

LEGISLATIVE ASSEMBLY
RETIRING ALLOWANCES ACT

**CONSOLIDATION OF LEGISLATIVE ASSEMBLY
RETIRING ALLOWANCES REGULATIONS**
R.R.N.W.T. 1990,c.L-9

(Current to: January 23, 2012)

AS AMENDED BY NORTHWEST TERRITORIES REGULATIONS:

R.R.N.W.T. 1990,c.L-9(Supp.)

In force September 15, 1992: SI-013-92

AS AMENDED BY NUNAVUT REGULATIONS:

R-007-2005

In force May 12, 2005

R-031-2008

In force November 7, 2008

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette* (for regulations made before April 1, 1999) and Part II of the *Nunavut Gazette* (for regulations made on or after April 1, 1999).

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

c.	means "chapter".
CIF	means "comes into force".
NIF	means "not in force".
s.	means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
Sch.	means "schedule".

Citation of Acts

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (Note: The Supplement is in three volumes.)
S.N.W.T. 1996,c.26	means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
S.Nu. 2002,c.14	means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

Citation of Regulations and other Statutory Instruments

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (Note: This is a Nunavut regulation made on or after January 1, 2000.)
SI-005-98	means the instrument registered as SI-005-98 in 1998. (Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.)
SI-012-2003	means the instrument registered as SI-012-2003 in 2003. (Note: This is a Nunavut statutory instrument made on or after January 1, 2000.)

LEGISLATIVE ASSEMBLY 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 5(1) of the Act. (*administrateur*)

2. (1) Full-time attendance at a school or university means full-time attendance at a school, college, university or other educational institution that provides training or instruction of an educational, professional, vocational or technical nature and a child shall be 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 such 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, where the child begins or resumes full-time attendance at a school or university at any time during the academic year immediately following the scholastic vacation; or
 - (iii) where it is determined by the Administrator that the child cannot comply with subparagraph (i) or (ii), if he or she 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, notwithstanding 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.

ADMINISTRATION

- 3.** 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. R-007-2005,s.3.
- 4.** The Administrator may make investments from the moneys in the Fund but such investments shall be restricted to
- (a) those investments permitted under the *Pension Benefits Standards Act, 1985* (Canada) and the regulations made under that Act; and
 - (b) insurance and annuity contracts effected with an insurance company registered to transact the business of insurance under the *Canadian and British Insurance Companies Act* (Canada). R-007-2005,s.4.
- 5.** (1) All allowances and benefits shall be funded on the basis of an actuarial valuation prepared as at April 1 in the year immediately following each general election.
- (2) The actuarial valuation referred to in subsection (1) shall be prepared in accordance with the recommendations of the Canadian Institute of Actuaries and generally accepted actuarial principles.
- (3) The actuarial valuation referred to in subsection 4(6) of the Act shall be prepared in accordance with the recommendations of the Canadian Institute of Actuaries and generally accepted actuarial principles. R-007-2005,s.5.

GENERAL

Registration

- 6.** (1) Every member shall register with the Administrator by sending to the Administrator, within 90 days of becoming a member, a completed registration in the form provided by the Administrator.
- (2) The registration must be accompanied by proof of age of the member that is satisfactory to the Administrator. R-007-2005,s.5.
- 7.** 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. R.R.N.W.T. 1990,c.L-9(Supp.),s.2; R-007-2005,s.5.

Designation of Beneficiary

8. A member or former member may, in the form provided by the Administrator, designate a beneficiary or revoke the designation of a beneficiary.
R.R.N.W.T. 1990,c.L-9(Supp.),s.2; R-007-2005,s.5.

Elections

9. (1) A qualifying member shall, without delay on becoming a qualifying member, send to the Administrator the information required by the Administrator.

(2) On receipt of the information referred to in subsection (1), the Administrator shall provide the qualifying member with the following:

- (a) 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 subsection 19(1) of the Act and explaining what that means;
- (c) such other information as the Administrator considers appropriate.

(3) A member who wishes to make an election under subsection 19(1) of the Act shall send to the Administrator an election in the form provided by the Administrator.
R.R.N.W.T. 1990,c.L-9(Supp.),s.2; R-007-2005,s.5.

Spousal Acknowledgement and Consent

10. (1) A member who wishes to make an election under subparagraph 20(1)(a) of the Act shall, in addition to any other requirement under the Act, provide the Speaker with a signed spousal acknowledgement and consent to the election in the form provided by the Administrator, or a matrimonial property order issued under the *Family Law Act*.

(2) The Administrator shall ensure that the form of spousal acknowledgement and consent contains the following information:

- (a) certification of the signatory as the spouse of the member;
- (b) a statement that the member's spouse is aware of his or her rights and entitlement to allowances under the Act;
- (c) a statement that the member's spouse is aware that by signing the acknowledgement and consent, the spouse is giving up some or all of his or her entitlement to allowances on the death of the member;
- (d) a statement that the acknowledgement and consent is being signed freely and voluntarily without any compulsion on the part of the member and outside the immediate presence of the member; and
- (e) any other information deemed necessary or desirable by the Administrator.

R.R.N.W.T. 1990,c.L-9(Supp.),s.2; R-031-2008,s.2.

11. Repealed, R.R.N.W.T. 1990,c.L-9(Supp.),s.2.

Allowances and Benefits

- 12.** (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. R-007-2005,s.6.

Calculation of Lump Sum

13. The actuarial present value of the basic allowance referred to in subsection 17(2) of the Act and the actuarial present value of the allowance referred to in section 17.1 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. R.R.N.W.T. 1990,c.L-9(Supp.),s.3,4; R-007-2005,s.6.

Transfer of Aggregate Value to RRSP

14. (1) The aggregate value of the allowances payable under the Act, referred to in subsection 20(1) of the Act, shall be calculated in accordance with the Canadian Institute of Actuaries Standard of Practice for the Computation of Transfer Values from Registered Pension Plans in effect at the time of the calculation.

(2) The prescribed kinds of registered retirement savings plans referred to in paragraph 20(1)(b) of the Act are those referred to in sections 20 and 20.1 of the *Pension Benefits Standards Regulations, 1985* made under the *Pension Benefits Standards Act, 1985* (Canada), and the relevant definitions in subsection 2(1) of the *Pension Benefits Standards Regulations, 1985* are hereby adopted for the purposes of this subsection. R-007-2005,s.6.

15. There shall be submitted to the Administrator, in support of each claim that a child who has attained 19 years of age, but is less than 25 years of age, and is not cohabiting

- (a) is or has been enrolled in a course requiring full-time attendance substantially without interruption at a school or university, a declaration in a form satisfactory to the Administrator and signed by a responsible officer of that school or university, certifying as to such enrolment; and

- (b) is or has been for a period of time, in full-time attendance at a school or university substantially without interruption, a declaration of this attendance in a form satisfactory to the Administrator and signed by the child.
R-007-2005,s.7.

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.

17. 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. R.R.N.W.T. 1990,c.L-9(Supp.),s.5; R-007-2005,s.8.

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

(2) The representative 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.
R.R.N.W.T. 1990,c.L-9(Supp.),s.6; R-007-2005,s.9,10.

18. Repealed, R-007-2005,s.11.

SCHEDULE *(sections 6, 7, 13(1), 17, 17.1)*

Repealed, R-007-2005,s.12.