

# BILL

No. 92

## An Act respecting Pooled Registered Pension Plans and making consequential amendments to certain Acts

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(Assented to )

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

#### Short title

1 This Act may be cited as *The Pooled Registered Pension Plans (Saskatchewan) Act*.

#### Interpretation

2(1) In this Act:

- (a) **“administrator”** has the same meaning as in the federal Act;
- (b) **“authority”** means the authority as defined in *The Financial and Consumer Affairs Authority of Saskatchewan Act*;
- (c) **“designated jurisdiction”** means a prescribed province, and includes Canada;
- (d) **“employee”** has the same meaning as in the federal Act;
- (e) **“employer”** has the same meaning as in the federal Act;
- (f) **“employment”** has the same meaning as in the federal Act;
- (g) **“federal Act”** means the *Pooled Registered Pension Plans Act* (Canada);
- (h) **“federal regulations”** means the regulations made pursuant to the federal Act;
- (i) **“member”** has the same meaning as in the federal Act;

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- (j) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (k) **“multilateral agreement”** has the same meaning as in the federal Act;
- (l) **“pooled registered pension plan”** has the same meaning as in the federal Act;
- (m) **“prescribed”** means prescribed in the regulations;
- (n) **“provincial employment”** means employment in Saskatchewan, other than:
- (i) employment on or in connection with the operation of any work, undertaking or business that is within the legislative jurisdiction of the Parliament of Canada; or
  - (ii) prescribed employment;
- (o) **“RRSP”** means a retirement savings plan within the meaning of the *Income Tax Act* (Canada) that is registered pursuant to that Act;
- (p) **“spouse”** means:
- (i) a person who is married to a member; or
  - (ii) if a member is not married, a person with whom the member is cohabiting as spouses at the relevant time and who has been cohabiting continuously with the member as his or her spouse for at least one year before the relevant time;
- (q) **“superintendent”**, subject to subsection (2), means the superintendent of pooled registered pension plans appointed pursuant to section 5 and includes any deputy superintendent of pooled registered pension plans appointed pursuant to that section;
- (r) **“winding up”** has the same meaning as in the federal Act.
- (2) Notwithstanding any other provision of this Act or the regulations or of any other Act or law, if, pursuant to *The Financial and Consumer Affairs Authority of Saskatchewan Act*, the authority is assigned the performance of all or any of the responsibilities imposed on the superintendent and the exercise of all or any of the powers given to the superintendent by this Act or the regulations:
- (a) any reference with respect to those responsibilities or powers in this Act or the regulations to the superintendent is to be interpreted as a reference to the authority; and
  - (b) this Act and the regulations are to be interpreted subject to the provisions of *The Financial and Consumer Affairs Authority of Saskatchewan Act*.
- (3) For the purposes of this Act:
- (a) an employee is employed in the province or territory in which the establishment of his or her employer to which the employee reports for work is situated; and
  - (b) if an employee is not required to report for work to an establishment of his or her employer or is required to report to more than one establishment in different provinces or territories, the employee is deemed to be employed in the province or territory in which the employer's establishment from which the employee's wage, salary or other remuneration is paid is situated.

(4) In the event of any conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails, except where there is a provision in the other Act that expressly provides that a provision of this Act does not apply.

**Application**

**3** This Act does not apply with respect to a member of a pooled registered pension plan unless the member:

- (a) is employed in provincial employment;
- (b) is employed in Saskatchewan on or in connection with the operation of any work, undertaking or business that is within the legislative authority of the Parliament of Canada, but only if the individual's employer has not entered into a contract, mentioned in section 29 of the federal Act, with an administrator to provide a pooled registered pension plan to the class of employees of which the individual is a member;
- (c) is resident in Saskatchewan and self-employed;
- (d) is a prescribed person or within a prescribed class of persons; or
- (e) is a person to whom prescribed circumstances apply.

**Rules respecting the application of federal Act**

**4(1)** Subject to this Act and the regulations, the provisions of the federal Act apply, with any necessary modification, with respect to pooled registered pension plans as though those provisions had been enacted as provisions of this Act.

(2) For the purpose of applying a provision of the federal Act pursuant to subsection (1), unless a contrary intention appears in this Act or the regulations, a reference in the provision to a word or expression set out in Column 1 of the following table is to be read as a reference to the word or expression set out opposite in Column 2:

<b>Column 1</b>	<b>Column 2</b>
Canada Gazette	Gazette
designated province	designated jurisdiction
Federal Court	Court of Queen's Bench
Governor in Council	Lieutenant Governor in Council
Her Majesty in right of Canada	Government of Saskatchewan
included employment	provincial employment
Minister	minister
Part II of the <i>Inquiries Act</i>	<i>The Public Inquiries Act</i>
subsection 2(1) of the <i>Pension Benefits Standards Act, 1985</i>	subsection 2(1) of <i>The Pension Benefits Act, 1992</i>
Superintendent	superintendent

(3) The prescribed provisions of the federal Act do not apply.

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(4) If a provision of this Act or the regulations provides for something to be done in accordance with a provision of the federal Act or the federal regulations, that provision of the federal Act or the federal regulations applies for the purposes of this Act.

**Superintendent appointed**

**5** The minister may appoint a superintendent of pooled registered pension plans and one or more deputy superintendents to carry out the duties and exercise the powers of the superintendent pursuant to this Act.

**Powers of superintendent**

**6(1)** Under the direction of the minister, the superintendent is responsible for administering and enforcing this Act.

(2) On receipt of a written request, the superintendent may extend any time limit imposed by a provision of this Act, the regulations or a direction of the superintendent made pursuant to this Act or the regulations, on any terms and conditions that the superintendent considers appropriate.

(3) The superintendent may:

(a) conduct studies, surveys and research programs and compile statistical and other information relating to pooled registered pension plans and their operation;

(b) disclose information collected pursuant to clause (a) or any of subsection 12(2) and sections 13 and 58 of the federal Act to any government agency or regulatory body; and

(c) collect information from a prescribed supervisory authority of a designated jurisdiction and disclose information to that authority for the purposes of implementing a multilateral agreement.

(4) The superintendent may appoint any person to carry out any responsibility imposed on the superintendent pursuant to this Act or to exercise any of the powers conferred on the superintendent pursuant to this Act that the superintendent considers appropriate.

(5) The exercise of any of the superintendent's powers or the carrying out of any of the superintendent's responsibilities by a person who is appointed pursuant to subsection (4) is deemed to be the exercise of the power or the carrying out of the responsibility by the superintendent.

(6) Notwithstanding an appointment of a person pursuant to subsection (4), the superintendent retains the power to exercise any of the powers conferred on him or her pursuant to this Act.

(7) The superintendent may impose any limitations, terms or conditions on an appointment, approval, authorization, consent or permission pursuant to this Act that the superintendent considers appropriate.

**Superintendent and others not compellable to give evidence**

**7** The superintendent, any officer, employee or agent of the authority, any agent of the superintendent or any person engaged, appointed or retained by the superintendent to make or conduct any audit, examination, inspection or investigation or to do any other thing pursuant to this Act is not compellable to give evidence in a court or in a proceeding of a judicial nature to which the superintendent is not a party concerning any information obtained by him or her or that comes to his or her attention in the exercise of the powers, carrying out of the responsibilities or carrying out of the functions of the superintendent pursuant to this Act.

**Notice of objection and reconsideration by superintendent**

8(1) If the superintendent refuses to issue a licence pursuant subsection 11(1) of the federal Act, the applicant for the licence may, within 60 days after the day on which the superintendent notifies the applicant of the refusal, send to the superintendent a notice of objection setting out the reasons for the objection and all facts relevant to it.

(2) An administrator may, within 60 days after the day on which any of the following occurs, send to the superintendent a notice of objection setting out the reasons for the objection and all facts relevant to it:

- (a) a notification is provided pursuant to subsection 12(5) of the federal Act;
- (b) an order is made pursuant to section 21 of the federal Act;
- (c) a notification of revocation and cancellation is provided pursuant to section 36 of the federal Act.

(3) On receipt of the notice of objection mentioned in subsection (1) or (2), the superintendent shall reconsider the decision mentioned in the notice and vary, confirm or rescind the action taken.

(4) The superintendent shall notify the applicant mentioned in subsection (1) or the administrator, as the case may be, of the decision made pursuant to subsection (3).

**Appeal to authority**

9(1) If a person has sent a notice of objection pursuant to section 8, the person may appeal to the authority for an order pursuant to subsection (4):

- (a) within 90 days after the superintendent has, pursuant to subsection 8(3), confirmed the action taken; or
- (b) if the superintendent has not provided the notification mentioned in subsection 8(4), not less than 90 days nor more than 180 days after the day on which the notice of objection was sent to the superintendent.

(2) The prescribed provisions of *The Financial and Consumer Affairs Authority of Saskatchewan Act* apply, with any necessary modification, to an appeal pursuant to subsection (1).

(3) A person making an appeal pursuant to subsection (1) must provide a copy of the notice of appeal to the superintendent at the time the notice is provided to the authority.

(4) Notwithstanding subsection (2), on an appeal pursuant to this section, the authority may only:

- (a) dismiss the appeal and order the appellant to take any measures necessary to ensure that the pooled registered pension plan complies with this Act and the regulations; or
- (b) allow the appeal and order the superintendent to issue the licence, to register the pooled registered pension plan or to reinstate the registration of the plan or vary the order of the superintendent, as the circumstances require, and issue a certificate of registration.

(5) In an order pursuant to clause (4)(b), the authority may impose any terms and conditions it considers appropriate on the licence or on a registration or reinstatement of the pooled registered pension plan.

**Appeal to Court of Appeal**

- 10(1) An applicant for a licence mentioned in subsection 11(1) of the federal Act or an administrator directly affected by a decision of the authority may, on matters of law only, appeal the decision to the Court of Appeal.
- (2) An appeal pursuant to this section must be by way of notice of appeal:
- (a) within 30 days after the day on which the authority's decision was sent or delivered; and
  - (b) served on the superintendent within the time specified in clause (a).
- (3) The authority is a party to any appeal pursuant to this section and is entitled to be heard, by counsel or otherwise, on the appeal.
- (4) On an appeal pursuant to this section, the Court of Appeal may direct the authority to make any decision or to do any other act that:
- (a) the authority is authorized and empowered to do pursuant to this Act and the regulations; and
  - (b) the court considers proper having regard to the material and submissions before it and to this Act and the regulations.
- (5) Notwithstanding an order of the Court of Appeal pursuant to this section, the authority may make any further decision if new material evidence is presented or if there is a material change in the circumstances, and that decision is subject to appeal pursuant to this section.
- (6) Notwithstanding an appeal pursuant to this section, the decision being appealed takes effect immediately but the authority or the Court of Appeal may stay the effect of the decision until disposition of the appeal.

**Limitation on transfer, assignment etc.**

- 11(1) Subject to subsection (3) and to any other provision of this Act or the regulations, the following must not be assigned, charged, alienated or anticipated and are exempt from execution, seizure or attachment:
- (a) funds in a member's pooled registered pension plan account;
  - (b) variable payments from a member's pooled registered pension plan account;
  - (c) funds withdrawn from a member's pooled registered pension plan account in accordance with subsection 47(2) of the federal Act;
  - (d) funds transferred or used pursuant to subsection 50(1) or (3) or subsection 54(2) of the federal Act and amounts earned by the transferred funds;
  - (e) funds withdrawn from a member's pooled registered pension plan account pursuant to the regulations.
- (2) A transaction purporting to assign, charge, alienate or anticipate funds contrary to subsection (1) is void.
- (3) Subsections (1) and (2) do not apply to an agreement or court order providing for a transfer between a member and a spouse or former spouse because of the breakdown of the spousal relationship.

**Enforcement of maintenance orders**

**12(1)** Notwithstanding any other provision of this Act or any other Act, for the purpose of enforcing a maintenance order as defined in *The Enforcement of Maintenance Orders Act, 1997*, funds in a pooled registered pension plan account that are:

- (a) payable to a member are subject to seizure pursuant to that Act; and
- (b) payable to a member at a future date are subject to attachment pursuant to that Act.

(2) If an amount has been attached pursuant to clause (1)(b), the administrator shall deduct from the value of the member's pooled registered pension plan account:

- (a) the cost of complying with the attachment calculated in the prescribed manner;
- (b) the total amount of taxes, if any, that are required to be deducted or withheld as a result of the attachment; and
- (c) the lesser of:
  - (i) the amount attached; and
  - (ii) the remainder of the value of the member's pooled registered pension plan account.

(3) If an amount has been attached pursuant to clause (1)(b):

- (a) the member has no further claim to any funds or payments pursuant to the pooled registered pension plan respecting the amount attached;
- (b) the funds owed, if any, to the member are to be calculated on the basis of the value of his or her pooled registered pension plan account after the attachment; and
- (c) neither the administrator nor the pooled registered pension plan is liable to any person by reason of having made payment pursuant to an attachment mentioned in subsection (1).

**Division on spousal breakdown**

**13(1)** Notwithstanding any other provision of this Act, an administrator shall, on the breakdown of the spousal relationship of a member, divide the funds in a member's pooled registered pension plan account in accordance with this section.

(2) The funds in a member's pooled registered pension plan account must be divided:

- (a) if a court has made an order for the division of family property pursuant to *The Family Property Act*, in accordance with the order; or
- (b) if the member and his or her spouse have entered into an agreement to divide their family property that is an interspousal contract within the meaning of *The Family Property Act*, in accordance with the agreement.

(3) Subject to subsection 47(2) of the federal Act, if a spouse or former spouse is entitled to a division of the funds in a member's account pursuant to subsection (2), the amount to which the person is entitled must:

- (a) be transferred to an account for the spouse or former spouse with a pooled registered pension plan or another pension plan, if that plan permits;

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- (b) be transferred to a retirement savings plan of the prescribed kind for the spouse or former spouse; or
  - (c) be used to purchase an immediate or deferred life annuity of the prescribed kind for the spouse or former spouse.
- (4) If an amount has been transferred pursuant to subsection (3) to a person in accordance with an order or agreement mentioned in subsection (2):
- (a) the person has no further claim or entitlement to any pension or funds pursuant to the pooled registered pension plan; and
  - (b) neither the administrator nor the pooled registered pension plan is liable to any person by reason of having complied with an order or agreement mentioned in subsection (2) in accordance with this section.
- (5) Subject to section 14, on the breakdown of the spousal relationship of a member, if a court order or an agreement mentioned in subsection (2) provides for the division of property between a member and the member's spouse or former spouse, the administrator shall determine and administer the member's pooled registered pension plan account in the prescribed manner and in accordance with the court order or the agreement on receipt of:
- (a) a written request from either the member or the member's spouse or former spouse that all or part of the funds in the member's account be administered in accordance with the court order or the agreement; and
  - (b) a copy of the court order or the agreement.

**Notice of objection to division of account**

- 14(1)** Except where an order or agreement mentioned in subsection 13(2) has been filed with the administrator by the member and his or her spouse or former spouse jointly, the administrator shall give a notice in writing to the member that an order or agreement has been filed.
- (2) Unless the administrator receives a notice in writing within 30 days after providing the notice mentioned in subsection (1) that the member objects to the division of the pooled registered pension plan account on one or more of the grounds set out in subsection (3), the administrator shall comply with the order or agreement in accordance with subsections 13(1) and (2).
- (3) The grounds for an objection pursuant to subsection (2) are:
- (a) that the order or agreement has been varied or is of no force or effect;
  - (b) that the terms of the order or agreement have been or are being satisfied by other means;
  - (c) that proceedings have been commenced in a court of competent jurisdiction in Canada to appeal or review the order or to challenge the terms of the agreement.
- (4) A member who submits a notice of objection pursuant to subsection (2) shall include with the notice documentary evidence to establish the grounds for the objection.

(5) If the administrator receives a notice of objection pursuant to subsection (2), the administrator shall apply to the Court of Queen's Bench for direction and, subject to subsection (6), the court may make any order that it considers appropriate in the circumstances.

(6) No order as to costs shall be made against the administrator or the pooled registered pension plan.

**Payment of benefits to designated person**

**15(1)** If, in accordance with the terms of a pooled registered pension plan, a member has designated a person or persons to receive a payment pursuant to the plan in the event of the death of the member:

(a) the liability to provide the payment is discharged on payment to the designated person or persons of the amount of the payment; and

(b) the person or persons entitled to the payment may enforce that payment, subject to any defence that could have been set up against the member or the personal representatives of the member.

(2) A member may, from time to time, alter or revoke a designation made pursuant to a pooled registered pension plan, but that alteration or revocation may be made only in the manner specified in that pooled registered pension plan.

(3) This section does not apply to a designation of a beneficiary to which *The Saskatchewan Insurance Act* applies.

**Offences**

**16(1)** No person shall fail to:

(a) comply with an order of the superintendent or an order of the authority made for the purposes of this Act; or

(b) comply with any provision of this Act or the regulations.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$100,000.

(3) Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for the offence whether or not the corporation has been prosecuted or convicted.

**Restrictions on access to records**

**17(1)** Any information submitted or provided to the superintendent or obtained by the superintendent as a result of an audit, examination, inspection or investigation pursuant to this Act is not open to inspection or available for access except by:

(a) those employees of the authority whose responsibilities require them to inspect or allow them to have access to the information; and

(b) those persons who are authorized in writing by the superintendent to inspect or to have access to the information.

(2) Unless authorized by this Act or by any other law or with the consent of the person to whom any information relates, no employee of the authority whose responsibilities require him or her to inspect or have access to the information and no person authorized by the superintendent to inspect or have access to the information shall:

(a) communicate or allow to be communicated any information obtained pursuant to this Act to any person who is not legally entitled to the information; or

(b) allow any person who is not legally entitled to the information obtained pursuant to this Act to inspect or have access to it.

(3) Notwithstanding subsections (1) and (2), the superintendent may authorize the release of, inspection of or access to information mentioned in those subsections to or by any person employed by a government agency, regulatory authority, law enforcement agency or investigative body inside or outside Canada if:

(a) the information will be used solely for the purpose of administering or enforcing an Act or law of Saskatchewan or Canada or of another jurisdiction inside or outside Canada;

(b) the release, inspection or access is pursuant to a multilateral agreement; or

(c) the superintendent believes that it is in the public interest to allow the release, inspection or access.

(4) No person to whom information is provided pursuant to this section is compellable to give evidence concerning that information unless:

(a) the person to whom the information relates consents; or

(b) a court orders the evidence to be given.

(5) Notwithstanding subsections (1) and (2), the superintendent may authorize the publication of, or make available to the public, the following information:

(a) all information appearing on a licence issued pursuant to section 11 of the federal Act;

(b) the address of the place of business and mailing address and address for service of an administrator;

(c) any other information mentioned in subsection (1) if, in the opinion of the superintendent, it is in the public interest to do so.

(6) On an application for an order pursuant to clause (4)(b):

(a) the superintendent and the person to whom the information relates are entitled to appear before the court and to make submissions; and

(b) the person seeking the order compelling the evidence has the onus of showing why it is in the public interest that the order be made.

### **Immunity**

**18(1)** No action or proceeding lies or shall be commenced against the Crown in right of Saskatchewan, the minister, the superintendent, any agent of the superintendent, any person engaged, appointed or retained by the superintendent, the authority or any officer, employee or agent of the authority if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any responsibility imposed by this Act or the regulations.

(2) No person has any rights or remedies and no action or other proceeding lies or shall be commenced against any other person with respect to any act or omission of that other person done or omitted in compliance with this Act, the regulations or any direction, decision, order, ruling or other requirement made or given pursuant to this Act or the regulations.

(3) A decision made by the superintendent or the authority in the exercise of a discretionary power given pursuant to this Act to do or not to do a thing does not constitute negligence.

### **Objections, appeals under multilateral agreements**

**19(1)** Subject to subsection (3), a decision of the supervisory authority of a designated jurisdiction that is made pursuant to a multilateral agreement and that relates to the application of this Act is deemed to be a decision of the superintendent for the purposes of reconsidering, reviewing or appealing that decision in accordance with this Act.

(2) Subject to subsection (3), a decision of the superintendent that is made pursuant to a multilateral agreement and that relates to the application of the legislation of a designated jurisdiction is deemed to be a decision of the supervisory authority in that jurisdiction for the purposes of reconsidering, reviewing or appealing that decision in accordance with that legislation.

(3) Any reconsideration, review or appeal mentioned in subsections (1) and (2) is subject to the terms of the multilateral agreement pursuant to which the decision was made.

### **Regulations**

**20(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) respecting the terms and conditions for issuing a licence pursuant to section 11 of the federal Act and the number and scope of pooled registered pension plans that may be offered by an administrator;
- (c) respecting the method for recovering the costs related to the issuing and maintaining of licences mentioned in section 11 of the federal Act;
- (d) respecting the implementation of a multilateral agreement;
- (e) exempting a multilateral agreement or any provision of that agreement from the application of subsection 7(1) of the federal Act;
- (f) prescribing a province as a designated jurisdiction;

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- (g) prescribing a person or class of persons for the purposes of clause 3(d);
  - (h) prescribing circumstances for the purposes of clause 3(e);
  - (i) respecting the management and investment of funds in members' pooled registered pension plan accounts, including the way in which the funds are to be held;
  - (j) respecting the process by which investment options are offered by an administrator and choices among those options are made;
  - (k) respecting investment options offered by an administrator;
  - (l) specifying the circumstances in which an administrator may change an investment choice made by a member;
  - (m) specifying the circumstances in which inducements may be given or offered by an administrator or demanded or accepted by an employer, and the types of inducements that may be given, offered, demanded or accepted;
  - (n) establishing criteria for determining whether a pooled registered pension plan is provided at low cost for the purposes of section 26 of the federal Act;
  - (o) respecting the manner and frequency of remittances from the employer to the administrator;
  - (p) specifying the form and content of a notice to be provided pursuant to this Act and the manner in which and the period within which it is to be provided;
  - (q) respecting the setting of a contribution rate of 0% pursuant to subsection 45(2) of the federal Act;
  - (r) respecting the circumstances in which:
    - (i) a member is permitted to withdraw the funds in the member's pooled registered pension plan account; or
    - (ii) an administrator is permitted to withdraw the funds in a member's pooled registered pension plan account;
  - (s) prescribing the method of payment of funds from a member's pooled registered pension plan account on retirement;
  - (t) prescribing and governing the conditions on which transfers of moneys to an RRSP, to another pooled registered pension plan or to a plan mentioned in subsection 54(2) of the federal Act and any subsequent transfers to an RRSP of moneys so transferred are to be made;
  - (u) prescribing the conditions under which, on termination of employment of an employee, on termination of an employee's membership in a pooled registered pension plan, on termination of a pooled registered pension plan or on the winding up of a pooled registered pension plan, funds in a pooled registered pension plan account may be held by the administrator, insurer or trustee of the pooled registered pension plan or transferred to the administrator, insurer or trustee of another pooled registered pension plan or to an RRSP;
  - (v) for the purposes of section 47 of the federal Act, prescribing and governing transactions or circumstances in which a member with a pooled registered pension plan account may, during his or her lifetime, withdraw or surrender all or part of that account or any interest in that account;

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- (w) defining “disability” for the purposes of paragraph 47(2)(a) of the federal Act;
  - (x) respecting variable payments;
  - (y) respecting the transfer of funds from a member’s pooled registered pension plan account by the administrator;
  - (z) respecting the distribution of the funds in pooled registered pension plan accounts of members of a pooled registered pension plan that is winding up;
  - (aa) modifying or adapting provisions of the federal Act for the purposes of their application in accordance with this Act, including specifying circumstances in which provisions of the federal Act apply or setting conditions of or limitations on the application of the provisions;
  - (bb) modifying or adapting provisions of the federal regulations for the purposes of their application in accordance with this Act, including specifying circumstances in which provisions of the federal regulations apply or setting conditions of or limitations on the application of the provisions;
  - (cc) respecting fees, including:
    - (i) establishing and imposing fees that must be paid for the application for a licence pursuant to section 11 of the federal Act, for filing documents pursuant to subsection 12(2) of the federal Act with respect to the registration of a plan, for filing an information return pursuant to section 58 of the federal Act, and for any other purpose; and
    - (ii) prescribing the manner in which and the period within which those fees must be paid;
  - (dd) prescribing employment that is not provincial employment;
  - (ee) prescribing provisions of the federal Act that do not apply;
  - (ff) prescribing provisions of *The Financial and Consumer Affairs Authority of Saskatchewan Act* that apply to an appeal to the authority;
  - (gg) prescribing, for the purposes of clause 6(3)(c), a supervisory authority;
  - (hh) for the purposes of subsection 12(2), prescribing the manner in which the cost of complying with an attachment is calculated;
  - (ii) for the purposes of clause 13(3)(b), prescribing the kind of retirement savings plan;
  - (jj) for the purposes of clause 13(3)(c), prescribing the kind of immediate or deferred life annuity;
  - (kk) for the purposes of subsection 13(5), prescribing the manner in which the administrator shall determine and administer a member’s pooled registered pension plan account;
  - (ll) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
  - (mm) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) The regulations may incorporate by reference provisions of the federal regulations.

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- (3) The regulations may:
- (a) adopt a standard, code or rule:
    - (i) set by a provincial, national, international or other code or standard making body; or
    - (ii) enacted as or pursuant to a law of another jurisdiction in Canada;
  - (b) adopt the standard, code or rule mentioned in clause (a):
    - (i) in whole, in part or with any changes the Lieutenant Governor in Council considers appropriate; or
    - (ii) as amended from time to time or otherwise;
  - (c) be different for different classes of persons, employees, employers, employment or circumstances;
  - (d) delegate a matter to or confer discretion on the superintendent.

**S.S. 2012, c.F-13.5, section 2 amended**

**21 Clause 2(h) of *The Financial and Consumer Affairs Authority of Saskatchewan Act* is amended by adding the following subclause after subclause (vii):**

“(vii.1) *The Pooled Registered Pension Plans (Saskatchewan) Act*”.

**S.S. 1992, c.P-6.001, section 32 amended**

**22(1) *The Pension Benefits Act, 1992* is amended in the manner set forth in this section.**

**(2) Subsection 32(2) is amended:**

- (a) by striking out “or” after clause (c); and**
- (b) by adding the following after clause (c):**

“(c.1) a pooled registered pension plan within the meaning of *The Pooled Registered Pension Plans (Saskatchewan) Act*; or”.

**(3) The following subsection is added after subsection 32(2):**

“(2.1) If a member elects to make a transfer pursuant to subsection (1) to a pooled registered pension plan within the meaning of *The Pooled Registered Pension Plans (Saskatchewan) Act* and that member has a spouse, no transfer shall be made unless the member’s spouse waives his or her entitlement to a pension that complies with section 34 by delivering a written and signed waiver in the prescribed form to the administrator before the transfer”.

**Coming into force**

**23 This Act comes into force on proclamation.**



SECOND SESSION

**Twenty-seventh  
Legislature**

SASKATCHEWAN

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**B I L L**

No. 92

An Act respecting Pooled Registered Pension  
Plans and making consequential amendments to  
certain Acts

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Received and read the

First time

Second time

Third time

And passed

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Honourable Gordon Wyant

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