

NATIONAL ASSEMBLY  
Thirty-third Legislature, second session

1989, chapter 42  
**AN ACT TO AMEND THE ACT RESPECTING  
THE QUÉBEC PENSION PLAN**

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**Bill 124**

Introduced by Mr André Bourbeau, Minister of Manpower and Income Security

Introduced 9 May 1989

Passage in principle 6 June 1989

Passage 21 June 1989

**Assented to 22 June 1989**

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**Coming into force: 1 July 1989**

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**Act amended:**

Act respecting the Québec Pension Plan (R.S.Q., chapter R-9)





## CHAPTER 42

### An Act to amend the Act respecting the Québec Pension Plan

[Assented to 22 June 1989]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. R-9,  
ss. 108.3,  
108.4,  
replaced

**1.** Sections 108.3 and 108.4 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) are replaced by the following sections:

Remarriage

**“108.3** Notwithstanding any contrary decision, a person who, on or before 31 December 1983, ceased to be entitled to a surviving spouse’s pension by reason of remarriage is entitled to the surviving spouse’s pension for any month subsequent to that date during which the requirements for obtaining the pension would have been met had it not been for the remarriage.

Computation

**“108.4** The monthly amount of the pension to which a person is entitled under section 108.3 is calculated as though the person had not ceased to be entitled to the pension.”

c. R-9,  
s. 129, am.

**2.** Section 129 of the said Act is amended by striking out the words “, calculated without regard to sections 159 to 163” in the fourth and fifth lines of the first paragraph.

c. R-9,  
s. 136,  
repealed

**3.** Section 136 of the said Act is repealed.

c. R-9,  
s. 144, am.

**4.** Section 144 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

Computation  
of period

“However, the five-year period provided in the preceding paragraphs runs from 1 July 1989 for payments due on that date under section 108.3.”

c. R-9,  
s. 156,  
repealed

**5.** Section 156 of the said Act is repealed.

c. R-9,  
s. 157,  
repealed

**6.** Section 157 of the said Act is repealed.

c. R-9,  
s. 157.1, am.

**7.** Section 157.1 of the said Act is amended

(1) by replacing what precedes paragraph *a* by the following:

Commence-  
ment

**“157.1** A retirement pension is payable from the latest of”;

(2) by striking out paragraph *g*.

c. R-9,  
s. 158.2,  
added

**8.** The said Act is amended by inserting, after section 158.1, the following section:

Presumption

**“158.2** For the purposes of sections 157.1 and 158.1, a contributor is deemed to have ceased working where his pensionable salary and wages and his pensionable earnings, calculated on a yearly basis, do not exceed, on the date of his application for a retirement pension or on any later retirement date specified in his application, 25 % of the average of the Maximum Pensionable Earnings for the year during which the retirement pension would become payable to him and for each of the two preceding years.

Establish-  
ment of  
pensionable  
salary

However, if on the date of his application or on the later date specified therein, the contributor is not working on a regular basis or is not receiving his pensionable salary or wages or his pensionable earnings on a regular basis, the contributor's pensionable salary or wages or pensionable earnings are established on the basis of a yearly estimate.

Interpreta-  
tion

For the purposes of this section, the pensionable salary and wages and the pensionable earnings are those defined in Divisions II and III of Title III even if they are received in respect of employment outside Québec, including self-employment, and even if the salary and wages are received in respect of employment that is excepted employment under this Act.”

c. R-9,  
ss. 159 to  
164.1, re-  
pealed

**9.** Sections 159 to 164.1 of the said Act are repealed.

c. R-9,  
s. 170, am.

**10.** Section 170 of the said Act is amended by inserting the words “, other than a surviving spouse's pension payable under section 108.3,” after the word “pension” in the first line of the second paragraph.

c. R-9,  
s. 219, am.

**11.** Section 219 of the said Act is amended by striking out paragraphs *b*, *d*, *e*, *f* and *f.1*.

Payment of  
amounts due

**12.** Notwithstanding section 139 of the Act respecting the Québec Pension Plan, amounts due under section 108.3 of the said Act shall be paid by the Régie des rentes du Québec without the person who is entitled thereto being required to apply therefor, unless it is impossible for the Régie to do so for a reason attributable to that person, including, but not limited to, failure to report his last address.

Coming into  
force

**13.** This Act comes into force on 1 July 1989.