



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **PUBLIC SECTOR PENSION PLAN ACT GENERAL REGULATIONS**

## PLEASE NOTE

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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**PUBLIC SECTOR PENSION PLAN ACT**  
**CHAPTER P-32.11**  
**GENERAL REGULATIONS**

Pursuant to section 28 of the *Public Sector Pension Plan Act* R.S.P.E.I. 1988, Cap. P-32.11, Council made the following regulations:

**1. Definition**

In these regulations, “Act” means the *Public Sector Pension Plan Act* R.S.P.E.I. 1988, Cap. P-32.11. (EC85/18; 608/21)

**2. Surplus funds after transfer**

- (1) Where a person transfers a lump sum amount from the Plan to a registered pension plan under section 30 of the Act in respect of transfer of service, any surplus funds remaining after the transfer shall, subject to subsection (2), remain with the Plan.

**Payment of surplus funds**

- (2) Where the total amount of a person’s contributions and interest to the Plan exceeds the lump sum amount transferred from the Plan to a registered pension plan under section 30 of the Act, surplus funds remaining after the transfer shall be paid to the person in an amount not exceeding the remaining total amount of the person’s contributions and interest. (EC85/18; 653/20; 608/21)

**3. Proof of eligibility - member or vested former member**

- (1) Where a member or vested former member is applying for pension benefits, the member or vested former member shall provide to the Commission, in the applicable form approved by the Commission, the following information to establish proof of eligibility for pension benefits:

- (a) a declaration that the person is the member or vested former member;
- (b) proof of the member or vested former member’s date of birth.

**Proof of eligibility - person eligible for separate pension**

- (2) Where a person who is eligible for a separate pension under section 27.01 of the Act is applying for pension benefits, the person shall provide to the Commission, in the applicable form approved by the Commission, the following information to establish proof of eligibility for pension benefits:

- (a) a declaration that the person is entitled to a separate pension;

- (b) proof of the person's date of birth.

**Proof of eligibility - spouse or former spouse**

- (3) Where a spouse or former spouse of a member, vested former member or pensioner is applying for pension benefits, the person shall provide to the Commission, in the specified form or the applicable form approved by the Commission, the following information to establish proof of eligibility for pension benefits:
- (a) where the person was married to the member, vested former member or pensioner,
- (i) a copy of the marriage certificate or an equivalent document evidencing the marriage,
  - (ii) a declaration that the person is not ineligible to receive payment pursuant to section 13.4 of the Act, and
  - (iii) proof of the dates of birth of both the person and the member, vested former member or pensioner;
- (b) where the person was not married to the member, vested former member or pensioner,
- (i) proof that the person and the member, vested former member or pensioner were claiming each other as common-law spouses on a T-1 General Income Tax and Benefit Return filed under the *Income Tax Act* (Canada) for the year preceding the date of the application,
  - (ii) a declaration that the person and the spouse or former spouse of the member, vested former member or pensioner were living together for a continuous period of at least three years, including on the date of death of the member, vested former member or pensioner, and
  - (iii) proof of the dates of birth of both the person and the member, vested former member or pensioner;
- (c) where the person was not married to the member, vested former member or pensioner, but they were together the parents of a child or children,
- (i) a copy of the long form birth certificate, an adoption order or an equivalent document evidencing that the person and the member, vested former member or pensioner were together the parents of the child or children,
  - (ii) a declaration that the person and the member, vested former member or pensioner were living together on the date of death of the member, vested former member or pensioner, and
  - (iii) proof of the dates of birth of both the person and the member, vested former member or pensioner.

**Proof of eligibility - dependent child**

- (4) Where a dependent child of a member, vested former member or pensioner is applying for pension benefits under section 13 or 13.1 of the Act, the dependent child, or his or her guardian, shall provide to the Commission, in the specified form or the applicable form approved by the Commission, the following information to establish proof of eligibility for pension benefits:
- (a) a copy of a long form birth certificate, an adoption order or an equivalent document evidencing that the dependent child is the natural or adopted child of the member, vested former member or pensioner;
- (b) where the child is 18 years of age or older and dependent on the member, vested former member or pensioner for maintenance and support by reason of mental or physical disability,

- (i) confirmation from a medical practitioner that the person applying for the benefit has a mental or physical disability that renders the person dependent on the member, vested former member of pensioner, and
- (ii) proof that the member, vested former member or pensioner was claiming the dependent child when filing a T-1 General Income Tax and Benefit Return filed under the *Income Tax Act* (Canada) for the year preceding the date of the application;
- (c) where the child is 18 years of age or older and is attending post-secondary studies, evidence of attendance on a full-time basis at an institution of learning described in subsection 14(2) of the *Student Financial Assistance Act* R.S.P.E.I.1988, Cap. S-8.2;
- (d) a declaration that the person was at the time of the member's, vested former member's or pensioner's death, and still is, the dependent child of the member, vested former member or pensioner;
- (e) proof of the dates of birth of both the dependent child and the member, vested former member or pensioner.

**Personal representative**

- (5) Where a personal representative of a member, vested former member, pensioner or person entitled to a separate pension is applying for pension benefits under the Act, the personal representative shall provide to the Commission, in the specified form or the applicable form approved by the Commission, the following information to establish proof of eligibility for pension benefits:
  - (a) one of the following documents to confirm the authority of the person as the personal representative of the estate of the member, vested former member, pensioner or a person entitled to a separate pension:
    - (i) a copy of the letters probate or letters of administration of the Supreme Court or a superior court of a province or territory respecting the estate of the member, vested former member, pensioner or person entitled to a separate pension, or
    - (ii) a notarized copy of the will that appoints the person as the personal representative of the member, vested former member, pensioner or person entitled to a separate pension;
  - (b) a declaration that the person is the personal representative of the estate of the member, vested former member, pensioner or person entitled to a separate pension;
  - (c) a copy of the death certificate of the member, vested former member, pensioner or person entitled to a separate pension.

**Alternative information**

- (6) Notwithstanding subsections (1) to (5), the Commission may accept alternative information to establish proof of eligibility for pension benefits if, in the opinion of the Commission, the required information is not reasonably available to the person who is making the application for pension benefits.

**Additional information**

- (7) In addition to the information required by subsections (1) to (5), an applicant for pension benefits shall provide any additional information required by the Commission to establish the applicant's proof of eligibility for pension benefits under the Act.

**Periodic proof**

- (8) Where a dependent child is in receipt of a benefit, the Commission may require periodic proof of continued dependency. (*EC85/18; 653/20*)

**4. Participating employers**

- (1) The following employers are participating employers to which the Act applies:
- (a) a reporting entity specified in Schedule A to the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9;
  - (b) the following reporting entities specified in Schedule B to the *Financial Administration Act*;
    - (i) Health PEI,
    - (ii) Prince Edward Island Energy Corporation,
    - (iii) Prince Edward Island Liquor Control Commission,
    - (iv) Island Waste Management Corporation,
    - (v) Prince Edward Island Grain Elevators Corporation,
    - (vi) Workers Compensation Board of Prince Edward Island,
    - (vii) Prince Edward Island Agricultural Insurance Corporation,
    - (viii) Prince Edward Island Employment Development Agency,
    - (ix) Prince Edward Island Housing Corporation,
    - (x) Prince Edward Island Museum and Heritage Foundation,
    - (xi) Tourism PEI,
    - (xii) Finance PEI,
    - (xiii) Innovation PEI,
    - (xiv) Island Investment Development Inc., and
    - (xv) P.E.I. Student Financial Assistance Corporation;
  - (c) a reporting entity specified in Schedule C to the *Financial Administration Act* with respect to persons employed
    - (i) pursuant to the Terms and Conditions of Employment for Excluded Supervisory and Confidential Employees, as designated by the Minister of Education and Lifelong Learning,
    - (ii) in the School Board Allied Professionals Group, as designated by the Minister of Education and Lifelong Learning,
    - (iii) pursuant to the Terms and Conditions of Employment for permanent education sector employees as described in the Collective Agreement between the Education Negotiating Agency and the Canadian Union of Public Employees Locals 1145, 1770 and 1775, and the Collective Agreement between the Education Negotiating Agency and the Canadian Union of Public Employees Local 3260;
  - (d) the following reporting entities specified in Schedule D to the *Financial Administration Act*
    - (i) Island Regulatory and Appeals Commission, and
    - (ii) Prince Edward Island Human Rights Commission;
  - (e) the following entities:
    - (i) the Advisory Council on the Status of Women,

- (ii) Environmental Industrial Services Inc.,
- (iii) the Prince Edward Island Potato Board,
- (iv) the Union of Public Sector Employees,
- (v) a provider of a Long Term Disability Insurance Plan, referred to in subsection 7.02(5) of the Act, that remits contributions to the Minister on behalf of a member, and
- (vi) the Prince Edward Island Nurses' Union.

**Exception**

- (2) Notwithstanding subsection (1), a corporation is not a participating employer in the Plan with respect to any employee employed by a subsidiary of the corporation. (*EC85/18; 608/21; 1007/21; 982/23*)

**5. Members included**

For the purposes of paragraph 1(1)(u)(vii)(C) of the Act, the following persons are included as members:

- (a) any person employed by an employer specified in subsection 4(1);
- (b) any person who is a member of the Legislative Assembly, as defined in the *Legislative Assembly Act R.S.P.E.I. 1988, Cap. L-7.1. (EC1007/21)*