



CHAPTER 84.

An Act to amend the "Municipal Superannuation Act."

[Assented to 3rd April, 1947.]

1938, c. 55; 1940 c.
49, 1943, c. 61, 1944,
c. 44, 1945, c. 67,
1946, c. 51

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:--

1. This Act may be cited as the "Municipal Superannuation Act Amendment Act, 1947." Short title

2. Section 3 of the "Municipal Superannuation Act," being chapter 55 of the Statutes of 1938, is amended by repealing clauses (b), (d), (e), and (f), and substituting the following:— Amends s. 3

"(b.) Every municipality and all its employees, except its casual employees, to which this Act is declared to be applicable by order of the Provincial Secretary upon receipt of a resolution passed by a majority consisting of not less than two-thirds of the members of its Council and a request by a two-thirds majority of its employees:

"(d.) Every Board of School Trustees of a school district in respect of its employees, other than teachers within the meaning of the 'Teachers' Pensions Act,' to whom this Act applied on the thirty-first day of March, 1946; for the purposes of this Act all obligations, including advances from the Consolidated Revenue of the Province, in respect of these employees shall be assumed by the Board of School Trustees of the school district as and from the first day of April, 1946:

"(e.) Every Board of School Trustees of a school district in respect of its employees, other than those who were contributing to the Fund on the first day of April.

1946, and other than teachers within the meaning of the 'Teachers' Pensions Act,' to which this Act is declared to be applicable by order of the Provincial Secretary on the joint request of the Board of School Trustees and a two-thirds majority of such employees:

"(f.) Every person to whom this Act applied on the thirty-first day of March, 1946, and every person, other than teachers within the meaning of the 'Teachers' Pensions Act,' employed by a Board of School Trustees of a school district that adopts this Act pursuant to clause (e)."

Further amends s. 3.

3. Section 3 is further amended by adding the following as clause (j) :—

"(j.) Every union library district and all its employees, except those above the ages specified in clause (a) of subsection (2) of section 13, to which this Act is declared to be applicable by order of the Provincial Secretary on the joint request of the governing authority of the union library district and a two-thirds majority of its employees: notwithstanding any other provisions of this Act, the service of an employee of a union library district shall be deemed to commence with the month in which the first contribution to the Municipal Superannuation Fund is made by the employer on behalf of that employee."

Amends s. 6.

4. Section 6 is amended by adding to subsection (5), as enacted by section 4 of chapter 61 of the Statutes of 1943, the words "but no such increase shall be permitted unless the employee first submits evidence of insurability acceptable to the Commissioner."

Amends s. 8.

5. Section 8 is amended by striking out subsections (1) and (2), and substituting the following:—

"(1.) Subject to the provisions of subsection (6) of section 10, each employer to whom this Act applies shall, as a contribution to the Fund to provide for service pensions and other amounts chargeable to the employer, pay to the Commissioner on the last day of each month an amount equal to seven per centum of the aggregate salaries payable during that month to those of his employees to whom this Act applies. The Commissioner shall pay these contributions into the Fund and shall record them in the Employers' Service Pensions Account. In the case of an employer to whom this Act applied on the first day of April, 1939, the amount upon which seven per centum shall be so

payable in any year shall not in any case be less than the aggregate amount of the salaries payable by that employer to his employees during the year beginning on the first day of April, 1938, and ending on the thirty-first day of March, 1939. In the case of an employer to whom this Act is declared to apply on a date subsequent to the first day of April, 1939, the total employer yearly contributions pursuant to this subsection shall not, subject to the provisions of subsection (6) of section 10, be less than seven per centum of twelve times the aggregate amount of salaries payable by that employer to his employees during the first month after the date on which this Act is declared to apply.

"(2.) In the case of an employee who enters the service of an employer after the date on which this Act was declared to apply to the employer, if the monthly contribution required from the employer to pay for the service pension of the employee is ascertained by the Commissioner to be greater than seven per centum of the salary of the employee, the employer shall pay the contribution so ascertained."

6. Section 13 is amended by striking out " subsections (2) and (3)" in the first line of subsection (1), and substituting " subsections (2), (3), and (5)."

Amends s. 13.

7. Section 13 is further amended by striking out the first, second, and third lines of subsection 2, as enacted by section 16 of chapter 49 of the Statutes of 1940, and substituting " In the case of every person who becomes an employee after the date on which this Act was declared to apply to his employer, the following provisions shall apply:—"

Further amends s. 13.

8. Section 13 is further amended by adding the following as clause (b) of subsection (2) :—

Further amends s. 13.

"(b.) Notwithstanding the provisions of clause (a), the Commissioner may, with the approval of the Provincial Secretary, enter into an agreement with any employer to whom this Act applies, whereby this Act shall apply to those of his employees who are above the age specified in clause (a) to such extent and with such modifications as are set forth in the agreement: Provided that no agreement shall be entered into that results in an increase in advances from the Consolidated Revenue Fund by way of certificates of loan."

9. Section 13 is further amended by striking out " No " at the beginning of subsection (5), and substituting " Except as provided in any agreement that may be entered into pursuant to clause (b) of subsection (2) of this section, no."

Further amends s. 13.

Amends s. 16.

10. Section 16 is amended by striking out clause (d) of subsection (1), and substituting the following:—

“(d.) If he has attained his minimum retiring age before the allowance is granted:—

“(i.) Temporary life annuity to age seventy at a maximum rate of thirty dollars per month, the payments to cease when the employee attains age seventy or at death, whichever occurs first:

“(ii.) Temporary joint life and last survivor annuity to age seventy at a maximum rate of thirty dollars per month, the payments to cease when both persons or the survivor attains age seventy or at the death of the last survivor, whichever occurs first.”

Further amends s. 16.

11. Section 16 is further amended by adding the following as clause (e) of subsection (1):—

“(e.) Such combination of plans under clauses (a), (b), (c), and (d) as the employee, with the approval of the Commissioner, requests.”

Further amends s. 16.

12. Section 16 is further amended by striking out subsection (2), and substituting the following:—

“(2.) (a.) The selection of plan referred to in subsection (1) must be made by the contributor and filed with the Commissioner at least five years before the minimum retirement age of the contributor, but a contributor who will attain his minimum retirement age before the thirty-first day of March, 1953, may make his selection of plan and file the same with the Commissioner at any time before the thirty-first day of March, 1948.

“(b.) A contributor may change his selection of plan at any time, provided that the date of final determination is at least five years before the date of retirement; and where no selection of plan is made by the contributor in the time so limited, then the superannuation allowance shall be paid to the contributor or his nominee on a ten-year guaranteed plan.

“(c.) The provisions of clauses (a) and (b) shall not apply in the case of allowances granted due to total and permanent disability.”

Further amends s. 16.

13. Section 16 is further amended by striking out “or” after “(c)” in the second line of subsection (3), and inserting after “(d)” in the second line the words “or (c).”

Amends s. 18

14. Section 18, as re-enacted by section 23 of chapter 49 of the Statutes of 1940, is amended by inserting after “remarriage,” in the last line of clause (a) of subsection (1), the words

"if the date of such remarriage is after the first day of April, 1939."

15. Section 22 is amended by striking out subsection 3, and substituting the following:— Amends s 22

"(3.) In the case of a person in receipt of a superannuation allowance who is temporarily employed in the service of any employer to whom this Act applies, if the aggregate of his monthly service pension provided by the former employer under sections 4, 14, 17, and 18 and his monthly salary exceeds one hundred and fifty dollars if he is married, or one hundred dollars if he or she is single or is a widower or widow, the service pension shall, so long as the excess continues, be reduced by the amount of such monthly excess."

16. Section 22 is further amended by repealing subsection (4), as enacted by clause (b) of section 18 of chapter 61 of the Statutes of 1943. Further amends s 22

17. Section 36 is amended by striking out the words "three and six" in the fifth line of subsection (1), and substituting "three, six, and nine." Amends s 36

VICTORIA, B C

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