



Province of Alberta

MEMBERS OF THE LEGISLATIVE ASSEMBLY
PENSION PLAN ACT

**MEMBERS OF THE LEGISLATIVE
ASSEMBLY PENSION PLAN
REGULATION**

Alberta Regulation 319/1985

With amendments up to and including Alberta Regulation 8/2019
Current as of March 1, 2019

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

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.

(Consolidated up to 8/2019)

ALBERTA REGULATION 319/85

**Members of the Legislative Assembly
Pension Plan Act**

**MEMBERS OF THE LEGISLATIVE ASSEMBLY
PENSION PLAN REGULATION**

- 1** This Regulation is divided into
- (a) Schedule 1, enacted under the Members of the Legislative Assembly (Registered) Pension Plan contained in Schedule 1 to the Act, and
 - (b) Schedule 2, enacted under the Members of the Legislative Assembly (Supplementary) Pension Plan established by Schedule 2 to the Act.

AR 17/92 s2

Schedule 1

Application

NOTE: This Schedule relates and corresponds to the Registered Plan under Schedule 1 to the Act and it should particularly be noted that section 2(3) of that Schedule applies with respect to this Schedule.

AR 17/92 s2

**Part 1
Preliminary**

Interpretation

- 1** In this Schedule or in Schedule 1 to the Act, or in both, as the case may be,
- (a) “Act” means the *Members of the Legislative Assembly Pension Plan Act*;
 - (b) “dependent minor child” means, in relation to another person, a minor child of that other person who
 - (i) was wholly or substantially supported financially by that other person immediately before that person’s death, and

- (ii) was not then married or not an adult interdependent partner;
- (c) “Ministerial Regulation” means Schedule 1 to the *Members of the Legislative Assembly Pension Plan (Ministerial) Regulation* (Alta. Reg. 320/85);
- (d) “participant” means a person who is a participant of the Plan by virtue of section 11 of Schedule 1 to the Act;
- (e) “years of pensionable service” means the number of complete years and any fraction of a year of pensionable service.

AR 319/85 s1;17/92;109/2003

Part 2 Participation

Prescribed Participants

2 Officers in receipt of benefits under the disability plan who immediately before commencing to receive those benefits were participants of the Plan are prescribed under section 11(1)(b) of Schedule 1 to the Act to be participants.

AR 319/85 s2;17/92

Part 3 Contributions

Current Service Contributions by Employer

3 The Government shall, under section 13(4) of Schedule 1 to the Act, make current service contributions on behalf of a participant who is in receipt of benefits under the disability plan in all circumstances.

AR 319/85 s3;17/92

Part 4 Pensionable Service

Requirement to Apply and Make Payments in Time

4(1) Subject to this section, service described in section 15(1)(b)(i), (ii) and (iv) of Schedule 1 to the Act shall not be taken into account as pensionable service unless the person entitled to have it taken into account applied to the Minister in writing, while a participant, as to the amount of contributions required and complied with section 5, and, where applicable, section 6.

(2) Where the person complied with sections 5 and 6 except that he did not pay the whole of the required amount, the Minister may take the service for which he has paid into account as pensionable service.

(3) After receiving an application referred to in subsection (1), the Minister shall send the participant or former participant a notice advising him of the required amount.

AR 319/85 s4;17/92

Method of Making Non-current Service Contributions

5(1) Contributions for service described in section 15(1)(b) of Schedule 1 to the Act are to be made by lump sum payment, by instalments withheld from salary or by annual instalments.

(2) In the case of a lump sum payment, the required amount must be paid in full within 90 days of the date of the notice advising the participant or former participant of the required amount.

(3) In the case of payment by instalments withheld from salary, the participant must authorize the withholding and the 1st payment must be withheld from the participant's salary within 90 days of the date of the notice advising him of the required amount, and that amount must be paid in full by regular instalments withheld from salary in an amount that is not less than \$50 per month and is sufficient to ensure full payment with interest in 15 years.

(4) In the case of payment by annual instalments, the required amount must be paid in full by annual payments in an amount that is at least equal to 12 times the minimum monthly payment described in subsection (3), the first instalment being payable within 90 days of the date of the notice advising the participant of the required amount and the subsequent annual instalments being payable on or before the anniversary of the due date of the first instalment.

(5) Notwithstanding a person's having entered into arrangements to effect payment under subsection (3) or (4), he may thereafter change the basis of instalment payments to that provided for in subsection (4) or (3) respectively.

(6) Notwithstanding a person's having entered into arrangements to effect payment under subsection (3), (4) or (5), he may at any time prepay the balance of the required amount or any portion of that balance.

AR 319/85 s5;158/87;17/92

6 Notwithstanding section 5, where a person ceases to be an officer leaving contributions under section 15(1)(b) of Schedule 1

to the Act not fully paid, he must pay the balance of the required amount within 90 days after his ceasing to be an officer.

AR 319/85 s6;17/92

7 Repealed AR 17/92 s5.

Amount of Contributions

8(1) The amounts of the contributions required to have an officer's service described in section 15(1)(b) of Schedule 1 to the Act taken into account as pensionable service are as follows:

- (a) for service as an officer where the officer did not contribute to the Plan, 7.5% of the salary during that service;
- (b) for service in respect of which contributions have been returned, the amount of the contributions returned and interest paid to the person when he ceased to be an officer;
- (c) for any other service, 15% of the salary being paid to the officer at the time the Minister receives a written request from him as to the amount required, calculated as if that salary were actually paid to him throughout that service.

(1.1) Contributions under this section are subject to any limitations imposed under the applicable circumstances by the tax rules.

(2) Interest shall be added to an amount described in subsection (1)(a) or (c), calculated from the date the service was rendered to the date of payment.

(3) Interest shall be added to an amount described in subsection (1)(b), calculated from the date the contributions were returned to the date of payment.

AR 319/85 s8;17/92

Part 5 Benefits

Division 1 Retirement Benefits

Deemed Salary for Pension Calculation Purposes

9 For the purposes of determining the pension of a person whose pensionable service does not include at least 3 years' pensionable service, whether before, on or after January 1, 1992 as an officer

but does include other service, whether before, on or after January 1, 1992, his salary during that other service is deemed to be the salary on which the contributions paid to establish that service were based.

AR 319/85 s9;17/92

Division 2 Death Benefits

10 Repealed AR 17/92 s8.

Death After Entitlement to Unreduced Pension

11 Where a person who ceased to be an officer and became entitled to an unreduced pension or became so entitled but only for his postponing it subsequently dies without having made a valid choice as to the form of pension to be taken, he is deemed for the purposes of the Plan to have chosen,

- (a) if he had a pension partner immediately prior to his death with whom he lived for at least 5 years before his death, a normal pension,
- (b) if he had a pension partner immediately prior to his death but with whom he lived for a period of less than 5 years before his death, a pension referred to in section 19(1)(b)(i) of Schedule 1 to the Act with that pension partner as the designated nominee, or
- (c) if he had no pension partner immediately prior to his death, a guaranteed term pension referred to in section 19(1)(a) of Schedule 1 to the Act on a 10-year basis.

AR 319/85 s11;17/92;109/2003;196/2006

Division 3 Miscellaneous

Method of Payment of Benefits

12(1) A pension shall be paid on a monthly basis in an amount equal to 1/12 of the annual amount of the pension.

(2) If the effective date of the pension is after the 1st day of a month, the amount payable in respect of the remaining days in the month is as follows:

annual amount of pension X $\frac{\text{number of days remaining in the month}}{365}$

AR 319/85 s12

13(1) Where a pensioner who has chosen a guaranteed term pension dies before the expiry of the term and the person entitled to the remainder of the pension payments requests the Minister in writing that those payments be commuted to a lump sum payment, the person so entitled shall instead be paid the commuted value of the remaining pension payments determined in accordance with the actuarial tables.

(2) Subsection (1) does not apply if the person entitled is the pension partner or includes a dependent minor child of the deceased, unless the Minister grants the request for commutation.

(3) Where a person is to be paid a commuted value under this section and there are pension payments outstanding after the date of death and before the payment of the commuted value, the outstanding payments are to be made first and the remaining payments are to be commuted to a lump sum.

AR 319/85 s13;109/2003

Suspension of Pensions

Suspension of pensions on re-employment - where current service contributions required

14 Subject to section 15.1, where a person who is receiving a pension in respect of his own pensionable service becomes, or before the commencement of this section, became, engaged to work for an employer participating in the Public Service Pension Plan or an employer within the meaning of the *Management Employees Pension Plan* (Alta. Reg. 367/93) and is required to make current service contributions under and within the meaning of that Plan, his pension is suspended while he is so engaged.

AR 319/85 s14;346/94;8/2019

Idem - where current service contributions not required

15 Subject to section 15.1, where a person who is receiving a pension in respect of his own pensionable service becomes, or before the commencement of this section, became, engaged to work for an employer participating in the Public Service Pension Plan or an employer within the meaning of the *Management Employees Pension Plan* (Alta. Reg. 367/93) and is not required to make current service contributions under and within the meaning of that Plan, his pension is suspended while he is so engaged if the period of work exceeds in any calendar year a total of 84 working

days or commences during the 3-month period immediately following pension commencement.

AR 319/85 s15;17/92;346/94;8/2019

Exceptions and interpretation

15.1(1) Subject to subsections (2) and (3), sections 14 and 15 do not apply with respect to an engagement to perform work having a specified duration or termination date that was entered into before June 15, 1993, during the currency of that particular engagement.

(2) If an engagement entered into before June 15, 1993 does not have a specified duration or termination date, then, for the purposes of this section and sections 14 and 15, the engagement is deemed to terminate at the end of 1995 unless previously terminated, and, if the person is still engaged to work after that date, he is deemed to enter into a new engagement on January 1, 1996.

(3) Sections 14 and 15 do not apply to a person after the end of the year in which he attained the age of 71 years.

(4) For the purposes of subsections (1) and (2), the renewing of an engagement constitutes the entering into of a new engagement.

(5) For the purposes of this section and sections 14 and 15, a person is engaged to work for an employer if in fact work is performed for or on behalf of the employer, whether there is a contract to perform that work or not and regardless of whether the person is engaged by that employer, by appointment on the part of the Crown or otherwise.

AR 346/94 s2

Part 6 Miscellaneous

Interest

16(1) Subject to this section, where Schedule 1 to the Act or the regulations under Schedule 1 to the Act provide for the allowing or charging of interest, interest shall be allowed or charged at a rate of 4% per annum compounded semi-annually.

(2) Where the Minister considers that a person has been substantially disadvantaged by his payment of a contribution referred to in section 42 of Schedule 1 to the Act and repays him money under that section, the interest paid on the money may be at the rate of the average of the 12 monthly yields on provincial long-term bonds, as reported by McLeod, Young, Weir Limited for each year or portion of a year during which the money was not repaid.

AR 319/85 s16;17/92;196/2006

Cost-of-living increases

16.1(1) Notwithstanding anything else in the Plan, if the cost of living has increased in the 12-month period ending on October 31 in the calendar year previous to the current calendar year, all amounts payable as pensions in the current calendar year shall be increased by a cost-of-living increase calculated in accordance with section 75(3) to (6) of the *Management Employees Pension Plan* (AR 367/93).

(2) The increases shall also be applied to the periods of postponement under section 22 of the Act.

AR 230/2003 s2

Appealable Regulation Provisions

17 The whole of the regulations applicable to the Plan is prescribed for the purposes of section 33(1) of Schedule 1 to the Act.

AR 319/85 s17;17/92;196/2006

18 Repealed AR 17/92 s13.

Schedule 2

Application

NOTE: This Schedule relates and corresponds to the Supplementary Plan under Schedule 2 to the Act.

Part 1 Preliminary

Interpretation

1 Section 1 of Schedule 1 applies with respect to the Plan, except that references in it to Schedule 1 to the Act and Schedule 1 to the *Members of the Legislative Assembly Pension Plan (Ministerial)*

Regulation are to be treated as references to Schedule 2 to the Act and Schedule 2 to that Regulation respectively.

Part 2 Participation

Prescribed Participants

2 Section 2 of Schedule 1 applies with respect to the Plan, except that the reference in it to Schedule 1 to the Act is to be treated as a reference to Schedule 2 to the Act.

Part 3 Contributions

Current Service Contributions by Employer

3 Section 3 of Schedule 1 applies with respect to the Plan, except that the reference in it to Schedule 1 to the Act is to be treated as a reference to Schedule 2 to the Act.

Part 4 Pensionable Service

Requirement to Apply and Make Payments in Time

4 Section 4 of Schedule 1 applies with respect to the Plan, except that the reference in it to Schedule 1 to the Act is to be treated as a reference to Schedule 2 to the Act.

Method of Making Non-current Service Contributions

5 Section 5 of Schedule 1 applies with respect to the Plan, except that the reference in it to Schedule 1 to the Act is to be treated as a reference to Schedule 2 to the Act.

6 Section 6 of Schedule 1 applies with respect to the Plan, except that the reference in it to Schedule 1 to the Act is to be treated as a reference to Schedule 2 to the Act.

7 Notwithstanding section 5, a person who immediately before November 1, 1985 was participating in the pension plan under the former Act and had made arrangements for payment with respect to service under the former Act and who was continuing to make

payments up to December 31, 1991 may continue to make payments under those arrangements until payment is made in full.

Amount of Contributions

8 Section 8(1), (2) and (3) of Schedule 1 apply with respect to the Plan, except that the reference in section 8(1) to Schedule 1 to the Act is to be treated as a reference to Schedule 2 to the Act.

Part 5 Benefits

Division 1 Retirement Benefits

Deemed Salary for Pension Calculation Purposes

9 Section 9 of Schedule 1 applies with respect to the Plan.

Division 2 Death Benefits

Additional Payments for Pension Partner or Dependent Minor

10 The other officer contributions prescribed for the purposes of section 26(1) of Schedule 2 to the Act are contributions made for service described in section 15(1)(b)(ii) of Schedule 2 to the Act, to the extent that the original contributions that were returned were current service contributions.

AR 319/85 s10;196/2006

Death After Entitlement to Unreduced Pension

11 Section 11 of Schedule 1 applies with respect to the Plan, except that the references in it to Schedule 1 to the Act are to be treated as references to Schedule 2 to the Act.

Division 3 Miscellaneous

Method of Payment of Benefits

12 Section 12 of Schedule 1 applies with respect to the Plan.

13 Section 13 of Schedule 1 applies with respect to the Plan.

Suspension of Pensions

Suspension of pensions on re-employment - where current service contributions required

14 Section 14 of Schedule 1, so far as applicable, applies.

Idem - where current service contributions not required

15 Section 15 of Schedule 1 applies.

Exceptions and interpretation

15.1 Section 15.1 of Schedule 1 applies.

Part 6 Miscellaneous

Interest

16 Section 16 of Schedule 1 applies with respect to the Plan, except that references in it to Schedule 1 to the Act are to be treated as references to Schedule 2 to the Act.

Cost-of-living increases

16.1(1) Notwithstanding anything else in the Plan, if the cost of living has increased in the 12-month period ending on October 31 in the calendar year previous to the current calendar year, all amounts payable as pensions in the current calendar year shall be increased by a cost-of-living increase calculated in accordance with section 75(3) to (6) of the *Management Employees Pension Plan* (AR 367/93).

(2) The increases shall also be applied to the periods of postponement under section 21 of the Act.

Appealable Regulation Provisions

17 Section 18 of Schedule 1 applies with respect to the Plan, except that the reference in it to Schedule 1 to the Act is to be treated as a reference to Schedule 2 to the Act.

AR 17/92 s14;346/94;109/2003;230/2003;196/2006



Printed on Recycled Paper 