

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 66
**AN ACT TO AMEND THE ACT RESPECTING
THE PENSION PLAN OF CERTAIN TEACHERS**

Bill 163

Introduced by Mr Paul Gobeil, Minister for Administration and Chairman of the Conseil du trésor

Introduced 5 December 1986

Passage in principle 23 June 1987

Passage 23 June 1987

Assented to 23 June 1987

Coming into force: 23 June 1987 .

Act amended:

Act respecting the Pension Plan of Certain Teachers (1986, chapter 44)





CHAPTER 66

An Act to amend the Act respecting the Pension Plan of Certain Teachers

[Assented to 23 June 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1986, c. 44,
s. 24, am. **1.** Section 24 of the Act respecting the Pension Plan of Certain Teachers (1986, chapter 44) is amended by adding, at the end, the following paragraph:

Maximum
reduction

“In no case may the pension, increased in accordance with section 20, be reduced by an amount greater than the maximum pension payable under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) for the year in which the person retired.”

1986, c. 44,
s. 30,
replaced

2. The said Act is amended by replacing section 30 by the following section:

Increase
and benefits

“**30.** Any person contemplated in section 29 who avails himself of this plan after 30 June 1987 and any person whose pension became payable under the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan after 25 June 1986 shall be entitled to the increase provided by section 20, and, as the case may be, to his benefits in the cases where the increase or benefits become payable from 26 June 1986 under section 29, from, as the case may be, the latest of the following dates:

(1) the date preceding by not more than 12 months the date of receipt of his application;

(2) the date of laicization;

(3) the date on which the pension became payable.

Increase Where the person became entitled to a pension under any of the pension plans referred to in the first paragraph by reason of the fact that he had become entitled to a pension as a Member of the National Assembly, the increase provided by section 20 is payable from his sixty-fifth birthday if he is under 65 years of age on the latest date selected under the first paragraph.

Benefits The computation of benefits shall be established, having regard to the person's age, as of the date selected under the first paragraph or, where such is the case, as of the date of his sixty-fifth birthday pursuant to the second paragraph."

1986, c. 44,
s. 30.1,
added **3.** The said Act is amended by inserting, after section 30, the following section:

Pension **"30.1** For the purposes of sections 29 and 30, any person whose pension became payable under the Government and Public Employees Retirement Plan and who, taking into account the years and parts of a year giving entitlement to the increase provided by section 20 and the age at which he ceased to be employed, meets any of the criteria set out in section 19, is entitled to a pension computed in accordance with Division I of this chapter instead of the pension he is presently receiving. The new pension shall be computed as though the said division had been in force on the date on which the pension he is presently receiving became payable to him. However, this paragraph does not apply to such a person who became entitled to his pension by reason of the fact that he had become entitled to a pension as a Member of the National Assembly.

Pension A person shall be entitled to the new pension only in respect of the instalments payable to him after 25 June 1986 or, in the case of a person contemplated in section 30, from the date the increase provided by section 20 becomes payable to him under section 30."

1986, c. 44,
s. 44.1,
added **4.** The said Act is amended by inserting, after section 44, the following section:

Pension **"44.1** For the purposes of section 44, a person who is receiving a pension under the Government and Public Employees Retirement Plan and who, taking into account the years and parts of a year giving entitlement to the increase provided by section 20 and the age at which he ceased to be employed, meets any of the criteria set out in section 19, is entitled to a pension computed in accordance with Division I of Chapter V instead of the pension he is presently receiving. The new

pension shall be computed as though the said division had been in force on the date on which the pension he is receiving became payable to him.

Applicability The first paragraph applies in establishing the amount of the spouse's pension referred to in sections 42 and 44 if it is paid under the Government and Public Employees Retirement Plan."

1986, c. 44,
s. 48,
replaced

5. Section 48 of the said Act is replaced by the following section:

**Applicable
provisions**

"**48.** The second paragraph of section 42 and sections 44 to 46 apply only if, on 26 June 1986 or, as regards section 45, on the date on which the amount becomes payable, the amount computed under those sections is greater than the amount that was payable on 25 June 1986 or, as the case may be, on the date on which it becomes payable under the Act respecting pension coverage for certain teachers. However, for the purposes of section 44.1, sections 42 and 44 apply only if the amount so computed increased by the amount of the new pension established under section 44.1 is greater than the amounts that were payable on 25 June 1986."

1986, c. 44,
s. 49, am.

6. Section 49 of the said Act is amended by replacing the first paragraph by the following paragraph:

**More ad-
vantageous
amount**

"**49.** If the amount computed under the second paragraph of section 42 and under sections 44 and 46 increased, where such is the case, by the amount of the new pension established under section 44.1 is more advantageous within the meaning of section 48, the amount and the new pension are owing only in respect of instalments payable after 25 June 1986."

1986, c. 44,
s. 50,
replaced

7. Section 50 of the said Act is replaced by the following section:

Option

"**50.** The persons contemplated in the first paragraph of each of sections 44, 45 and 46 who, on 25 June 1986, were receiving benefits under the Act respecting pension coverage for certain teachers in accordance with the election they had made under section 18 of the said Act may, notwithstanding section 48, elect to receive the amount computed under those sections or the benefits they were receiving on 25 June 1986.

**Applicable
provision**

If a person fails to indicate his election to the Commission before 1 January 1988, section 48 applies.

**Cancellation
of option**

Where a person elects to receive the amount computed under section 44, 45 or 46, the election he had made under section 18 of the Act

respecting pension coverage for certain teachers is cancelled and section 32 of this Act applies to that amount.”

1986, c. 44,
s. 52, am.

8. Section 52 of the said Act is amended by replacing the first paragraph by the following paragraph:

Effect

“52. The Act respecting pension coverage for certain teachers (R.S.Q., chapter P-32.1) ceases to have effect from 26 June 1986 except sections 17 and 19 to 21, which continue to apply in all cases where the amount payable under the said Act is more advantageous within the meaning of section 48 of this Act and in all cases where the person has elected to receive, under section 50 of this Act, the benefits he was receiving on 25 June 1986. In such cases, if the person made an election under section 18 of the Act respecting pension coverage for certain teachers, sections 20 and 21 of the said Act continue to apply in accordance with the method elected under the said section 18. In cases where the person who made an election under the said section 18 died before 26 June 1986, the amount payable to the spouse or, where such is the case, to the beneficiary which is the most advantageous amount within the meaning of section 48 of this Act shall continue to be paid according to the method elected under section 18 of the Act respecting pension coverage for certain teachers.”

1986, c. 44,
ss. 29 and
43, French
version, am.

9. The French version of the said Act is amended by replacing the words “atteint l’un des critères” wherever they appear in sections 29 and 43 by the words “répond à l’un des critères”, adapted as required.

Coming into
force

10. This Act comes into force on 23 June 1987 and has effect from 26 June 1986.