



Province of Alberta

MEMBERS OF THE LEGISLATIVE ASSEMBLY
PENSION PLAN ACT

**MEMBERS OF THE LEGISLATIVE
ASSEMBLY PENSION PLAN
(MINISTERIAL) REGULATION**

Alberta Regulation 320/1985

With amendments up to and including Alberta Regulation 172/2003

Office Consolidation

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(Consolidated up to 172/2003)

ALBERTA REGULATION 320/85

Members of the Legislative Assembly Pension Plan Act

MEMBERS OF THE LEGISLATIVE ASSEMBLY PENSION PLAN (MINISTERIAL) 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 52/92 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 52/92 s2

Interpretation

1(1) In this Schedule,

- (a) “pay period” means the length of time, related to a recurring salary payment cycle, for which an officer normally receives a payment of salary;
- (b) “principal regulation” means Schedule 1 to the *Members of the Legislative Assembly Pension Plan Regulation* (Alta. Reg. 319/85).

(2) Definitions and other interpretation provisions in the principal regulation apply also to this Schedule.

AR 320/85 s1;52/92

Current Service Contributions

2 A participant shall make current service contributions at intervals coinciding with the pay periods fixed by the Government with respect to him.

AR 320/85 s2

Co-ordination of Certain Pensions with C.P.P. and O.A.S.

3(1) Where a person is to receive a pension under section 17(2) or (3) of Schedule 1 to the Act before attaining the age of 65 years, he may choose to increase the pension by an amount equal to the actuarial equivalent of the estimated Canada Pension Plan retirement pension or the Old Age Security benefit or both until he reaches or would, but for his previous death, have reached the age of 65 years, at which time the pension, including that amount, shall be reduced by the amount of the previously estimated Canada Pension Plan retirement pension or Old Age Security benefit or both, as the case may be.

(2) Where a person is to receive a pension under section 25(2) of Schedule 1 to the Act before attaining the age of 65 years, he may choose to increase the pension by an amount equal to the actuarial equivalent of the estimated Old Age Security benefit until he reaches or would, but for his previous death, have reached the age of 65 years, at which time the pension, including that amount, shall be reduced by the amount of the previously estimated Old Age Security benefit.

(3) Subsections (1) and (2) do not apply to a person who selects a form of pension specified in section 18(1)(b) of Schedule 1 to the Act.

(4) Notwithstanding subsections (1) and (2), if the basic pension under the Plan ceases before the age of 65 years, payment of the amount of the actuarial equivalent of the previously estimated Canada Pension Plan retirement pension or Old Age Security benefit or both ceases at the same time.

(5) Notwithstanding subsections (1) and (2), where a person selects a pension in the form of a normal pension and subsequently dies, payment of the amount of the actuarial equivalent of the estimated Canada Pension Plan retirement pension or the Old Age Security benefit, or both, and recovery of the amount of the previously estimated Canada Pension Plan retirement pension or Old Age Security benefit, or both, shall no longer occur.

AR 320/85 s3;52/92

Effective Date of Commencement of Pension

4(1) Where a person becomes entitled to receive an unreduced pension under section 17(2) or (3) of Schedule 1 to the Act and does not postpone commencement of that pension, the effective date of the commencement of his pension is the day after that on which he ceases to be an officer.

(2) Where a person becomes entitled to a reduced pension under section 17(2) or (3) of Schedule 1 to the Act or postpones commencement of his pension, the effective date of the commencement of his pension is the latest of

- (a) the date indicated in the application for the pension,
- (b) the day of receipt of the application by the Minister, or
- (c) the day after the person ceases to be an officer.

(3) Where a pension is payable under section 25(2) of Schedule 1 to the Act, the effective date for the commencement of the pension is the day following the death of the deceased.

(4) Notwithstanding subsection (2), where a pension is payable under section 17(2) or (3) of Schedule 1 to the Act, the Minister may treat the effective date of the commencement of that pension as being a date that is no more than 6 months prior to the date that would otherwise be the effective date under that subsection and that is not prior to the day after the day the person ceased to be an officer.

AR 320/85 s4;52/92

Commencement of Guaranteed Terms of Years

5 Where a person entitled to a pension chooses a guaranteed term pension, the period of the guaranteed term commences on the effective date of the commencement of the pension.

AR 320/85 s5

Requirement of Evidence

6 Where it is necessary to determine the age, marital status, legal change of name, fact of death or facts relative to the previous office-holding of a person and before any benefit is paid or before any contributions with respect to prior service may be made, documents evidencing the facts must be provided to the Minister.

AR 320/85 s6

Forms

7 The form of the statutory declaration required for the purposes of section 21(3)(a)(i) of Schedule 1 to the Act is as set out in Form 1 of this Schedule.

AR 320/85 s7;52/92

8 The form of the notice of appeal required for the purposes of section 29(2) of Schedule 1 to the Act is as set out in Form 2 of this Schedule.

AR 320/85 s8;52/92

Coming into Force

9 This Schedule comes into force on November 1, 1985.

AR 320/85 s9;52/92

Form 1

Pension Partner's Pension Waiver

I, (full name of pension partner) certify that I am the pension partner (within the meaning of the *Members of the Legislative Assembly Pension Plan Act*) of (full name of prospective pensioner), (hereinafter called "the pensioner") a retiring participant of the Members of the Legislative Assembly Pension Plan and have lived with the pensioner for a period that will be at least 5 years at the date of commencement of the pension.

I understand that, in accordance with section 21 of Schedule 1 to the *Members of the Legislative Assembly Pension Plan Act* and if this form is not completed by me and filed, the pensioner is deemed to have chosen a normal pension from the above Plan which would guarantee, in the event of the death of my pension partner, a pension payable to me in an amount equal to 2/3 of the pension which was payable to him, and I am otherwise aware of my rights under that section.

I also understand that I may waive my rights under section 21 of that Schedule to that Act, thereby enabling the pensioner to choose a pension in an alternative form which may provide me with no survivor benefit or a survivor benefit at a level of less than 2/3.

I hereby so waive those rights and consent to the pensioner's choosing a pension from the above Plan in a form which provides me with no survivor benefit or a survivor benefit of less than 2/3.

I certify that this form is being signed outside the immediate presence of the pensioner.

In witness whereof, I hereby set my hand at _____
this ____ day of _____, 20__ in the presence of

Witness (Commissioner for Oaths,
Notary Public or Justice of the
Peace) to the signature of the
Declarant who signed this form
before me outside of the presence
of the Plan Participant.

Pension Partner's Signature

Name of Plan Participant

My appointment terminates
on _____

S.I.N. of Plan Participant

[NB Please print or type names.]

AR 320/85 Sched.1;52/92;172/2003

Form 2

A decision has been made on your pension file. If you are aggrieved by the decision, the *Members of the Legislative Assembly Pension Plan Act* permits you to appeal to the Members of the Legislative Assembly Pension Plan Board.

However, an appeal must be filed within 30 days from the date of the notification of the decision. If you wish to appeal, you are advised to complete and forward this form within that period. In order to assist, please describe briefly the grounds for your appeal. You will have a further opportunity to present your case more fully at a later date.

Notice of Appeal

To: The Chairman
The Members of the Legislative Assembly
Pension Plan Board
12th Floor, Legislature Annex
9718 - 107th Street
EDMONTON, Alberta
CANADA T5K 2B6

Name:

Surname Given Name Initial

Social Insurance Number:

Address: _____

Postal Code

Telephone Residence
Area Code
 Business

I wish to appeal the decision made in my case by the Minister. A copy of that decision is attached and forms part of this appeal. The grounds for my appeal are as follows:

Date _____ (Signature)
AR 320/85 Sched.2;52/92

Schedule 2

Application

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

Interpretation

1 Section 1 of Schedule 1 applies with respect to the Plan, except that the reference in it to Schedule 1 to the *Members of the Legislative Assembly Pension Plan Regulation* is to be treated as a reference to Schedule 2 of it.

Current Service Contributions

2 Section 2 of Schedule 1 applies with respect to the Plan.

**Co-ordination of Certain Pensions with
C.P.P. and O.A.S.**

3 Section 3 of Schedule 1 applies with respect to the Plan, except that

- (a) references in it to Schedule 1 to the Act are to be treated as references to Schedule 2 of it;
- (b) the reference in it to section 17(2) or (3) of Schedule 1 to the Act are to be treated as a reference to section 17(1) or (2) of Schedule 2 to the Act.

Effective Date of Commencement of Pension

4 Section 4 of Schedule 1 applies with respect to the Plan, except that

- (a) references in it to Schedule 1 to the Act are to be treated as references to Schedule 2 of it;
- (b) the references in it to section 17(2) or (3) of Schedule 1 to the Act are to be treated as references to section 17(1) or (2) of Schedule 2 to the Act.

Commencement of Guaranteed Terms of Years

5 Section 5 of Schedule 1 applies with respect to the Plan.

Requirement of Evidence

6 Section 6 of Schedule 1 applies with respect to the Plan.

Forms

7 Section 7 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.

8 Section 8 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.

Form 1

Pension Partner's Pension Waiver

I, (full name of pension partner), certify that I am the pension partner (within the meaning of the *Members of the Legislative Assembly Pension Plan Act*) of (full name of prospective pensioner) (hereinafter called "the pensioner") a retiring participant of the Members of the Legislative Assembly Pension

Plan and have lived with the pensioner for a period that will be at least 5 years at the date of commencement of the pension.

I understand that, in accordance with section 21 of Schedule 2 to the *Members of the Legislative Assembly Pension Plan Act* and if this form is not completed by me and filed, the pensioner is deemed to have chosen a normal pension from the above Plan which would guarantee, in the event of the death of my pension partner, a pension payable to me in an amount equal to 3/4 of the pension which was payable to him, and I am otherwise aware of my rights under that section.

I also understand that I may waive my rights under section 21 of that Schedule to that Act, thereby enabling the pensioner to choose a pension in an alternative form which may provide me with no survivor benefit or a survivor benefit at a level of less than 3/4.

I hereby so waive those rights and consent to the pensioner's choosing a pension from the above Plan in a form which provides me with no survivor benefit or a survivor benefit of less than 3/4.

I certify that this form is being signed outside the immediate presence of the pensioner.

In witness whereof, I hereby set my hand at _____ this _____ day of _____, 20__ in the presence of

Witness (Commissioner for Notary Public or Justice of the Peace) to the signature of the Declarant who signed this form before me outside of the presence of the Plan Participant.

Pension Partner's Signature

Name of Plan Participant

My appointment terminates on _____

S.I.N. of Plan Participant

[NB Please print or type names.]

Form 2

A decision has been made on your pension file. If you are aggrieved by the decision, the *Members of the Legislative Assembly*



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