



## CHAPTER 54

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

[Assented to 27 November 1979]

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1965 (1st  
sess.), c.  
24, s. 116g,  
replaced.

**1.** Section 116g of the Québec Pension Plan (1965, 1st session, c. 24), enacted by section 5 of chapter 24 of the statutes of 1977, is replaced by the following section:

Partition  
effected.

**“116g.** Upon receiving an application for partition at one of its offices, the Board shall effect the partition. It shall give notice thereof by registered mail to the person who made the application, as well as to the other former spouse concerned, if his address is known, providing each with a statement of the unadjusted pensionable earnings shown to his account in the Record of Earnings for the period contemplated in section 116b of the Québec Pension Plan (1965, 1st session, c. 24), before partition and after partition.

Request  
from  
former  
spouse.  
Provisions  
applicable.

Where a former spouse is not satisfied with the decision of the Board, he may request the Board to reconsider it.

Sections 186 to 190 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) apply, *mutatis mutandis*, to such a request.”

R.S.Q.,  
c. R-9,  
s.1, am.

**2.** Section 1 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) is amended by replacing paragraph *a* by the following paragraph:

“year”:

“(a) “year”: the calendar year, except in sections 91, 93, 114 and 186, where this word means a period of 365 consecutive days;”.

R.S.Q.,  
c. R-9,  
s. 25, re-  
placed.

**3.** Section 25 of the said act is replaced by the following sections:

Minutes  
authentic.

**"25.** The minutes of the sittings of the Board, approved by it and signed by the secretary or by any other officer of the Board designated by the regulations made for such purpose by the Board are authentic; the same applies to documents and copies of documents emanating from the Board or forming part of its files or records, when certified by such persons.

Act appli-  
cable.

**"25.1** The Photographic Proof of Documents Act (R.S.Q., c. P-22) applies to documents and copies of documents emanating from the Board or forming part of its files or records except that, notwithstanding section 2 of that act, such documents or copies may be destroyed as soon as they have been reproduced."

R.S.Q.,  
c. R-9,  
ss. 36, 37,  
replaced.

**4.** Sections 36 and 37 of the said act are replaced by the following sections:

Fiscal  
period.

**"36.** The fiscal period of the Board ends on 31 March each year.

Report.

**"37.** The Board shall, not later than 30 June each year, submit to the Ministre des affaires sociales a report of its activities for the preceding fiscal period. That report must also contain all the information which the Ministre des affaires sociales may prescribe.

Tabling.

The report shall be tabled immediately before the Assemblée nationale if it is in session or, if it is not sitting, within fifteen days of the opening of the next session."

R.S.Q.,  
c. R-9,  
s. 132, am.

**5.** Section 132 of the said act is amended by replacing the third paragraph by the following paragraph:

Reduction  
of the  
amount of  
pension.

"Moreover, if the surviving spouse who is entitled to a surviving spouse's pension of an amount not affected by the reduction provided for in the second paragraph by reason of disability or of having dependent children ceases, after the death of the contributor, to be disabled or to have dependent children, as the case may be, the amount of the pension provided for in this section must be reduced by 1/120 for each month by which the age of the surviving spouse at that time is less than 45 years."

R.S.Q.,  
c. R-9,  
s. 157, am.

**6.** Section 157 of the said act is amended by replacing sub-paragraph *e* of the second paragraph by the following subparagraph:

"(e) the month following the latest month for which unad-justed pensionable earnings were allotted to the beneficiary

following a partition provided for in section 116*a* of the Québec Pension Plan (1965, 1st session, c. 24).”

R.S.Q.,  
c. R-9,  
s. 194, am.

**7.** Section 194 of the said act is amended:

(*a*) by replacing the first paragraph by the following paragraph:

Presump-  
tion.

“**194.** Notwithstanding section 193, there is an irrebutable presumption that any entry in the Record of Earnings relating to the earnings or to a contribution is accurate, after four years have elapsed from the date on which this entry has been made.”;

(*b*) by adding at the end the following paragraphs:

Rectifica-  
tion of the  
pension-  
able salary.

“Similarly, where, following a judgment or an arbitration award declaring that an employee who has been dismissed or suspended by his employer should not have been so dismissed or suspended, such employee receives in the course of one year income that he should have received in the course of a preceding year, the Board may, taking that income into account, rectify the amount of the pensionable salary shown to the account of such employee in the Record of Earnings.

Presump-  
tion.

For the purposes of this act, the employee is presumed to have received such pensionable salary in the year in respect of which he was thus registered in the Record of Earnings.

Provisions  
applicable.

The fourth and fifth paragraphs apply only if the employee, within 365 days from the date of execution of the judgment or arbitration award, pays his contribution for the previous year in question by making for that year the election contemplated in section 55.”

Interpreta-  
tion.

**8.** For the application of sections 36 and 37 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), replaced by section 4, the period extending from 1 January to 31 March 1980 is included in the fiscal period 1979-1980 of the Régie des rentes du Québec.

Coming  
into force.

**9.** This act comes into force on the day of its sanction.