

Disability Benefits

Judges with between 5 and 10 years of service as a Judge who become disabled, or Judges with at least 10 years of service as a Judge who resign and whose resignation is deemed to be in the public interest or conducive to the better administration of justice, are entitled to receive a Judge's pension calculated at the 7% accrual rate, to a maximum of 10 years. (If the Judge was appointed on or after April 1, 2002, the Judge's pension will be calculated at the 3.5% accrual rate, to a maximum of 20 years.)

Alternatively, as a member of the Public Service Superannuation Plan, a Judge who becomes disabled is entitled to receive Long-Term Disability equal to 65% of their pre-disability salary. For information regarding Long-Term Disability benefits please contact:

NS Public Service LTD Plan Trust Fund
Halifax Professional Centre
5991 Spring Garden Road, Suite 901
Halifax, NS B3H 1Y6
Tel: 902-461-0421
Toll free: 1-877-461-0421
Fax: 902-466-3406
Email enquiries: comments@nsps-ltd.com

Pension Indexing

Indexing is credited to pensions on January 1 of each year. It is calculated as the percentage increase in the average CPI for the 12-month period ending October 31 of the previous calendar year over the 12-month period ending October 31 for the calendar year prior to that.

The maximum increase in one year is 6%. If the calculated increase is less than 1%, the indexing for that year is carried forward and included in the following year's indexing.

Contributions

Contribution rates are set by the Minister of Finance. There are two rates of contribution. Effective July 5, 2009 the lower rate, 8.4%, is payable on earnings up to and including the Year's Maximum Pensionable Earnings (YMPE), and the higher rate, 10.9%, is payable on earnings in excess of the YMPE.

The YMPE is a figure established by the Canada Pension Plan on January 1 of each year. Pension contributions cease to be deducted at the earlier of: accruing 35 years of pensionable service, or reaching 71 years of age.

The following is an example of the calculation. The YMPE for 2010 is \$47,200. If a judge earns \$170,000 in 2010, his or her contributions to the Public Service Superannuation Plan would be \$17,350.00, calculated as follows:

$8.4\% \times \$47,200 = \$3,964.80$
 $10.9\% \times (\$170,000 - \$47,200) = \$13,385.20$
Total Contributions for 2010: \$17,350.00

Note: Prior to July 5, 2009 the contribution rates were 7.4% and 9.6%, below and above the YMPE, respectively.

Legal Interpretation of this Document

The information presented in this document attempts to explain, in plain language, Provincial and Family Court Judges' pension coverage under the Provincial Court Act and the Public Service Superannuation Act. Judges, beneficiaries and others who wish to determine their legal rights and obligations should refer to the governing legislation, regulations or other legal documents as appropriate. In the event of a discrepancy between this document and the legislation and/or legal documents previously mentioned, the latter shall prevail.

*** Note:** Lump sum payments such as retroactive compensation can artificially inflate pension estimates if they have not been correctly reported to us. It is possible that your actual pension benefit may be lower and you should take this into consideration.

Street address Nova Scotia Pension Agency
4th Floor, Purdy's Landing
1949 Upper Water Street
Halifax, NS B3J 3N3

Mail address Nova Scotia Pension Agency
PO Box 371, Halifax, NS B3J 2P8

Phone 424-5070 (Halifax area)
1-800-774-5070 (Toll free in NS)

Fax 902-424-0662

Email PensionsInfo@gov.ns.ca

Web site www.novascotiapension.ca



Provincial and Family Court Judges' Pension Coverage



Halifax County Court House, Spring Garden Road, Halifax; circa 1870.
Courtesy of Nova Scotia Archives and Records Management

Strength today.
Growth for tomorrow.

Public Service Superannuation Act

Members of the Public Service Superannuation Plan (PSSP), including Provincial and Family Court Judges, may qualify for pension benefits under the Public Service Superannuation Act when one of the following criteria is met.

Eligibility

- at least 50 years of age, with age plus years of service equaling at least 80;
- at least 60 years of age, with 2 or more years of service;
- at least 55 years of age, with 2 or more years of service (this is a reduced pension).

Calculation of Benefit*

$$2\% \times \text{Highest 5 Years Average Salary} \\ \times \text{Years of Pensionable Service}$$

Note: At age 65 the pension benefit is recalculated as a result of integration with the Canada Pension Plan (CPP).

Provincial and Family Court Judges Supplementary Pension Rules

A Judge qualifies for a Judge's pension under the Provincial Court Act when one of the following criteria is met. If neither of the criteria are met, the pension benefit and eligibility would be determined under the normal provisions of the Public Service Superannuation Act (above).

Eligibility for an Unreduced Pension

- at least 65 years of age with at least 5 years of service as a Judge;
- at least 60 years of age with at least 20 years of service as a Judge.

Calculation of Benefit*

$$3.5\% \times \text{Highest 3 Years Average Salary} \\ \times \text{Years of Service as a Judge} \\ \text{(to a maximum of 20 years)}$$

Note

- At age 65 the pension benefit is recalculated as a result of integration with the Canada Pension Plan (CPP).
- Employment status at the time of retirement must be such that the Judge is retiring from a Judge's position.
- A Judge's total pension will be the greater of the benefit payable under the Public Service Superannuation Act and the benefit payable under the Provincial Court Act.
- If applicable, the Province's Consolidated Fund will pay the difference between the pension payable under the Provincial Court Act and that payable under the Public Service Superannuation Act.

Additional Options

There is an additional option available for Judges appointed prior to April 1, 2002. A Judge may qualify for an alternative pension under Section 23 of the Provincial Court Act.

Eligibility

- At least 65 years of age with at least 5 years of service as a Judge

Calculation of Benefit*

$$7\% \times \text{Highest 3 Years Average "Authorized" Salary} \\ \times \text{Years of Service as a Judge} \\ \text{(to a maximum of 10 years)}$$

Note

- This pension is not reduced at age 65, i.e. it is in addition to the benefit payable under the Canada Pension Plan (CPP).
- Employment status at the time of retirement must be such that the Judge is retiring from a Judge's position.
- A Judge's total pension will be the greater of the benefit payable under the Public Service Superannuation Act and the benefit payable under the Provincial Court Act.
- The Province's Consolidated Fund will pay the difference, if applicable, between the pension payable under the Provincial Court Act and that payable under the Public Service Superannuation Act.

Canada Pension Plan Benefits

Canada Pension Plan (CPP) benefits may be drawn at age 65 or taken as early as age 60. If CPP benefits are drawn early, a reduced amount is calculated by the Canada Pension Plan. For information on CPP benefits please contact the Canada Pension Plan at 1-800-277-9914.

The pension payable under the Public Service Superannuation Act or the Provincial Court Act is not affected by the date the Judge elects to start drawing CPP benefits.

Survivor Benefits

Surviving Spouse

If a sitting Judge with at least 5 years of service dies, a surviving spouse would be entitled to receive 100% of the pension benefit that the Judge would have been entitled to receive if he or she were eligible to retire. This benefit is guaranteed to be paid for a period of 5 years. After the end of the 5-year guarantee period, the spouse would receive 66⅔% of the Judge's pension benefit, payable for life.

If the Judge dies within 5 years after retiring, the surviving spouse would receive 100% of the Judge's pension benefit for the rest of the 5-year guarantee period, at the end of which the spouse would receive 66⅔% for life. If a Judge dies after the 5-year guarantee period, a surviving spouse would be entitled to receive 66⅔% of the Judge's pension benefit, payable for life.

Surviving Children

Surviving children up to 18 years of age (or 25, if in full-time attendance at an educational institution) are eligible to receive 10% of a Judge's pension benefit. If there are more than 3 eligible children, 33⅓% of the Judge's pension benefit is divided equally among them. Note that during the 5-year guarantee period, children's benefits are deducted from the 100% benefit paid to a surviving spouse. If there is no surviving spouse, eligible surviving children would be entitled to share the 66⅔% spouse's benefit.

Surviving Dependants

A dependant is defined as a person who is related to the Plan member who is dependent on the Plan member by reason of physical or mental infirmity. If there is no surviving spouse or child but there is an eligible dependant(s), the dependant(s) would be entitled to receive the survivor benefit that would have been payable to the spouse, divided on an equal basis.

No Surviving Spouse, Children or Dependants

If a Judge dies in service and is not survived by a spouse, child, or eligible dependant, a refund of his or her pension contributions plus interest will be paid to the designated beneficiary or estate. If a Judge without eligible survivors retires and then dies before receiving pension payments at least equal to his or her pension contributions plus interest, a refund of the difference will be paid to the designated beneficiary or estate.