

SUPPLEMENTARY RETIRING ALLOWANCES ACT

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SUPPLEMENTARY RETIRING ALLOWANCES REGULATIONS

The Speaker, on the recommendation of the Management and Services Board, under section 21 of the *Supplementary Retiring Allowances Act* and every enabling power, makes the annexed *Supplementary Retiring Allowances Regulations*.

Interpretation

1. In these regulations, "Administrator" means the Management and Services Board or a person to whom the Management and Services Board has delegated its powers of administration under subsection 4(2) of the Act.

Election to Participate in the Act

2. (1) A member who wishes to make an election under section 7 of the Act shall send to the Speaker an election in the form provided by the Administrator.

(2) A member shall, without delay on electing to participate in the Act, send to the Administrator the information required by the Administrator.

Registration

3. A member who elects to participate in the Act shall be registered by the Administrator.

4. A member or former member may, in the form provided by the Administrator, have a person registered as his or her spouse or revoke the registration of his or her spouse.

Designation of Beneficiary

5. A member or former member may, in the form provided by the Administrator, designate a beneficiary or revoke the designation of a beneficiary.

Election Respecting Allowance

6. (1) Within 30 days after a member becomes a qualifying member, the Administrator shall provide the qualifying member with the following:

- (a) a statement of the amount of the allowance payable and the date or event on which it will commence being payable;
- (b) a statement that a member who ceases to be a member may make an election under subsections 16(1) and 16.1(1) of the Act and explaining what that means;

(c) such other information as the Administrator considers appropriate.

(2) A member who wishes to make an election under subsection 16(1) or subsection 16.1(1) of the Act shall send to the Speaker an election in the form provided by the Administrator.

(3) A member who wishes to have payments commence shall send to the Administrator a written notice in the form provided by the Administrator.

Information

7. The Administrator shall notify a former member of any changes to the Act or these regulations that affect the rights or entitlements of the former member within 90 days after the changes are made.

8. A member or former member shall immediately notify the Administrator, in the form provided by the Administrator, of any changes in respect of his or her marital status, number of children, or any appointment as a member of the Legislative Assembly that would affect his or her pensionable remuneration.

9. (1) A member or former member shall, within a reasonable time, notify the Administrator of a change of address.

(2) The personal representative of the estate of a former member shall, within a reasonable time, notify the Administrator of the death of the former member.

(3) The surviving spouse, each child or each designated beneficiary, as the case may be, of a former member shall, within a reasonable time after the death of a former member, send to the Administrator any information required by the Administrator.

Allowances and Benefits

10. (1) Every allowance and benefit

(a) is payable monthly in advance; and

(b) commences

(i) on the first day of the month immediately following the day on which the person becomes eligible to receive, or on which the person elects to receive, payment; or

(ii) where the person becomes eligible on the first day of a month, that day.

(2) Except as provided in the Act, every allowance and benefit ceases on the last day of the month in which the death of the recipient occurs.

11. The prescribed amount referred to in subsection 16.1(6) and 16.1(8) of the Act is \$250.

12. The actuarial present value referred to in subsection 12(2), section 13, and section 16.1 of the Act must be calculated in accordance with the Canadian Institute of Actuaries Standard of Practice for Determining Pension Commuted Values in effect at the time of the calculation.

Full-time Attendance at School or University

13. (1) For the purposes of the Act and these regulations, full-time attendance at a school or university means full-time attendance at a school or university, and a child is deemed to be or to have been in full-time attendance at a school or university, substantially without interruption

- (a) during an absence by reason of a scholastic vacation
 - (i) where immediately after the vacation the child resumes full-time attendance at a school or university in the next ensuing academic year;
 - (ii) where it is determined by the Administrator that the child cannot comply with subparagraph (i) by reason of illness or any other cause that the Administrator considers reasonable, and where the child begins or resumes full-time attendance at a school or university at any time during the academic year immediately following the vacation; or
 - (iii) where it is determined by the Administrator that the child cannot comply with subparagraph (i) or (ii), and where the child begins or resumes full-time attendance in the academic year following that mentioned in subparagraph (i); and
- (b) during an absence occurring in an academic year by reason of illness or any other cause that the Administrator considers reasonable, where, immediately after the absence, the child begins or resumes full-time attendance at a school or university in that academic year or where it is determined by the Administrator that the child is unable to do so, where he or she begins or resumes full-time attendance in the next academic year.

(2) Where the absence of a child by reason of illness commences after he or she has begun an academic year and it is determined by the Administrator, on evidence satisfactory to the Administrator, that by reason of such illness it is not possible for the child to resume full-time attendance at a school or university, that child shall, despite paragraph (1)(b), be deemed to have been in full-time attendance substantially without interruption at a school or university until the end of the academic year.

(3) In this section, "school" includes a school, college, or other educational institution that provides training or instruction of an educational, professional, vocational or technical nature.

14. There shall be submitted to the Administrator, in support of a claim that a child who has attained 19 years of age, but is less than 25 years of age, and is not cohabiting is or has been enrolled in a course requiring full-time attendance substantially without interruption at a school or university,

- (a) a declaration, in a form satisfactory to the Administrator, signed by a responsible officer of the school or university, certifying the child's enrolment; and
- (b) a declaration of attendance, in a form satisfactory to the Administrator, signed by the child.

General

15. For the purpose of administering the Act, the Administrator shall consider every registration or revocation in respect of a spouse, and every designation and revocation in respect of a beneficiary that was received by the Office of the Legislative Assembly as being made in accordance with these regulations.

Payment to Third Party

16. Where the Administrator is of the opinion that a person who is in receipt of an allowance or benefit under the Act is incapable of managing his or her affairs and no person is authorized by law to act as committee of his or her estate, the Administrator may authorize payment of the allowance to the spouse of the recipient, or to a solicitor, banker or other agent of the recipient on his or her behalf until the recipient is, in the opinion of the Administrator, again capable of managing his or her affairs or a person is authorized to act as a committee of his or her estate, whichever first occurs.

Repeal

17. The *Supplementary Retiring Allowances Regulations*, registered as regulation numbered R-002-2002, are repealed by these regulations.