



BILL NO. 38

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
63 Elizabeth II, 2014*

An Act Respecting Pooled Registered Pension Plans

CHAPTER 37
ACTS OF 2014

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 20, 2014**

The Honourable Diana Whalen
Minister of Finance and Treasury Board

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

This page is intentionally blank.

An Act Respecting Pooled Registered Pension Plans

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Pooled Registered Pension Plans Act*.
- 2 (1) In this Act,
 - (a) “administrator” has the same meaning as in the federal Act;
 - (b) “Board” means the Labour Board as defined in the *Labour Board Act*;
 - (c) “designated jurisdiction” means a province of Canada designated in the federal regulations, other than the 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;
 - (j) “Minister” means the Minister of Finance and Treasury Board;
 - (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 by the regulations;
 - (n) “prescribed retirement savings arrangement” means a retirement savings arrangement prescribed pursuant to the *Pension Benefits Act* for the purpose of that Act;
 - (o) “Provincial employment” means employment in the Province, 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;
 - (p) “regulations” means regulations prescribed pursuant to this Act;
 - (q) “spouse” means either of two persons who
 - (i) are married to each other,
 - (ii) are married to each other by a marriage that is voidable and has not been annulled by a declaration of nullity,

(iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or, where they have ceased to cohabit, have cohabited within the twelve-month period immediately preceding the date of entitlement,

(iv) are domestic partners within the meaning of Section 52 of the *Vital Statistics Act*, or

(v) not being married to each other, are cohabiting in a conjugal relationship with each other, and have done so continuously for at least

(A) three years, if either of them is married, or

(B) one year, if neither of them is married;

(r) “Superintendent” means the Superintendent of Pooled Registered Pension Plans appointed pursuant to this Act;

(s) “winding up” has the same meaning as in the federal Act.

(2) For the purpose of this Act,

(a) an employee is employed in the province of Canada in which the establishment of his or her employer to which the employee reports for work is situated; or

(b) where 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, the employee is deemed to be employed in the province in which the employer’s establishment from which the employee’s wage, salary or other remuneration is paid is situated.

(3) Where there is a 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 this Act does not apply.

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 the Province 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, referred to 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 person is a member;

(c) is resident in the Province 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.

4 (1) Subject to this Act and the regulations, the provisions of the federal Act apply *mutatis mutandis* 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:

Column 1	Column 2
Canada Gazette	Royal Gazette
designated province	designated jurisdiction
Federal Court	Supreme Court of Nova Scotia
Governor (General) in Council	(Lieutenant) Governor in Council
Her Majesty in right of Canada	Her Majesty in right of the Province
included employment	Provincial employment
Minister (under federal Act)	Minister (under this Act)
Part II of the <i>Inquiries Act</i>	the <i>Public Inquiries Act</i>
subsection 2(1) of the <i>Pension Benefits Standards Act, 1985</i>	Section 2 of the <i>Pension Benefits Act</i>
Superintendent (under federal Act)	Superintendent (under this Act)

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

(4) Where 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 purpose of this Act.

5 The Minister has the general supervision and management of this Act and the regulations.

6 (1) The Minister may appoint a Superintendent of Pooled Registered Pension Plans who has the functions and duties set out in this Act and the regulations and such other functions and duties pursuant to this Act and the regulations as the Minister may determine.

(2) The Minister may, in the absence or incapacity of the Superintendent or when the office of the Superintendent is vacant, authorize another person to act in the Superintendent's stead.

(3) The Minister may appoint one or more deputy superintendents as required to assist the Superintendent in the performance of the Superintendent's duties.

(4) A deputy superintendent may perform any of the duties and exercise any of the powers of the Superintendent as directed by the Superintendent.

7 (1) On receipt of a written request, the Superintendent may extend any time limit imposed by 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.

(2) 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

- (i) clause (a), or
- (ii) subsection 12(2) or section 13 or 58 of the federal Act,

to any government agency or regulatory body;

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

(3) 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.

(4) 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 (3) is deemed to be the exercise of the power or the carrying out of the responsibility by the Superintendent.

(5) Notwithstanding an appointment of a person pursuant to subsection (3), the Superintendent retains the power to exercise any of the powers conferred on the Superintendent pursuant to this Act.

(6) 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.

8 The Superintendent, 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 the Superintendent or that comes to the Superintendent's 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.

9 (1) Where the Superintendent refuses to issue a licence pursuant to 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 send to the Superintendent a notice of objection setting out the reasons for the objection and all facts relevant to it within 60 days after the day on which any of the following occurs:

- (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) Upon receipt of the notice of objection referred to in subsection (1) or (2), the Superintendent shall reconsider the decision referred to in the notice and vary, confirm or rescind the action taken.

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

10 (1) Where a person has sent a notice of objection pursuant to Section 9, the person may appeal to the Board for an order pursuant to subsection (3)

(a) within 90 days after the Superintendent has, pursuant to subsection 9(3), confirmed the action taken; or

(b) where the Superintendent has not provided the notification referred to in subsection 9(4), not fewer than 90 days nor more than 180 days after the day on which the notice of objection was sent to the Superintendent.

(2) A person making an appeal pursuant to subsection (1) shall provide a copy of the notice of appeal to the Superintendent and to the Board.

(3) On an appeal pursuant to this Section, the Board shall either

(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.

(4) In an order pursuant to clause (3)(b), the Board may impose any terms and conditions it considers appropriate on the licence or on a registration or reinstatement of the pooled registered pension plan.

11 (1) An applicant for a licence referred to in subsection 11(1) of the federal Act or an administrator directly affected by a decision of the Board may, on matters of law only, appeal the decision to the Supreme Court of Nova Scotia.

(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 Board's decision was sent or delivered; and

(b) served on the Superintendent and the Board within the time specified in clause (a).

(3) The Superintendent 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 may direct the Board to make any decision or to do any other act that

(a) the Board 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 pursuant to this Section, the Board 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 Board or the Court may stay the effect of the decision until disposition of the appeal.

12 (1) Except as otherwise provided in this Act and the regulations, the following may 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 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) For greater certainty, subsections (1) and (2) do not apply with respect to a transfer between a member and a spouse or former spouse authorized pursuant to subsection 14(2).

13 (1) Notwithstanding any other Act, for the purpose of enforcing a maintenance order as defined in the *Maintenance Enforcement Act*, 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) Where 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) Where 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 referred to in subsection (1).

14 (1) In this Section, "spouse" includes a former spouse.

(2) Where a member and the member's spouse have been living separate and apart and there is no reasonable prospect of the resumption of cohabitation, the funds in the member's pooled registered pension plan account may be divided in accordance with the regulations between the member and the member's spouse by an order of the Supreme Court of Nova Scotia, by a written agreement that provides for the division of the funds or in such other manner as is prescribed.

(3) Notwithstanding subsection (2), the spouse of the member must not receive more than one half of the funds in the pooled registered pension plan account earned during the marriage or cohabitation.

15 (1) Where, 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) Subject to the *Beneficiaries Designation Act*, 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.

16 (1) No person shall

(a) fail to comply with an order of the Superintendent or an order of the Board made for the purpose of this Act; or

(b) fail to 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.

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 Board 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 enactment or with the consent of the person to whom any information relates, no employee of the Board whose responsibilities require the employee 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 referred to 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 a law of Nova Scotia 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 referred to 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 giving of evidence has the onus of showing why it is in the public interest that the order be made.

18 (1) No action or proceeding lies or may be commenced against Her Majesty in right of the Province, the Minister, the Superintendent, any agent of the Superintendent, any person engaged, appointed or retained by the Superintendent, the Board or any officer, employee or agent of the Board 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 may 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 Board in the exercise of a discretionary power given pursuant to this Act to do or not to do a thing does not constitute negligence.

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 purpose 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 purpose of reconsidering, reviewing or appealing that decision in accordance with that legislation.

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

20 (1) The Governor in Council may make regulations

(a) 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;

(b) respecting the method for recovering the costs related to the issuing and maintaining of licences referred to in section 11 of the federal Act;

(c) respecting the implementation of a multilateral agreement;

(d) exempting a multilateral agreement or any provision of that agreement from the application of subsection 7(1) of the federal Act;

(e) prescribing a person or class of persons for the purpose of clause 3(d);

(f) prescribing circumstances for the purpose of clause 3(e);

(g) 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;

(h) respecting the process by which investment options are offered by an administrator and choices among those options are made;

(i) respecting investment options offered by an administrator;

(j) specifying the circumstances in which an administrator may change an investment choice made by a member;

(k) 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;

(l) establishing criteria for determining whether a pooled registered pension plan is provided at low cost for the purpose of section 26 of the federal Act;

(m) respecting the manner and frequency of remittances from the employer to the administrator;

(n) 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;

(o) respecting the setting of a contribution rate of 0% pursuant to subsection 45(2) of the federal Act;

(p) 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;
- (q) prescribing the method of payment of funds from a member's pooled registered pension plan account on retirement;
- (r) prescribing and governing the conditions on which transfers of money to a prescribed retirement savings arrangement, to another pooled registered pension plan or to a plan referred to in subsection 54(2) of the federal Act and any subsequent transfers to a prescribed retirement savings arrangement of money so transferred are to be made;
- (s) 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 a prescribed retirement savings arrangement;
- (t) for the purpose 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;
- (u) defining "disability" for the purpose of paragraph 47(2)(a) of the federal Act;
- (v) respecting variable payments;
- (w) respecting the transfer of funds from a member's pooled registered pension plan account by the administrator;
- (x) respecting the distribution of the funds in pooled registered pension plan accounts of members of a pooled registered pension plan that is winding up;
- (y) modifying or adapting provisions of the federal Act for the purpose 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;
- (z) modifying or adapting provisions of the federal regulations for the purpose 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;
 - (za) 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;

- (zb) prescribing employment that is not Provincial employment;
- (zc) prescribing provisions of the federal Act that do not apply;
- (zd) prescribing provisions of the *Labour Board Act* that apply to an appeal to the Board;
- (ze) for the purpose of clause 7(2)(c), prescribing a supervisory authority;
- (zf) for the purpose of subsection 13(2), prescribing the manner in which the cost of complying with an attachment is calculated;
- (zg) for the purpose of Section 14, respecting the division of funds in a member's pooled registered pension plan account;
- (zh) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
- (zi) defining any word or expression used but not defined in this Act;
- (zj) further defining any word or expression defined in this Act;
- (zk) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out the intent and purpose of this Act.

(2) The regulations may incorporate by reference provisions of the federal regulations.

- (3) The regulations may
 - (a) adopt a standard, code or rule
 - (i) set by a provincial, national, international or other code-making 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 referred to in clause (a)
 - (i) in whole, in part or with any changes the 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.

(4) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

21 Subsection 9(2) of Chapter 37 of the Acts of 2010, the *Labour Board Act*, is amended by adding immediately after clause (e) the following clause:

- (ea) the *Pooled Registered Pension Plans Act*;

22 Section 27A of Chapter 6 of the Acts of 1994-95, the *Maintenance Enforcement Act*, as enacted by Chapter 30 of the Acts of 1998, is amended by

- (a) adding “(1)” immediately after the Section number;**
- (b) striking out clause (b) and substituting the following clause:**
 - (b) “pension entitlement” means
 - (i) the amount of money in a pension plan of a payor that is available for attachment pursuant to this Act, or
 - (ii) the funds in a pooled registered pension plan account that are available for attachment pursuant to this Act;
- (c) adding immediately after subclause (c)(i) the following subclause:**
 - (ia) funds in a pooled registered pension plan account of a payor that are available for attachment pursuant to this Act,

and

- (d) adding the following subsection:**
 - (2) With respect to pooled registered pension plans, words or phrases used in the definitions in subsection (1) or in Sections 27B to 27F that have been defined in the *Pooled Registered Pension Plans Act* have the same meaning as in that Act.

23 Subsection 61(1) of Chapter 6, as amended by Chapter 40 of the Acts of 2004 and Chapter 33 of the Acts of 2006, is further amended by adding immediately after clause (e) the following clause:

- (ea) respecting pooled registered pension plans;

24 Clause 2(an) of Chapter 41 of the Acts of 2011, the *Pension Benefits Act*, is amended by

- (a) striking out “or” at the end of subclause (iii); and**
- (b) adding immediately after subclause (iii) the following subclause:**
 - (iiia) a pooled registered pension plan within the meaning of the *Pooled Registered Pension Plans Act*, or

25 Subsection 61(1) of Chapter 41 is amended by adding immediately after clause (a) the following clause:

- (aa) into a pooled registered pension plan within the meaning of the *Pooled Registered Pension Plans Act*;

26 (1) Subsection 90(1) of Chapter 41 is amended by

- (a) striking out “and” at the end of clause (a);**

(b) adding immediately after clause (a) the following clause:

(aa) variable benefits payable to a member under the member's pooled registered pension plan account or to a person with an entitlement under a pooled registered pension plan as a result of a division pursuant to Section 74 are subject to a garnishment pursuant to the *Maintenance Enforcement Act* and the prescribed requirements under that Act respecting garnishment;

(c) striking out the period at the end of clause (b) and substituting “; and”; and**(d) adding immediately after clause (b) the following clause:**

(c) funds payable to a member under the member's pooled registered pension plan account or to a person with an entitlement under a pooled registered pension plan as a result of a division pursuant to Section 14 of the *Pooled Registered Pension Plans Act* are subject to attachment by the Director of Maintenance Enforcement in accordance with the *Maintenance Enforcement Act* and the prescribed requirements under that Act respecting attachment of a pooled registered pension plan account.

(2) Subsection 90(3) of Chapter 41 is amended by

(a) adding “or (c)” immediately after “(b)” in the second line; and

(b) adding “or (c)” immediately after (b) in the last line of clause (c).

27 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
