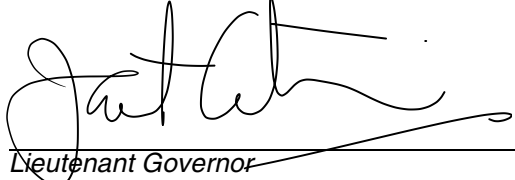


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 430

, Approved and Ordered July 8, 2024

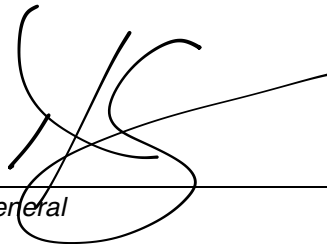


Lieutenant Governor

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective January 1, 2025,

- (a) sections 8, 9, 11 to 14 and 17 to 20 of the *Family Law Amendment Act, 2023*, S.B.C. 2023, c. 12, are brought into force, and
- (b) the Division of Pensions Regulation, B.C. Reg. 348/2012, is amended as set out in the attached Appendix.



Attorney General



Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Family Law Act*, S.B.C. 2011, c. 25, ss. 246 and 248;  
*Family Law Amendment Act, 2023*, S.B.C. 2023, c. 12, s. 25

Other: OIC 838/2012

R10768855

## APPENDIX

- 1** *Section 3 (1) of the Division of Pensions Regulation, B.C. Reg. 348/2012, is amended by striking out “and” at the end of paragraph (c), by adding “, and” at the end of paragraph (d) and by adding the following paragraph:*

  - (e) notice of an assignment of the member’s spouse’s survivor benefits.
- 2** *Section 4 (1) is amended*

  - (a) by repealing paragraph (e),*
  - (b) by adding “, and” at the end of paragraph (f), and*
  - (c) by adding the following paragraph:*
    - (g) notice referred to in section 126.1 (2) of the Act must be given in Form P10 (Notice of Assignment of Survivor Benefits by Agreement or Order).
- 3** *Section 5 (4) is amended by striking out “a Form P5 or a Form P7” and substituting “a Form P7”.*
- 4** *Section 11 (1) (c) is repealed and the following substituted:*

  - (c) to the extent that it is not provided under paragraph (a), information on options available to and elections that may be made by a limited member with respect to the benefits, including the earliest date on which the limited member will be entitled to
    - (i) begin receiving a pension from the plan, and
    - (ii) begin receiving a pension from the plan without reduction or increase to the pension; .
- 5** *Section 17 is amended*

  - (a) by repealing subsection (1) (d) and substituting the following:*
    - (d) annuity payments under an annuity that was purchased by an administrator on behalf of a member; ,
  - (b) by adding the following subsection:*
    - (1.1) In accordance with section 117.1 (4) of the Act, this section applies to the calculation of a proportionate share of a LIRA benefit or LIF benefit that was transferred from a plan under which benefits are determined under a benefit formula provision. ,
  - (c) in subsection (3) in paragraph (a) of the definition of “total pensionable service” by striking out “limited member’s” and substituting “member’s spouse’s”, and*
  - (d) in subsection (3) in paragraphs (b) and (c) of the definition of “total pensionable service” by striking out “limited member” and substituting “member’s spouse”.*
- 6** *The following section is added:*

**Calculation of proportionate share in relation  
to payments under annuity not purchased by administrator**

- 17.1** (1) If it is necessary, under the Act, including under this regulation, to calculate a proportionate share of annuity payments that a spouse is receiving under an annuity that was not purchased by an administrator on behalf of a member, this section applies to that calculation.
- (2) The formula set out in subsection (3) of this section applies to the calculation referred to in subsection (1) unless a section 127 agreement, a Part 6 order or an original agreement or order referred to in section 25 (1) of this regulation
- (a) supplants that formula, in which case the formula provided for in the agreement or order applies, or
- (b) modifies that formula, in which case the formula as modified by the agreement or order applies.
- (3) The proportionate share of annuity payments referred to in subsection (1) is half of each annuity payment.

**7** *Section 20 is amended by adding the following subsection:*

- (1.1) In accordance with section 117.1 (3) of the Act, this section applies to the calculation of a proportionate share of a LIRA benefit or LIF benefit that was transferred from a defined contribution account under a plan.

**8** *Section 20 (3) is amended in the definitions of “account balance” and “pre-relationship contributions”*

- (a) *in paragraph (a) of each definition by striking out “the defined contribution account” and substituting “the benefits”, and*
- (b) *in paragraph (b) of each definition by striking out “proportionate share of the defined contribution account is transferred from the plan to the credit of the spouse” and substituting “proportionate share is transferred to the credit of the spouse”.*

**9** *The following section is added:*

**Transfer from LIRA or LIF**

- 26.1** (1) In this section, “**issuer**” has the same meaning as in section 146 (1) of the *Income Tax Act* (Canada).
- (2) If the Act requires or authorizes an issuer of a LIRA or LIF to transfer from the LIRA or LIF an amount to the credit of the spouse, the transfer must be made in accordance with the provisions of the *Pension Benefits Standards Act*, and any regulations under that Act, that would have applied had the transfer been made to the credit of the member.

**10** *Section 28 is amended*

- (a) *in paragraph (a) by striking out “\$750” and substituting “\$1 000”, and*
- (b) *in paragraph (b) by striking out “\$175” and substituting “\$200”.*

**11** *Forms P1, P2, P3, P4, P5, P6, P7, P8 and P9 are repealed.*

**12** *The following Schedule is added:*

**SCHEDULE**

- Form P1 Claim and Request for Information and Notice
- Form P2 Request for Designation as Limited Member
- Form P3 Request for Transfer from Defined Contribution Account
- Form P4 Request by Limited Member for Transfer or Separate Pension
- Form P5 *[Repealed]*
- Form P6 Administrator/Annuity Issuer Response
- Form P7 Withdrawal of Notice/Waiver of Claim
- Form P8 Change of Information
- Form P9 Agreement to Have Benefits Divided Under Part 6
- Form P10 Notice of Assignment of Survivor Benefits by Agreement or Order