the value of borrowings, indicating the value of hypothecary borrowings;
- (g) the sum of other amounts payable;
- (4) the book value of loans that, during the fiscal year, were granted to or paid off by persons referred to in section 177 of the Act;
- (5) the amount which, taken from surplus assets or from dividends, refunds or other advantages granted by an insurer guaranteeing refunds or benefits, was allocated for payment of contributions.

O. C. 1158-90, s. 9; erratum G. O. 2 (1991), 41; O. C. 568-91, s. 3.

**10.** The annual statement referred to in section 7 must contain an attestation by the signatory :



(1) that the contributions or other sums payable during the fiscal year to the pension fund or to the insurer were actually paid, together with the interest payable in the case of late payment;

(2) that the plan has been administered in accordance with the provisions of the Act and that the investments have been made in accordance with the investment policy;

(3) that, in the cases provided for in section 68, the net assets referred to in paragraph 3 of section 9 were audited by an accountant;

(4) that he is authorized to prepare and sign the statement on behalf of the administrator of the plan.

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O. C. 1158-90, s. 10.

**11.** Where the attestation referred to in section 10 cannot be given with respect to paragraphs 1 and 2 of that section, the statement must mention the payments in default as well as any derogation from the Act or from the investment policy.

---

O. C. 1158-90, s. 11.

**7.** For any fiscal year ended before 31 December 1996, the accountant's attestation provided for in Form 1 attached to this Regulation does not apply to pension plans having fewer than 50 members and net assets of a market value of less than \$ 1 000 000.

**8.** This Regulation comes into force on 31 December 1995.

### **Regulation to amend the Regulation respecting supplemental pension plans (O. C. 1681-97)**

#### Supplemental Pension Plans Act

(R.S.Q., c. R-15.1, s. 244, 1st para., subpars. 1, 3.1, 3.2, 4, 6 and 14 and s. 312; 1997, c. 19, s. 16)

**26.** The provisions of section 14 of the Regulation respecting supplemental pension plans, as they read prior to 1 January 1998, continue to apply to applications and declarations that had to be filed with the Régie before that date.

**27.** Provided it is in conformity with a standard contract registered with the Régie before 1 January 1998, a contract establishing a life income fund or a locked-in retirement account may be validly made before 1 July 1998 even if it is not in conformity with a standard contract that includes the provisions required, if any, by sections 19 to 19.3 and 23 of the Regulation respecting supplemental pension plans in the case of a life income fund contract or, in the case of a locked-in retirement account, by section 29 of the Regulation, as those sections read on 1 January 1998.

**28.** Any contract establishing a life income fund or locked-in retirement account made before 1 July 1998 that is not in conformity with a standard contract registered with the Régie and containing the pertinent provisions referred to in section 27 shall be brought into conformity with such standard contract before 30 September 1998; if such

is not the case, the purchaser may exercise his right to transfer, in whole or in part, the balance of the fund without delay, condition or penalty.

**29.** Where, between 1 July 1998 and 31 December 1998, the purchaser transfers to a life income fund established under a contract that provides for payment of a temporary income from sums coming from a life income fund established under a contract that does not provide for such payment, the upper limit referred to in section 20.1 and applying to the fund that receives such sums shall be determined or revised without deducting from the balance of the fund the amounts so transferred and shall be reduced by the income that the purchaser received during the fiscal year of the fund from which such amounts came.

**30.** The provisions of this Regulation come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* with the exception of section 3, insofar as the said section introduces sections 15.1 to 15.3, and section 24, the aforesaid sections having effect from 5 June 1997 and sections 4 to 15, which have effect from 1 January 1998.

*This regulation was published in the Gazette officielle du Québec on 31 December 1997.*

#### **Regulation to amend the Regulation respecting supplemental pension plans (O. C. 577-98)**

Supplemental Pension Plans Act

(R.S.Q., c. R-15.1, s. 244, 1<sup>st</sup> par., par. 4; 1997, c. 19, s. 16)

**8.** An application made in accordance with section 19.2 of the Regulation respecting supplemental pension plans prior to the coming into force of this regulation may be entertained provided the purchaser presents to the financial institution a declaration in conformity with the one prescribed in schedule 0.5 as amended by section 5.

**9.** This regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* with the exception of sections 1 to 3 and 5, which have effect from 1 January 1998.

*This regulation was published in the Gazette officielle du Québec on 13 May 1998 .*

#### **Regulation to amend the Regulation respecting supplemental pension plans (O. C. 173-2002)**

Supplemental Pension Plans Act

(R.S.Q., c. R-15.1, s. 244, 1<sup>st</sup> para., para. 1, 2, 3.0.1, 3.1, 4, 6, 7, 8, 8.3, 10, 11, 12.1 and 14 and s. 312; S.Q. 2000, c. 41, s. 162 and 200)

**74.** Notwithstanding sections 9, 11 and 71:

(1) an annual declaration relative to a fiscal year ended before 31 December 2001 is prepared, in application of section 7 of the Regulation respecting supplemental pension plans, according to form 1 or 2 of the regulation as it read prior to the coming into force of this regulation;

(2) the exigible fees that must accompany the declaration as well as the additional fees added thereto in the event of delay are determined according to sections 12, 13 and 14 of the Regulation respecting supplemental pension plans, as they read prior to the coming into force of this regulation.

**75.** From 1 January 2001 until the date of the coming into force of this regulation, the determination of the value of the pension benefits to which sections 60 and 60.1 of the Act apply shall be made according to the assumptions described in section 3 of the standard of practice entitled "Recommendations for the Computation of Transfer Values from Registered Pension Plans", approved by the Board of the Canadian Institute of Actuaries on 13 July 1993, it being understood that those assumptions apply by taking into account the rules set out in part D of section 2 of that standard and that a sex-specific mortality table must be used.

**76.** A contract establishing a life income fund or an agreement establishing a locked-in retirement account may, if it is in conformity with a standard contract registered with the Régie prior to the coming into force of this regulation, be validly made prior to 1 October 2002 even if it is not in conformity with a standard contract that contains, in the case of a contract, the provisions required, if any, under sections 19 to 19.3 and 23 of the Regulation respecting supplemental pension plans or, in the case of an agreement, by section 29 of that regulation, those sections to be read as amended by this regulation.

**77.** Any contract establishing a life income fund and any agreement establishing a locked-in retirement account made before 1 October 2002 and which is not in conformity with a standard contract registered with the Régie and that contains the pertinent provisions referred to in section 76 must be brought into conformity to such a standard contract before 31 December 2002, failing which the purchaser may, so long as the contract or agreement to which he is a party remains non-conform, exercise his right to transfer the fund or account balance, in whole or in part, without delay, condition or penalty.

**78.** A contract referred to in section 30 of the Regulation respecting supplemental pension plans, made prior to the date of the coming into force of this regulation remains valid, if it is in conformity with the provisions of that section as it read prior to that date, provided it is amended before 1 October 2002 to bring it into conformity with the provisions of that section as amended by section 24 of this regulation."

**79.** This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*; nevertheless:

(1) section 59 has effect from 1 January 2001;

(2) section 48 to the extent that it introduces section 56.2, and sections 49 and 51 to 53 have effect from 31 December 2002.

*This regulation was published in the Gazette officielle du Québec on 6 March 2002 .*

**Regulation to amend the Regulation respecting supplemental pension plans  
(O. C. 173-2002)**

Supplemental Pension Plans Act

(R.S.Q., c. R-15.1, s. 244, 1<sup>st</sup> para., subpara. 3.0.1 and 11)

**3.** Section 67.4 of the Regulation, as it stood before it was replaced by section 2, shall continue to apply with respect to the valuation of the benefits of members and beneficiaries at a date prior to the coming into force of this Regulation.

**4.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

*This regulation was published in the Gazette officielle du Québec on 30 March 2005 and came into force on 14 April 2005.*