



1 EDWARD VIII

CHAPTER 1

An Act respecting Old Age Pensions

[Assented to, the 10th of June, 1936]

HIS MAJESTY, with the advice and consent of the
Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. This act may be cited as the *Quebec Old Age Pensions* Short title.
Act.

2. The Lieutenant-Governor in Council may enter into Entering into agree-
an agreement with the Governor-General in Council as ment with
to a general scheme of old age pensions in the Province Federal
pursuant to the provisions of any act of the Parliament of Govern-
Canada heretofore or hereafter passed relating to old age ment.
pensions, and the regulations made thereunder, and for
the payment by the Government of Canada to the Prov-
ince quarterly of an amount equal to seventy-five per
centum, or more, of the net sum paid out during the pre-
ceding quarter by the Province for old age pensions pur-
suant to the provisions of this act.

3. The Lieutenant-Governor in Council may author- Payment of
ize the payment of old age pensions to the persons and old age pen-
under the conditions specified in any act of the Parliament sions author-
of Canada heretofore or hereafter passed relating to old ized.
age pensions and the regulations made thereunder.

4. The Lieutenant-Governor in Council may, for the Appointing
purposes of this act, appoint an official for each county of certain
municipality or for a group of county municipalities or for officials.
other defined territory.

"Quebec
Old Age
Pensions
Commis-
sion".

5. The Lieutenant-Governor in Council may also appoint a Commission, composed of three members, to be designated "Quebec Old Age Pensions Commission", which commission shall sit and hold its meetings at such place or places in the Province as may be determined by the Lieutenant-Governor in Council.

President,
etc.

One of such commissioners shall be appointed president of the Commission and another of them vice-president thereof, by the Lieutenant-Governor in Council.

Vice-pres-
ident.

In case of the absence of the president or of his inability to act, the vice-president shall exercise the powers of the president.

Action of
vice-pres-
ident.

Whenever the vice-president has acted for or instead of the president, it shall be presumed that he so acted in the absence or owing to disability of the president.

Decisions.

The Commission shall decide by the majority, and, if there be a tie, the president shall have a casting-vote.

Quorum.

Two commissioners shall form a quorum.

Filling of
vacancies.

In the case of any vacancy or vacancies among the members of the Commission by death, dismissal or other cause, the said Commission shall not be dissolved thereby, but the Lieutenant-Governor in Council may appoint some other person or persons to fill any such vacancy or vacancies.

Remunera-
tion.

6. The remuneration of the officials and of the commissioners appointed under the preceding sections shall be such as shall be determined by the Lieutenant-Governor in Council and the provisions of section 15 of this act shall apply to the payment of such remuneration.

How applic-
ation for
pension to
be made.

7. The application for a pension under this act shall be addressed in the first instance to the municipal council of the municipality in which the applicant resides, in such manner and accompanied by such proofs as the regulations may require, and the secretary-treasurer of the said municipality, or some other officer designated for the purpose by the municipal council thereof, shall forthwith forward the said application, with all accompanying documents, to the official contemplated under section 4 of this act who shall, after investigation, make a recommendation in writing upon such application and shall forward same, together with all papers and documents relating thereto, to the Quebec Old Age Pensions Commission.

Id., in unor-
ganized ter-
ritory.

Where the applicant resides in unorganized territory of the Province his said application for pension shall be addressed in the first instance to the above-mentioned

official contemplated under section 4 of this act who shall subsequently proceed thereon in the manner indicated in the preceding paragraph.

For the purposes of any such investigation by the said official he shall possess and exercise all the powers conferred upon a commissioner appointed under the Public Inquiry Commission Act (Revised Statutes, 1925, chapter 8). Powers of official concerning investigations.

8. The Quebec Old Age Pensions Commission shall decide all applications for pensions under this act and its decisions shall be final, but the said Commission may reconsider any decision and may rescind, alter or amend any order previously made by it under the authority of this act. Decisions to be final.

The decision of the said Commission granting or refusing an application for pension, or rendered upon any reconsideration thereof, shall be communicated forthwith by a notice in writing, to the Minister and to the applicant. Forwarding of decision.

9. Every pension granted under this act shall be exempt from provincial and municipal taxes and shall be unassignable and unseizable. Exemption from taxes, etc., of pensions.

10. 1. Where a pensioner is the owner of an interest in a dwelling-house in which he resides and the Minister, on behalf of the Crown in the rights of the Province, accepts a transfer to him of such interest, the pension payable to the pensioner shall not be subject to any reduction in respect of the annual value of such interest, but the Minister shall, on the death of the pensioner, or upon his ceasing to use such dwelling-house as his place of residence, be entitled to sell the pensioner's interest therein and to retain out of the proceeds of such sale the amount of all payments made to the pensioner by way of pension in excess of the amount he would have received if such interest had not been transferred to the Minister, together with interest on the said payments at the rate of five per centum per annum, compounded annually. Transfer-ring of certain interest by pensioner.

2. The Minister shall be entitled to recover out of the estate of any deceased pensioner, as a debt due by the pensioner to the Crown, the sum of the pension payments made to such pensioner from time to time, together with interest at the rate of five per centum per annum, compounded annually. Recovery of sums paid.

3. No claim shall be made by the Minister for the recovery of such debt directly or indirectly out of any part of the pensioner's estate which passes by will or on an No claim by Minister in certain cases.

intestacy to any other pensioner or to any person who has, since the granting of such pension or for the last three years during which such pension has continued to be paid, regularly contributed to the support of the pensioner by the payment of money or otherwise to the extent which, having regard to the means of the person so having contributed, is considered by the Minister to be reasonable.

Contents,
etc., of
notice
granting
pension.

11. 1. Notice of the granting of a pension to any person may be registered in the proper registry office and shall set out,—

- a. the name and residence of the person to whom a pension has been granted;
- b. the date when the pension was granted;
- c. a description of the immoveable owned by a pensioner or in which he has an interest that is sufficient for the purpose of registration.

Signing of
notice.

2. The notice shall be signed by the Minister or by any person authorized by him for the purpose.

Consent re-
quired for
certain reg-
istrations.

3. After the registration of such notice against an immoveable, no registrar may register any transfer, sale or conveyance thereof, nor of any interest therein, nor may he register any document constituting a charge against such immoveable or such interest therein, unless in every such case the consent in writing of the Minister is endorsed thereon.

Discharging
of registra-
tion.

4. A notice registered under the provisions of this section may be discharged by a certificate signed by the Minister or by any person authorized by him for the purpose.

Notification
of death
of certain
persons.

12. In the case of the death of any person aged seventy years or more, the persons contemplated under section 136 of the Quebec Public Health Act (Revised Statutes, 1925, chapter 186), registering such death, shall forward the form contemplated under the said section 136 within a delay of four days from the date of such registration instead of during the fifteen days therein provided.

Power of
Lt.-Gov. in
C. to make
orders, etc.

13. 1. Except where they are inconsistent with the provisions of this act or of any Federal old age pensions act forming the basis of an agreement contemplated under section 2 of this act, or of the regulations passed thereunder, the Lieutenant-Governor in Council shall have power to do and authorize such acts and things and to make from time to time such orders and regulations as he may deem necessary or advisable for the carrying out of this act.

2. Without restricting the generality of the foregoing ^{Regula-}terms, the Lieutenant-Governor in Council, upon the ^{tions.} recommendation of the Minister, may make regulations,—

- a. prescribing the form and mode of forwarding of applications for pensions and the proofs to be furnished therewith;
- b. respecting the procedure by and before the official considering applications for pensions under this act and that by the Quebec Old Age Pensions Commission;
- c. regulating the time and mode of payment of pensions granted under this act; however, no cheque issued for a pensioner to be honoured except upon the endorsement thereof being certified by a minister of a religious denomination, a justice of the peace, a member of a municipal council or a commissioner of the Superior Court;
- d. providing for notification, in addition to that contemplated under section 12 of this act, in case of the death of a pensioner, or of any changes affecting his right to pension;
- e. providing for the payment of any pension or part thereof granted under this act, with the consent of the pensioner, to any person, association or corporation undertaking or liable for the maintenance and care of any person to whom such a pension is granted.

14. The employees deemed necessary for the proper ^{Appointing}working of this act may be appointed and their salaries ^{etc., of em-}fixed in accordance with the provisions of the Civil Service ^{ployees, etc.}Act (Revised Statutes, 1925, chapter 10) or of the Outside Service Act (Revised Statutes, 1925, chapter 10A), as the case may be, and the provisions of the following section 15 shall apply to the payment of such salaries.

15. The sums which the Province of Quebec may be ^{Appropriation of}called upon to expend under the provisions of this act ^{sums.}shall be appropriated out of the moneys voted each year by the Legislature for such purpose, and in the case where such moneys shall not have been voted, or if when voted they be insufficient, the said sums shall be taken out of the consolidated revenue fund.

The Lieutenant-Governor in Council may, if he deem ^{Loans}it expedient for the purpose of reimbursing payments ^{authorized.}made out of the consolidated revenue fund, or of paying all or part of the sums required for the carrying out of this act, authorize the Provincial Treasurer to contract a loan or loans, by means of bonds or inscribed stock issued on the credit of the Province.

Interest,
etc.

Such bonds or inscribed stock shall be issued at the rate of interest, for the term, in the form and for the amount which the Lieutenant-Governor in Council may determine, and shall be payable, in interest and principal, at the time and places which he may indicate.

Notification
of death of
certain
persons.

16. Every person entrusted with the registration, as required by the Civil Code, of births, marriages and deaths must, for each death that is registered of a person aged seventy years or more, notify the Minister of such death within such delay and in such form as the said Minister may determine. The Minister may fix a remuneration for such notification.

Applica-
tion to
blind per-
sons in cer-
tain event.

17. The Lieutenant-Governor in Council is authorized to extend the benefit of this act to the blind, aged more than forty years, in the event of the Federal Government adopting an amendment to the Old Age Pensions Act permitting persons suffering from total blindness to claim the benefit of such act upon attaining the full age of forty years.

Carrying
out of act.

18. The Minister of Municipal Affairs, Trade and Commerce, designated under this act as the "Minister", shall be charged with the carrying out of this act.

Coming
into force.

19. This act shall come into force on the day of its sanction.