



Province of Alberta

MEMBERS OF THE LEGISLATIVE ASSEMBLY PENSION PLAN ACT

Revised Statutes of Alberta 2000
Chapter M-12

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Members of the Legislative Assembly Pension Plan Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	Amendments
Members of the Legislative Assembly Pension Plan Act		
Actuarial Tables	36/92	
Actuarial Tables - Early Retirement Factors	42/92	
Members of the Legislative Assembly Pension Plan	319/85	158/87, 17/92, 346/94, 109/2003, 230/2003, 196/2006
Members of the Legislative Assembly Pension Plan (Ministerial)	320/85	52/92, 172/2003
Pension Adjustment	305/69	396/70, 18/72, 14/73, 48/74, 329/74, 198/75, 17/76, 149/76, 325/76, 18/78, 15/79, 6/80, 5/81, 21/82, 542/82, 19/84, 411/84, 12/86,

413/86, 500/87,
386/88, 323/89,
389/90, 98/92,
6/93

MEMBERS OF THE LEGISLATIVE ASSEMBLY PENSION PLAN ACT

Chapter M-12

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**Schedule 3
Transitional**

1 Transitional

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Division of Act

1 This Act is divided into

- (a) Schedule 1, containing the Members of the Legislative Assembly (Registered) Pension Plan and related provisions, and
- (b) Schedule 2, containing the Members of the Legislative Assembly (Supplementary) Pension Plan established by that Schedule, and related provisions.

AR 18/92 s2

Schedule 1**Members of the Legislative Assembly
(Registered) Pension Plan
and Related Provisions****Interpretation**

1(1) In this Schedule,

- (a) “actuarial equivalent” means the equivalent in actuarial present value, calculated in accordance with demographic and economic factors that are recommended by an actuary and approved by the Minister;
- (b) “actuary” means a Fellow of the Canadian Institute of Actuaries;
- (c) “benefit” means a pension benefit on termination, death benefit or non-pension benefit on termination under Part 5;
- (d) “Board” means the Members of the Legislative Assembly Pension Plan Board established by section 5;
- (e) “contributions” means contributions under the Plan;
- (f) “current service contributions” means an officer’s contributions made under section 13(1) of the *Members of the Legislative Assembly Pension Plan Act*, SA 1985 cM-12.5, as it read on June 14, 1993;
- (g) “Deputy Chair” means the Deputy Chair of Committees of the Legislative Assembly;
- (h) “Deputy Speaker” means the Deputy Speaker and Chair of Committees of the Legislative Assembly;
- (i) “disability plan” means regulations under section 38 of the *Legislative Assembly Act*;
- (j) “former Act” means the *M.L.A. Pension Act*, RSA 1980 cM-18;
- (k) “Leader of the Opposition” means the member recognized by the Speaker as the leader of Her Majesty’s loyal opposition;
- (l) “matrimonial property order” means a matrimonial property order within the meaning of the *Matrimonial Property Act*, or a similar order enforceable in Alberta of

- a court outside Alberta, that affects the payment or distribution of a person's benefits;
- (m) "member" means Member of the Legislative Assembly;
- (n) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (o) "office" means the position or office of Member of the Legislative Assembly, of Member of the Executive Council in any capacity, or of Speaker, Deputy Speaker, Deputy Chair, Leader of the Opposition or leader of a recognized opposition party within the meaning of section 42 of the *Legislative Assembly Act*;
- (p) "officer" means a person who holds an office, and includes a person who previously held an office;
- (q) "pension" means a pension under the Plan;
- (r) "pension commencement" means the time established under section 43(c) that constitutes the effective date for the commencement of the relevant pension;
- (r.1) "pension partner" means
- (i) a person who, at the relevant time, was married to an officer or former officer, and
- (A) was not judicially or otherwise separated from him or her, or
- (B) if so separated, was wholly or substantially dependent on him or her,
- (ii) if there is no person to whom subclause (i) applies, a person who, as at and up to the relevant time, had lived with the officer or former officer in a conjugal relationship
- (A) for a continuous period of at least 3 years, or
- (B) of some permanence, if there is a child of the relationship by birth or adoption,
- and was, during that period or that relationship, as the case may be, held out by the officer or former officer in the community in which they lived as being in that conjugal relationship, or

- (iii) if there is no person to whom subclause (i) or (ii) applies, a person who was married to but separated from the officer or former officer and not wholly or substantially dependent on him or her at the relevant time;
- (s) “pensionable service” means service in or in respect of a particular office and in respect of which contributions were made under section 13 of the *Members of the Legislative Assembly Pension Plan Act*, SA 1985 cM-12.5, as it read on June 14, 1993 or have been made under section 15;
- (t) “Plan” means the pension plan continued by section 2(1) as the Members of the Legislative Assembly (Registered) Pension Plan;
- (u) “plan closure” means June 15, 1993;
- (v) “prescribed” means prescribed or otherwise provided for by regulations made by the Lieutenant Governor in Council or, where so specified, by the Minister, under this Schedule;
- (w) “prior service” means any service other than that for which current service contributions were made;
- (x) “salary” means the following amounts, but only insofar as they were earned before plan closure:
 - (i) in respect of the office of member, the amounts payable under sections 33(1)(a), 36(1)(a) and 37(3)(a) of the *Legislative Assembly Act*;
 - (ii) in respect of the office of Member of Executive Council, the amounts payable under section 43(1)(a) of that Act;
 - (iii) in respect of the office of Speaker, Deputy Speaker or Deputy Chair, the amounts payable under section 40(1) of that Act;
 - (iv) in respect of the office of Leader of the Opposition, the amounts payable under section 41(1) of that Act;
 - (v) in respect of any other office of leader of a recognized opposition party, the amounts payable under section 42(2) of that Act;
- (y) “service” means a period served performing an office, and, for the purpose only of computing pensionable

service in respect of the office of member, includes any period of service within the meaning of the *Public Service Management Pension Plan Act*, SA 1984 cP-34.1, (now repealed), other than one served with a private body, but does not include any period occurring after plan closure;

(z) repealed 2002 cA-4.5 s55;

(aa) “tax rules” means those provisions of the *Income Tax Act* (Canada) or of the regulations under it, or of both, that apply to pension plans registered or to be registered under that Act and includes any approval, certification or other permission or any direction or order from the federal Minister of National Revenue without which or failure to comply with which may make the Plan’s registration liable to revocation under that Act.

(2) The Lieutenant Governor in Council may, for the purposes of this Schedule, by regulation define any expression used in this Schedule but not defined, and the expression has the meaning so defined.

(3) A person is deemed, for the purposes of this Schedule, to hold and be performing an office during any period in respect of which the *Legislative Assembly Act* entitles the person to receive any remuneration for that office.

RSA 2000 cM-12 Sched. 1 s1;2002 cA-4.5 s55

The Plan

2(1) The pension plan provided for by and under the former Act is continued, subject to this Schedule and the regulations, as the Members of the Legislative Assembly (Registered) Pension Plan.

(2) It is the intent of this Schedule that the Plan be and remain a registered pension plan under the *Income Tax Act* (Canada).

(3) To the extent that the Plan relates to service and except to the extent expressly stated otherwise, the Plan relates only to service after 1991.

1985 cM-12.5 s2;AR 18/92 s6

Part 1 Administration

Division 1 The Minister

Administration of the Plan

3(1) Subject to this section, the Minister shall administer the Plan in accordance with the terms of the Plan on the basis of which the

federal Minister of National Revenue has registered the Plan for the purposes of the tax rules and as amended by

- (a) each amendment that has been accepted under those rules by that federal Minister, and
- (b) each amendment that has been submitted to that federal Minister for acceptance under those rules and which that Minister has neither accepted nor refused to accept, if it is reasonable to expect that Minister to accept the amendment.

(2) If in any respect the Plan does not comply with the applicable tax rules, the Minister may administer the Plan as if this Schedule and the regulations under it were amended so to comply.

1985 cM-12.5 s3;AR 18/92 s7

Report to the Legislative Assembly

4(1) The Minister shall prepare and lay before the Legislative Assembly a report on the operation of the Plan with respect to each fiscal year.

(2) The report must include a statement of the most recent estimate by the Minister of the actuarial liabilities of the Plan.

(3) The Minister shall conduct an estimate of the actuarial liabilities of the Plan at least once every 3 years.

1985 cM-12.5 s4;AR 18/92 s8

Division 2 The Members of the Legislative Assembly Pension Plan Board

Establishment, composition, term of office, etc.

5(1) There is hereby established a board known as the Members of the Legislative Assembly Pension Plan Board.

(2) The Board shall consist of not fewer than 5 persons appointed members of the Board by the Lieutenant Governor in Council.

(3) A member of the Board holds office for the term fixed in relation to the member by the Lieutenant Governor in Council.

(4) The Minister may prescribe the remuneration and expenses to be paid to members of the Board.

(5) The Board may make rules respecting the calling of and the conduct of business at its meetings.

1985 cM-12.5 s5

Chair and vice-chair

6(1) The Lieutenant Governor in Council shall designate one of the members of the Board to be the chair and another member to be the vice-chair of the Board.

(2) The vice-chair shall act as chair when the office of chair is vacant or when the chair is absent or unable to act.

1985 cM-12.5 s6

Support services

7 The Minister shall provide any supplies, services and accommodation that the Minister considers necessary to enable the Board to fulfil its objects.

1985 cM-12.5 s7

Objects of the Board

8 The objects of the Board are

- (a) to conduct the hearing of appeals under Part 6;
- (b) to provide advice to the Minister under section 9;
- (c) where appropriate, to extend time limits and treat benefit choices as revoked under section 10;
- (d) to exercise and perform any other powers and duties assigned to it by this Act and the regulations;
- (e) to perform any other duties relating to the Plan that are assigned to it by the Minister.

1985 cM-12.5 s8

Advisory functions of the Board

9 The Board may advise the Minister respecting any matters relating to the Plan, including

- (a) the adequacy of contributions to meet benefits,
- (b) adjustments to pensions under section 25(1),
- (c) rates of interest for the purposes of the Plan,
- (d) benefits,
- (e) recognition of prior service,
- (f) eligibility and participation in the Plan, and
- (g) the actuarial tables prescribed or to be prescribed by the Minister.

1985 cM-12.5 s9;AR 18/92 s9

Board's power to extend time limits, etc.**10(1)** Where

- (a) a person fails to meet a time limit under the Plan,
- (b) the failure will or could result in a person's obtaining different benefits than those the person would have obtained had the time limit been met, and
- (c) the Board is satisfied that the failure results from circumstances that import no material fault on the part of that person,

the Board may, on application to it, extend the time limit.

(2) Where

- (a) the circumstances set out in subsection (1)(a), (b) and (c) apply,
- (b) the benefit has been received or has commenced to be paid, and
- (c) the Board is satisfied that a choice, including a deemed choice, that would otherwise be irrevocable under section 37(2) could materially prejudice the best interests of the recipient or the recipient's dependants,

the Board may, on application to it, treat that choice as revoked, extend the time limit for making the choice and order any consequential adjustments in the benefits.

(3) Where

- (a) a benefit choice has been made, and
- (b) the Board is satisfied that
 - (i) the choice communicated to the Minister was not that which the person making the choice actually intended, and
 - (ii) the application mentioned in this section does not result from a change in a person's circumstances affecting the choice,

the Board may, on application made to it within 3 months from the date when the benefit was received or commenced to be paid, treat the choice as revoked, substitute for it the choice that, in the Board's opinion, the person originally intended to make and order any consequential adjustments in the benefits.

1985 cM-12.5 s10

Part 2 Participation

Closure on active participation

11 There is no active participation in the Plan.

1985 cM-12.5 s11;AR 18/92 s10;1993 c5 s5

Part 3 Contributions

12 Repealed 2013 cS-19.3 s22.

Closure on further contributions

13 No further contributions may be made except those referred to in section 15(2).

1985 cM-12.5 s13;AR 18/92 s11;1992 c27 s4;1993 c5 s7

Forfeiture of Government contributions, to Pension Fund

14 Contributions made under section 14 of the *Members of the Legislative Assembly Pension Plan Act*, SA 1985 cM-12.5, as it read on June 14, 1993, relative to the contributions of the officers and former officers to whom contributions are repaid under section 28, with interest that might otherwise be payable on those contributions, are forfeited to the Pension Fund.

1993 c5 s7

Part 4 Pensionable Service

Computation of pensionable service

15(1) Subject to this section, in computing the length of pensionable service that a person accumulated under the Plan relating to a particular office, the following periods of service after 1991, not exceeding 20 years' service in aggregate, including service before 1992, are the periods to be taken into account:

- (a) service in respect of which current service contributions were made respecting that office;
- (b) where the contributions required by subsection (2) were made and the terms and conditions prescribed in relation to the service in question were satisfied,
 - (i) prior service in that office,
 - (ii) service in that office that would be pensionable service but for subsection (9), and
 - (iii) other service, in the case of the office of member.

(2) Contributions for service described in subsection (1)(b) must be made in the amount and on the terms and conditions prescribed in relation to the service in question.

(3) Notwithstanding anything in this Schedule, contributions may be made under subsection (2) only if

- (a) the person held office as a member before plan closure for a period, or for 2 or more periods aggregating, in excess of 5 years, and
- (b) the person who was entitled to have the service taken into account as pensionable service made an application before plan closure pursuant to the regulations made with reference to that subsection,

and, if that person did so, those contributions continue to be payable in accordance with the arrangements made with the Minister and with those regulations.

(4) Subsection (3) is deemed to have come into force on March 20, 1989.

(5) Where a person purchased service pursuant to the regulations made with reference to subsection (2) after March 19, 1989 and does not qualify under this section to purchase that service as a result only of the retroactive application of subsection (3), the purchase of that service is hereby cancelled for all purposes under the Plan, including vesting and eligibility for pensions.

(6) If any former officer referred to in subsection (1) has received a pension or other benefit, that person shall repay the whole of that benefit to the President of Treasury Board and Minister of Finance, with interest.

(7) The estates, pension partners and beneficiaries of a deceased person are exempt from the application of subsections (5) and (6).

(8) Except as prescribed, service that is recognized as pensionable under any other pension plan under which a person is or will be entitled to receive or is receiving pension benefits may not be taken into account as pensionable service.

(9) Service in respect of which contributions made have been returned may not be taken into account.

(10) For the purposes of subsection (1), the regulations may treat only part of the service referred to in that subsection as counting toward a person's pensionable service.

(11) A person may not be credited with more than one year's pensionable service in an office in respect of service performed in that office in a calendar year, regardless of the nature and extent of the service so performed.

RSA 2000 cM-12 Sched. 1 s15;2002 cA-4.5 s55;
2006 c23 s50;2013 c10 s32

Part 5 Benefits

Definitions

16 In this Part,

- (a) "normal pension" means a pension in the actuarially unreduced amount specified in section 18(1)(a) or (b), as the case may be, and in the form specified in section 18(4);
- (b) "officer contributions" means
 - (i) current service contributions,
 - (ii) any contributions for prior service made by an officer, and
 - (iii) any contributions made under section 15(2) for service described in section 15(1)(b)(ii) that are recognized by the Minister as officer contributions, being contributions that relate to service occurring after 1991, regardless of when they were made;
- (c) "pensionable salary",
 - (i) in the case of a former officer who has at least 3 consecutive years, whether before, on or after January 1, 1992, of
 - (A) pensionable service in an office, and
 - (B) any further service in the office that would be pensionable service but only for its exceeding the 20-year aggregate limit referred to in section 15(1),means the average of the former officer's annual salaries for the office in the 3 such consecutive years over which the average of the former officer's salaries was the highest, and

- (ii) in the case of a former officer who does not, means the former officer's average annual salary for service in the office over the period served.

1985 cM-12.5 s16;AR 18/92 s13;1993 c5 s9

Pensionable service references re vesting

17 In any provision of this Part predicated on entitlement to a benefit on whether or not a minimum number of years' pensionable service has been accumulated, the reference to pensionable service includes pensionable service accruing before, on and after January 1, 1992.

AR 18/92 s14

Division 1 Pension Benefits on Termination

Pension on ceasing to be a member

18(1) Subject to this section, a former officer who no longer holds any office of any description and who accumulated at least 5 years' pensionable service in or in respect of the office of member is entitled to receive a pension in an annual amount equal to

- (a) 2% of the former officer's pensionable salary for the office of member multiplied by the number of years of the former officer's pensionable service in or in respect of that office, and
- (b) if the former officer held an office other than that of member and accumulated at least one year's pensionable service in that other office, 2% of the former officer's pensionable salary for that other office multiplied by the number of years of the former officer's pensionable service in that office.

(2) If, at the commencement of a pension payable under subsection (1),

- (a) the former officer has not attained the age of 60 years, and
- (b) the aggregate of the former officer's age and accrued pensionable service in the office to date does not equal at least 80 years,

the pension must be reduced by $\frac{3}{12}$ of 1% for each complete month in the period between pension commencement and the earlier of the date on which the former officer will attain the age of 60 years and that on which the aggregate of the former officer's age and the former officer's pensionable service in the office up to pension commencement will equal 80 years.

(3) A person is not entitled to a pension under subsection (1) during any period in respect of which the person receives benefits under the disability plan.

(4) A pension under this section is payable for the life of the pensioner.

(5) Where a former officer receiving a pension in the form specified in subsection (4) dies leaving a surviving pension partner to whom the former officer was married or with whom the former officer lived for at least 5 years before the former officer's death, the pension is payable to that pension partner for life in an amount equal to 2/3 of the pension that was payable to the former officer.

RSA 2000 cM-12 Sched. 1 s18;2002 cA-4.5 s55

Alternative forms of pension

19(1) A person is entitled, as an alternative to taking a pension in the form specified in section 18(4), to select a form of pension from one of the following:

- (a) a guaranteed term pension, payable for the term selected by the person of 5, 10 or 15 years or the life of the pensioner, whichever is the longer;
- (b) a joint life pension, payable during the joint lives of the pensioner and a nominee designated by the person and which, after the death of either, continues to be payable
 - (i) in the same amount as the amount payable before the death,
 - (ii) in the amount of 2/3 of it, or
 - (iii) in the amount of 1/2 of it,to the survivor for the survivor's life.

(2) As a further alternative, the Minister may, on the application of the person entitled, allow that person to select a pension in a form not described in subsection (1) but that the Minister considers is best suited to the person's circumstances.

(3) Where an alternative form of pension is selected under subsection (1) or (2), the pension shall be in an amount that is actuarially equivalent to the pension to which it is an alternative.

(4) The term under a guaranteed term pension under the Plan may not end later than the day before the pensioner's 86th birthday.

1985 cM-12.5 s18;AR 18/92 s18

Co-ordination of certain pensions with C.P.P. and O.A.S.

20 Notwithstanding anything in the Plan, in the case of pensions commencing before the age of 65 years, the Minister may prescribe bases for co-ordinating pensions with the estimated Canada Pension Plan retirement pension and Old Age Security benefit on an actuarial equivalency basis.

1985 cM-12.5 s19

Pension after reaching 71

21 Notwithstanding anything in this Schedule, a pension may not commence later than the end of the year in which the person entitled attains the age of 71 years, and the pension in that case is to be a normal pension.

AR 18/92 s17;1993 c5 s11

Postponement of pension

22(1) A person who is to receive a pension under section 18 may postpone commencement of the pension to any date up to the end of the year in which the person attains the age of 71 years.

(2) When a pension that was postponed becomes payable, it must be in the form of a normal pension and in an amount that is actuarially equivalent to the normal pension or the pension in the form of a normal pension that would have been payable had the postponement not been made.

1985 cM-12.5 s20;AR 18/92 s18;1993 c5 s12

Spousal protection

23(1) In this section,

- (a) “pensioner” includes a prospective pensioner;
- (b) “pension partner” means the person, if any, who is or was the pension partner of a pensioner at the time
 - (i) when the pensioner makes the pensioner’s choice as to the form of pension pursuant to a request by the Minister under section 24, or
 - (ii) if the pensioner does not make that choice, when the pensioner is deemed under that section to have chosen the pension mentioned in that section.

(2) Notwithstanding anything in this Schedule except subsection (3) and section 18(5), a person who is to receive a pension and who has a pension partner is deemed for the purposes of the Plan to have chosen a normal pension, if the person was married to or lived with that pension partner for at least 5 years before the commencement of the pension.

- (3) Subsection (2) does not apply where there is filed with the Minister, before the pension commences to be paid,
- (a) a statutory declaration in the form prescribed by the Minister by the pension partner that
 - (i) contains a statement indicating that the pension partner is aware of the pension partner's rights under this section and waiving those rights, and
 - (ii) is signed by the pension partner in the presence of the person before whom the declaration is administered and outside the immediate presence of the pensioner, or
 - (b) a matrimonial property order.

RSA 2000 cM-12 Sched. 1 s23;2002 cA-4.5 s55

Failure to select pension

24 Where a person who is entitled to a choice of pensions is requested in writing by the Minister to make the choice and the person fails to do so within 3 months after the request is sent, the person is deemed for the purposes of the Plan to have chosen a pension in the form of a normal pension.

1985 cM-12.5 s22

Benefit adjustments

25(1) Notwithstanding anything in this Schedule, the Lieutenant Governor in Council may by regulation, for the purpose of maintaining approximate parity with the cost of living, make adjustments in the amounts payable as pensions.

(2) No adjustment under subsection (1) may reduce a person's pension to an amount below that to which the Plan, apart from that subsection, entitles the person.

(3) Where a person held office before plan closure and continues to hold office afterwards, the pension held in abeyance as a result of the person continuing to hold office attracts adjustments under subsection (1) during the period in which it is held in abeyance.

(4) Regulations under this section must comply with the tax rules.

1985 cM-12.5 s23;AR 18/92 s20;1993 c5 s13

Division 2 Death Benefits

Benefit on death before commencement of pension

26 Where a person, other than a pensioner, who has officer contributions in the Plan that have not been returned to the person

dies, an amount equal to the unreturned officer contributions, with interest, shall be

- (a) paid to the person's surviving pension partner, or
- (b) if the person has no pension partner surviving the person, paid to the person entitled to receive any benefit on the person's death.

RSA 2000 cM-12 Sched. 1 s26;2002 cA-4.5 s55

Alternative death benefit for pension partner

27(1) Where a deceased had a surviving pension partner entitled to payment under section 26 and had accumulated

- (a) in the case of the office of member, at least 5 years' pensionable service in or in respect of the office, or
- (b) in the case of another office,
 - (i) at least 5 years' pensionable service in or in respect of the office of member, and
 - (ii) at least one year's pensionable service in that other office,

the surviving pension partner may elect to be paid, instead of the payment under section 26 and subject to any maximum limit imposed by the tax rules, the pension provided for in subsection (2).

(2) The pension referred to in subsection (1) is

- (a) the pension that would have been payable if the deceased, immediately before dying,
 - (i) had ceased to hold the office in question,
 - (ii) were 60 years of age, and
 - (iii) had been entitled to exercise and had exercised the option described in section 19(1)(b)(i) with the deceased's pension partner as the designated nominee, or
- (b) subject to section 19(4), a pension, payable for the term selected by the pension partner of 5, 10 or 15 years or the life of the pension partner, whichever is the longer, that is actuarially equivalent to the pension provided for under clause (a).

RSA 2000 cM-12 Sched. 1 s27;2002 cA-4.5 s55

Division 3 Return of Contributions on Plan Closure

Position of persons not vested at plan closure

28 Where an officer or former officer does not have enough pensionable service in or in respect of an office at plan closure to be entitled to the present or future receipt of a pension in respect of that office, the President of Treasury Board and Minister of Finance shall repay the officer contributions made in respect of that office that have not previously been returned, with interest, or pay them into a registered retirement savings vehicle.

RSA 2000 cM-12 Sched. 1 s28;2006 c23 s50;
2013 c10 s32

Division 4 Miscellaneous

Suspension of pension

29(1) If a former officer is in receipt of a pension and recommences the holding of an office, payment of that pension is suspended.

(2) There is to be no suspension of a pension beyond the end of the year in which the pensioner attains the age of 71 years.

1993 c5 s16

Tax rule limitations on benefits

30 Notwithstanding anything in this Schedule but without affecting any particular provision of this Schedule or the regulations under it further limiting benefits, benefits are limited to the benefits or the maximum benefits allowed by the tax rules.

AR 18/92 s22

Beneficiaries

31(1) Any person on whose death a benefit is payable is a participant for the purposes of section 71 of the *Wills and Succession Act*.

(2) Where a person designates a person to receive a benefit payable on the designating person's death, whether beneficially or in a representative capacity, or revokes a designation so made, the designation or revocation may be filed with the Minister.

(3) Where a person designates the person's estate as being entitled to receive a benefit payable on the person's death, or makes a designation using words indicative of the person's estate or of the representative capacity of the person's personal representative, the person is deemed to have designated the personal representative of the person's estate in the personal representative's representative capacity.

(4) Where

- (a) at the date of the death of a person on whose death a benefit is payable, there is no valid designation by the person filed with the Minister, or
- (b) after the person's death, but before any payment is made under subsection (5), there is filed with the Minister a valid revocation by the person of a designation filed with the Minister

and no valid designation is filed with the Minister before any such payment is made, the person entitled to receive any benefit payable on the death is the deceased's pension partner, if the deceased is survived by a pension partner, or the personal representative of the deceased's estate, if there is no surviving pension partner.

(5) When a benefit is paid to a surviving pension partner or the personal representative of an estate by virtue of the operation of subsection (4), the payment is validly made as against the Government notwithstanding that a designation is filed under the Plan after the payment is made, and the person who would have been entitled under the designation has no right to any benefit as a result of the designation.

(6) Where a benefit is paid by virtue of the operation of subsection (4), the Board may not exercise its powers under section 10 in relation to a designation that was not filed before the payment.

(7) A benefit paid on the death of any person otherwise than to the personal representative of a deceased's estate is not part of the estate of the deceased and is not subject to the claims of the deceased's creditors.

(8) The right of any person under section 71 of the *Wills and Succession Act* or this section to a benefit is subject to any rights given by Division 1 or 2 to any other person.

RSA 2000 cM-12 Sched. 1 s31;2002 cA-4.5 s55;
2010 cW-12.2 s118

Matrimonial property orders

32 Subject to section 39, the right of any person to receive a benefit is subject to the rights of a pension partner or former pension partner of the person arising under a matrimonial property order.

RSA 2000 cM-12 Sched. 1 s32;2002 cA-4.5 s55

Part 6 Appeals

Appeal to the Board

33(1) A party aggrieved by a decision of the Minister under or in relation to Parts 2 to 5 or the prescribed provisions of the regulations, other than a decision that could be the subject-matter of an application under section 10, may appeal against that decision to the Board.

(2) A party wishing to appeal to the Board under this section must serve the chair of the Board with a notice of appeal in the form prescribed by the Minister within 30 days after being notified in writing of the decision appealed against or within any longer period that the Board, on application, allows.

(3) The notice of appeal must specify the decision appealed against and the grounds of appeal.

(4) The Board may identify persons who may be interested in the appeal and may give directions as to the persons to be served with the notice of appeal, whether or not they are parties.

(5) For the purposes of conducting an appeal under this section, the Board

- (a) has all of the duties, powers, privileges and immunities given to a commissioner appointed under the *Public Inquiries Act* by sections 3, 4, 7 and 9 of that Act, and
- (b) is deemed to be a person for the purposes of section 1(a) of the *Administrative Procedures and Jurisdiction Act*.

(6) The Board may confirm, vacate or vary the decision appealed against.

(7) The Board shall serve the appellant and persons who received a notice of appeal with a copy of its decision, including the reasons for the decision.

RSA 2000 cM-12 Sched. 1 s33;2017 c22 s36

Appeal to the Court of Queen's Bench

34(1) A party aggrieved by a decision of the Board under section 33 may, within 30 days after the date of service of the Board's decision on the party or any longer period that the Court allows, appeal to the Court of Queen's Bench on a question of law or jurisdiction.

(2) The procedure in an appeal to the Court of Queen's Bench is to be the same as that provided in the *Alberta Rules of Court* for an originating application.

(3) The Court of Queen's Bench, on hearing the appeal, may confirm, vacate or vary the decision of the Board or make any order it considers just.

RSA 2000 cM-12 Sched. 1 s34;2009 c53 s112

Part 7 Miscellaneous

Advance against pension

35(1) Where there is a delay in processing a pension beyond 30 days from the effective date of the commencement of the pension, the President of Treasury Board and Minister of Finance may advance money to the pensioner against the pension.

(2) An advance under subsection (1) does not constitute the commencement of pension payments for the purposes of this Schedule.

RSA 2000 cM-12 Sched. 1 s35;2006 c23 s50;2009;
2013 c10 s32

Actuarial tables

36 The actuarial tables to be used for the purposes of the Plan or for particular provisions of the Plan are those prescribed by the Minister.

1985 cM-12.5 s32

Exercise of benefit choice

37(1) A person wishing to exercise a choice in relation to a benefit must do so by giving written notice to the Minister indicating the choice.

(2) Subject to section 10(2) and (3), a choice made, including a choice deemed to be made, in relation to a benefit is irrevocable when, and is not irrevocable until, the benefit is received or commences to be paid.

1985 cM-12.5 s34

Payment of benefits

38 The payment of all benefits is guaranteed by the Government.

1985 cM-12.5 s35

Liability of benefits to legal process

39 A person's interest in a benefit is not subject to garnishee proceedings, attachment, seizure or any legal process, except pursuant to section 43 or in respect of a failure to account for public money within the meaning of the *Financial Administration Act*.

1985 cM-12.5 s36

Prohibition against assignment, etc.

40(1) A person may not assign, charge, anticipate, give as security or surrender the person's interest in a benefit or any of the person's rights under the Plan.

(2) Subsection (1) does not prohibit a reduction in benefits to ensure compliance with the tax rules.

1985 cM-12.5 s37;AR 18/92 s24

Overpayments and deficiencies

41 Any overpayment of benefit paid or underpayment of contribution payable is recoverable by the President of Treasury Board and Minister of Finance, with interest, as a debt due to the Government.

RSA 2000 cM-12 Sched. 1 s41;2006 c23 s50;
2013 c10 s32

Return of money

42(1) If the Minister finds that a person paid a contribution that was not, or was in excess of what was, payable, the Minister shall repay the contribution or the excess, with interest.

(2) The Minister shall return any contribution to the person who made it where returning it is necessary to ensure compliance with the tax rules.

1985 cM-12.5 s39;AR 18/92 s25

Retention for default

43 The President of Treasury Board and Minister of Finance may withhold from any benefit payable a sum sufficient to meet any amount by which the person entitled to the benefit is indebted to the Government under the Plan and shall apply the money withheld in satisfaction of the debt.

RSA 2000 cM-12 Sched. 1 s43;2006 c23 s50;2013 c10 s32

Continuation of existing pensions and pension rights

44(1) Subject to subsection (3), a person who was in receipt of a pension immediately before, or who had a pension commencing not later than, plan closure continues to be or is entitled to receive that pension afterwards.

(2) Subject to subsection (3), a person who before plan closure had postponed a pension under section 22 and, as at plan closure, had not yet commenced to receive that pension continues to be entitled to receive the same pension, with the same rights in himself or herself and in other persons flowing through him or her, that would have applied had the *Members of the Legislative Assembly Pension Plan Amendment Act, 1993*, SA 1993 c5, not been enacted.

(3) Nothing in subsection (1) or (2) entitles a person who holds any office to receive any pension, and rights under those subsections are subject to other provisions of this Schedule.

1993 c5 s18

Lieutenant Governor in Council regulations

45 The Lieutenant Governor in Council may make regulations

- (a) respecting the manner in which benefits are payable, including the commutation of pensions;
- (b) respecting the allowing of interest, except for overdue benefit payments;
- (c) respecting the charging of interest, except for overdue contributions;
- (d) respecting rates of interest;
- (e) respecting the suspension of pensions of pensioners who become engaged to work for an employer within the meaning of the Management Employees Pension Plan, the Public Service Pension Plan or any pension plan under any prescribed enactment and the treatment of those persons for the purposes of the Plan;
- (f) respecting the suspension of pensions where relevant evidence required by or under regulations under section 46(f) or (g) is not submitted;
- (g) prescribing the death benefit payable where a person who is entitled to a pension, or who would be so entitled but for its postponement, dies before making a choice as to the form of pension to be taken;
- (h) prescribing any matter or thing that by this Schedule may or is to be prescribed by the Lieutenant Governor in Council.

1985 cM-12.5 s42; AR 18/92 s27; 1993 c5 s19;
1993 cP-30.7 s10

Ministerial regulations

46 The Minister may make regulations

- (a) respecting the allowing of interest when benefit payments are overdue;
- (b) respecting the calculation of benefits;
- (c) respecting the times that constitute the effective dates for the commencement of pensions;

- (d) respecting the times when guaranteed terms of years are to be treated as commencing or continuing;
- (e) respecting the submission of evidence of age, marital status, the existence or identity of a pension partner, the fact of a person's being alive or any other fact relevant to determining eligibility for a benefit or the continuation of a pension or any other matter for which evidence is required;
- (f) respecting the type of evidence required for the purposes of clause (e);
- (g) prescribing any matter or thing that by this Schedule may or is to be prescribed by the Minister.

RSA 2000 cM-12 Sched. 1 s46;2002 cA-4.5 s55

Application of regulations

47(1) Regulations under this Schedule may be made to apply generally or with respect to particular components of the Plan.

(2) A regulation under or by reference to section 25(1) is, if so provided in the regulation, effective from a date prior to that on which it would otherwise have been effective.

1985 cM-12.5 s44;AR 18/92 s27;1993 c5 s21

Transitional

48 Notwithstanding anything in section 18 or 44, the pension based on service as a member of a person who ceases to hold office as a member on, but who continues to hold another office after, the day before plan closure, is payable, but is suspended until the person ceases to hold any office whatever.

1993 c5 s22

Schedule 2**Members of the Legislative Assembly
(Supplementary) Pension Plan
and Related Provisions****Interpretation**

1(1) In this Schedule,

- (a) “Board” means the Members of the Legislative Assembly Pension Plan Board established by the principal plan;
- (b) “contributions” means contributions under the Plan, and includes contributions under the former Act that are of a nature corresponding to those in question;
- (c) “Plan” means the pension plan established by section 2(1) as the Members of the Legislative Assembly (Supplementary) Pension Plan;
- (d) “principal plan” means Schedule 1, containing the Members of the Legislative Assembly (Registered) Pension Plan and related provisions;
- (e) “salary” means the following amounts, but only insofar as they were earned before plan closure:
 - (i) in respect of the office of member, the amounts payable under sections 33, 36(1)(a) and 37(3)(a) of the *Legislative Assembly Act*;
 - (ii) in respect of the office of Member of Executive Council, the amounts payable under section 43(1)(a) of that Act;
 - (iii) in respect of the office of Speaker, Deputy Speaker or Deputy Chair, the amounts payable under section 40(1) of that Act;
 - (iv) in respect of the office of Leader of the Opposition, the amounts payable under section 41(1) of that Act;
 - (v) in respect of any other office of leader of a recognized opposition party, the amounts payable under section 42(2) of that Act.

(2) The definitions of “actuarial equivalent”, “actuary”, “benefit”, “current service contributions”, “Deputy Chair”, “Deputy Speaker”, “disability plan”, “former Act”, “Leader of the Opposition”, “matrimonial property order”, “member”, “Minister”, “office”, “officer”, “pension”, “pension commencement”,

“pensionable service”, “plan closure”, “prescribed”, “prior service”, “service”, “pension partner” and “tax rules” contained in section 1(1) of the principal plan apply in this Schedule, with the references in those definitions to the principal plan or to a particular provision of the principal plan being taken to be references to the Plan under this Schedule or to the corresponding provision of the Plan.

(3) Section 1(2) and (3) of the principal plan apply with respect to the Plan.

RSA 2000 cM-12 Sched. 2 s1;2002 cA-4.5 s55

The Plan

2(1) The Members of the Legislative Assembly (Supplementary) Pension Plan is hereby established.

(2) The Plan is supplementary to the principal plan.

(3) To the extent that the Plan relates to service and except to the extent expressly stated otherwise, the Plan relates to service before, on and after January 1, 1992.

AR 18/92 s28

Part 1 Administration

Division 1 the Minister

Administration of the Plan

3 The Minister shall administer the Plan.

AR 18/92 s28

Report to the Legislative Assembly

4 Section 4 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Division 2 The Board in Relation to the Plan

Board

5 Section 5 of the principal plan applies with respect to the Plan, so far as applicable.

AR 18/92 s28

Chair

6 Section 6 of the principal plan applies with respect to the Plan, so far as applicable.

AR 18/92 s28

Support services

7 Section 7 of the principal plan applies with respect to the objects under the Plan.

AR 18/92 s28

Objects of the Board

8 Section 8 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Advisory functions of the Board

9 Section 9 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Board's power to extend time limits, etc.

10 Section 10 of the principal plan applies with respect to the Plan.

AR 18/92 s28

**Part 2
Participation**

Closure on active participation

11 Section 11 of the principal plan applies with respect to the Plan.

AR 18/92 s28;1993 c5 s25

**Part 3
Contributions**

12 Repealed 2013 cS-19.3 s22.

Closure on further contributions

13 Section 13 of the principal plan applies with respect to the Plan.

AR 18/92 s28;1992 c27 s4(3);1993 c5 s26

Forfeiture of Government contributions, to Pension Fund

14 Contributions, relative to the contributions of the officers and former officers to whom contributions are repaid under section 27,

- (a) made by the Government under section 14 of the *members of the Legislative Assembly Pension Plan Act*, SA 1985 cM-12.5, as it read on June 14, 1993, and
- (b) made by the Legislative Assembly and the Government under sections 14.1 and 14.2 respectively of the *Members of the Legislative Assembly Pension Plan Act*, SA 1985 cM-12.5, as they read on June 14, 1993,

with interest that might otherwise be payable on those contributions, are forfeited to the Pension Fund.

1993 c5 s28

Part 4 Pensionable Service

Computation of pensionable service

15(1) Subject to this section, in computing the length of pensionable service that a person accumulated under the Plan relating to a particular office, the following periods of service, not exceeding 20 years in aggregate, are the periods to be taken into account:

- (a) service in respect of which current service contributions were made respecting that office;
- (b) where the contributions required by subsection (2) were made and the terms and conditions prescribed in relation to the service in question were satisfied,
 - (i) prior service in that office,
 - (ii) service in that office that would be pensionable service but for subsection (5), and
 - (iii) other service, in the case of the office of member.

(2) Contributions for service described in subsection (1)(b) must be made in the amount and on the terms and conditions prescribed in relation to the service in question.

(3) Subsections (3), (4), (5), (6) and (7) of section 15 of the principal plan apply with respect to the Plan.

(4) Except as prescribed, service that is recognized as pensionable under any other pension plan under which a person is or will be entitled to receive or is receiving pension benefits may not be taken into account as pensionable service.

(5) Service in respect of which contributions made have been returned may not be taken into account.

(6) For the purposes of subsection (1), the regulations may treat only part of the service referred to in that subsection as counting toward a person's pensionable service.

(7) A person may not be credited with more than one year's pensionable service in an office in respect of service performed in that office in a calendar year, regardless of the nature and extent of the service so performed.

AR 18/92 s28;1993 c5 s30

Part 5 Benefits

Definitions

16 In this Part,

- (a) "normal pension" means a pension in the actuarially unreduced amount specified in section 17(1)(a) or (3)(a), as the case may be, and in the form specified in section 17(8);
- (b) "officer contributions" means
 - (i) current service contributions,
 - (ii) additional contributions paid under section 13.1 of the *Members of the Legislative Assembly Pension Plan Act*, SA 1985 cM-12.5, as it read on June 14, 1993,
 - (iii) any contributions for prior service made by an officer, and
 - (iv) any contributions made under section 15(2) for service described in section 15(1)(b)(ii) that are recognized by the Minister as officer contributions;
- (c) "pensionable salary",
 - (i) in the case of a former officer who has at least 3 consecutive years of
 - (A) pensionable service in an office, and
 - (B) any further service in the office that would be pensionable service but only for its exceeding the 20-year aggregate limit referred to in section 15(1),

means the average of the former officer's annual salaries for the office in the 3 such consecutive years over which the average of the former officer's salaries was the highest, and

- (ii) in the case of a former officer who does not, means the former officer's average annual salary for service in the office over the period served.

AR 18/92 s28;1993 c5 s31

Division 1

Pension Benefits on Termination

Pension on ceasing to be an officer

17(1) Subject to this section, a former officer who no longer holds any office of any description and who accumulated at least 5 years' pensionable service in or in respect of the office of member is entitled to receive

- (a) where the former officer's age at pension commencement and the length of the former officer's pensionable service in or in respect of the office of member together amount to not less than 55 years, a pension in an annual amount equal to
 - (i) 4% of the former officer's pensionable salary for that office multiplied by the number of years of that pensionable service that occurred before March 20, 1989, and
 - (ii) 3% of the former officer's pensionable salary for that office multiplied by the number of years of that pensionable service occurring after March 19, 1989,

or

- (b) where the former officer's age at pension commencement and the length of the former officer's pensionable service in or in respect of the office of member together amount to less than 55 years, the normal pension under clause (a)(i) and (ii) combined, but reduced in amount by 3/12 of 1% for each complete month by which the sum of the former officer's age at pension commencement and the length of that pensionable service falls short of 55 years.

(2) Subject to this section, a former officer who

- (a) no longer holds any office of any description, and
- (b) accumulated at least
 - (i) 5 years' pensionable service in or in respect of the office of member, and
 - (ii) one year's pensionable service in an office other than that of member,

is entitled to receive a pension under subsection (3) in respect of the other office referred to in clause (b)(ii).

(3) The pension referred to in subsection (2) is

(a) where the former officer's age at pension commencement and the length of the former officer's pensionable service in the other office together amount to not less than 55 years, a pension in an annual amount equal to

(i) 4% of the former officer's pensionable salary for that other office multiplied by the number of years of that pensionable service that occurred before March 20, 1989, and

(ii) 3% of the former officer's pensionable salary for that other office multiplied by the number of years of that pensionable service occurring after March 19, 1989,

or

(b) where the former officer's age at pension commencement and the length of the former officer's pensionable service in the other office together amount to less than 55 years, the normal pension under clause (a)(i) and (ii) combined, but reduced in amount by $\frac{3}{12}$ of 1% for each complete month by which the sum of the former officer's age at pension commencement and the length of that pensionable service falls short of 55 years.

(4) A person is not entitled to a pension under subsection (1) or (2) during any period in respect of which the person receives benefits under the disability plan.

(5) Where it transpires that the application of subsections (1) or (2) and (3) results in an overpayment having been made in a pension that commenced or another benefit paid between March 20, 1989 and plan closure, the person is liable to repay to the Plan a sum equal to the amount of the overpayment.

(6) The overpayment amount is to be repaid, whether as a lump sum, by deduction from future pension payments or otherwise, in accordance with arrangements agreed on by the Minister and the person liable.

(7) The estates, pension partner and beneficiaries of a deceased person are exempt from the application of subsections (5) and (6).

(8) A pension described in subsection (1)(a) or (3)(a) is payable for the life of the pensioner.

(9) Where a former officer receiving a pension in the form specified in subsection (8) dies leaving a surviving pension partner to whom the former officer was married or with whom the former officer lived for at least 5 years before the former officer's death, the pension is payable to that pension partner for life in an amount equal to 3/4 of the pension that was payable to the former officer.

RSA 2000 cM-12 Sched. 2 s17;2002 cA-4.5 s55

Alternative forms of pension

18 Section 19 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Co-ordination

19 Section 20 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Pension after reaching 71

20 Section 21 of the principal plan applies with respect to the Plan.

1993 c5 s33

Postponement of pension

21 Section 22 of the principal plan applies with respect to the Plan.

AR 18/92 s28;1993 c5 s34

Spousal protection

22 Section 23 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Failure to select pension

23 Section 24 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Benefit adjustments

24(1) Section 25(1), (2) and (3) of the principal plan apply with respect to pensions.

(2) Notwithstanding any other provision of this Schedule, the amount of any benefit that a person is otherwise entitled to receive under a provision of this Schedule under given circumstances shall be reduced by an amount equal to the amount that the person is entitled to receive under those circumstances under the corresponding provision of the principal plan.

AR 18/92 s28;1993 c5 s35

Division 2 Death Benefits

Benefit on death before commencement of pension

25 Section 26 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Additional payments for pension partner or dependent minor

26(1) Where

- (a) the person entitled to payment under section 25 is
 - (i) the surviving pension partner of the deceased, or
 - (ii) a dependent minor child of the deceased,
- and
- (b) the deceased
 - (i) died while in office or in a period during which the deceased was entitled to receive or received benefits under the disability plan, or
 - (ii) had accumulated at least 5 years' pensionable service in or in respect of an office,

the pension partner or the dependent minor child is also entitled to receive a further amount equal to the current service contributions and any other prescribed officer contributions not previously returned to the deceased, with interest.

(2) Where the deceased had a surviving pension partner entitled to payment under section 25 and had accumulated

- (a) in the case of the office of member, at least 5 years' pensionable service in or in respect of the office, or
- (b) in the case of another office,
 - (i) at least 5 years' pensionable service in or in respect of the office of member, and
 - (ii) at least one year's pensionable service in that other office,

the surviving pension partner may elect to be paid, instead of the payments under subsection (1) and section 25, the pension provided for in subsection (3).

- (3) The pension referred to in subsection (2) is
- (a) the pension that would have been payable if the deceased, immediately before dying,
 - (i) had ceased to hold the office in question,
 - (ii) had attained the age of 55 years less the length of the deceased's accrued pensionable service in the office if in fact the deceased had not, and
 - (iii) had been entitled to exercise and had exercised the option described in section 19(1)(b)(i) with the deceased's pension partner as the designated nominee, or
 - (b) subject to section 19(4) of the principal plan, as incorporated by section 18, a pension, payable for the term selected by the pension partner of 5, 10 or 15 years or the life of the pension partner, whichever is the longer, that is the actuarial equivalent of the pension provided for under clause (a).

RSA 2000 cM-12 Sched. 2 s26;2002 cA-4.5 s55

Division 3

Return of Contributions on Plan Closure

Termination

27 Section 28 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Division 4

Miscellaneous

Suspension of pension

28 Section 29 of the principal plan applies with respect to the Plan.

1993 c5 s39

Beneficiaries

29 Section 31 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Matrimonial property orders

30 Section 32 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Part 6 Appeals

Appeal to the Board

31 Section 33 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Appeal to Court

32 Section 34 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Part 7 Miscellaneous

Advance against pension

33 Section 35 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Actuarial tables

34 Section 36 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Exercise of benefit choice

35 Section 37 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Payment of benefits

36 Section 38 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Liability of benefits to legal process

37 Section 39 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Prohibition against assignment

38 A person may not assign the person's interest in a benefit.

AR 18/92 s28

Overpayments and deficiencies

39 Section 41 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Return of money

40 Section 42(1) of the principal plan applies with respect to the Plan.

AR 18/92 s28

Retention for default

41 Section 43 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Rights and obligations under former Act

42(1) No person is entitled to any benefit or other right provided for by or under the former Act except insofar as the benefit or right is provided for by or under this Schedule.

(2) Subsection (1) does not affect the amount of any benefit, payment of which commenced before November 1, 1985.

(3) A person who was in receipt of a pension immediately before November 1, 1985 and who continued to receive it up to December 31, 1991 continues, subject to this Schedule and the regulations under it, to be entitled to receive that pension.

AR 18/92 s28

Continuation of existing pensions and pension rights

43(1) Subsections (1) and (2) of section 44 of the principal plan apply with respect to the Plan.

(2) Nothing in subsection (1) entitles a person

- (a) who holds any office to receive any pension, or
- (b) to have any part of a pension that is based on pensionable service after March 19, 1989 based on an accrual rate of 4%,

and rights under subsection (1) are subject to other provisions of this Schedule.

(3) Notwithstanding subsection (2), that subsection does not require any person to repay any part of a pension or other benefit with respect to a deceased person.

1993 c5 s41

Lieutenant Governor in Council regulations

44 The Lieutenant Governor in Council may make regulations relative to the Plan in respect of the same matters as are provided for in section 45 of the principal plan relative to that plan.

AR 18/92 s28

Ministerial regulations

45 The Minister may make regulations relative to the Plan in respect of the same matters as are provided for in section 46 of the principal plan relative to that plan.

AR 18/92 s28

Application of regulations

46 Section 47 of the principal plan applies with respect to the Plan.

AR 18/92 s28

Transitional

47(1) Benefits that relate to service that is pensionable under section 15(1)(b) are limited to the maximum allowed by the tax rules, whether the service is before, on or after January 1, 1992.

(2) Section 48 of the principal plan applies with respect to the Plan.

AR 18/92 s28;1993 c5 s42

Schedule 3

Transitional

Transitional

1 An order, regulation or resolution made by the Public Service Management Pension Board under the former Act is, to the extent that it can be made applicable to and is consistent with this Act, deemed to be a regulation under this Act, until it is replaced by an equivalent regulation under this Act.

1985 cM-12.5 s46;AR 18/92 s29



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