

COMMENTS AND INSTRUCTIONS

This form must be completed when a spouse, former spouse or former common-law partner wishes to waive his or her entitlement after death of a member or member-owner to the division of pension or pension credits due to the breakdown of their marriage or common-law relationship.

Prior to completing this form, the spouse, former spouse or former common-law partner must obtain independent legal advice concerning his or her individual rights, and should consider the effect of this waiver as well as qualified financial advice about the financial consequences.

This form must be

- completed in its entirety;
- completed after receiving independent legal advice;
- signed by the spouse, former spouse or former common-law partner, and witnessed;
- filed with the administrator; and
- used for benefits earned under a pension plan subject to *The Pension Benefits Act* of Manitoba and Regulation.

For further information please contact the administrator.

Definitions**Administrator**

Means in relation to a pension plan, the person or body of persons responsible for administering the plan, and in relation to a Locked-in Retirement Account (LIRA) or Life Income Fund (LIF), the financial institution responsible for administering the fund.

Common-law partner of a member or member-owner means

(a) a person who, with the member or former member, registered a common-law relationship under section 13.1 of *The Vital Statistics Act*, or

(b) a person who, not being married to the member or former member, cohabited with him or her in a conjugal relationship

(i) for a period of at least three years, if either of them is married, or

(ii) for a period of at least one year, if neither of them is married.

Member

Means an employee or former employee who is accruing, entitled to or receiving a pension under a pension plan.

Member-owner

Means the individual identified in the LIRA or LIF contract as the annuitant and who as a former member of a pension plan transferred a pension benefit credit directly or indirectly to that LIRA or LIF.

Spouse

Where used in relation to another spouse means the person who is married to that other spouse, and “spouses” mean two persons who are married to each other.



FORM 6

WAIVER OF DIVISION OF PENSION BENEFIT CREDIT AFTER DEATH OF MEMBER OR PENSION AFTER DEATH OF MEMBER

The Pension Benefits Act, Section 31(2)-(9), Pension Benefits Regulation, Section 11.10 - 11.12 of Part 11

I, _____, am the spouse, former spouse or former common-law partner
(as described above) of _____.
(name of member or member-owner)

The member or member-owner earned benefits under a pension plan subject to *The Pension Benefits Act* of Manitoba and was employed in Manitoba on the day he or she ceased to be an active member of the plan.

I understand that under the Act

- I am entitled to 50% of the pension benefit credits or pension earned during the period of the marriage or common-law relationship due to the breakdown of my marriage or common-law relationship;
- because the member or member-owner died, I may waive my entitlement to 50% of the pension benefit credits or pension earned during that period; and
- if I choose to sign this waiver, I will not receive my entitlement of 50% of the pension or pension benefit credits earned during that period, and the full benefit will instead be paid to the member or member-owner's designated beneficiary or estate.

I certify that

- I have read this waiver and understand it;
- I have read the statement from the administrator showing the amount of entitlement I am waiving, and know the amount of the entitlement I am giving up;
- I am aware of the consequences of waiving the entitlement, and despite the consequences, I waive my entitlement to 50% of the pension benefit credits or pension earned during the period of the marriage or common-law relationship;
- I am signing this form of my own free will without duress, coercion or compulsion of any kind;
- I have received independent legal advice with respect to my rights and the effect of this waiver.

I hereby waive my entitlement to 50% of the pension benefit credits or pension earned during the period of the marriage or common-law relationship due to the breakdown of my marriage or common-law relationship, by signing this form in the presence of a witness.

I sign this form at

_____ (city/town) _____ (province/territory/state) _____ (country)

this _____ day of _____, _____

(signature of spouse or former spouse or former common-law partner)

I, _____, of _____
(print name of witness)

(print address of witness)

do witness the signature of the spouse or former spouse or former common-law partner who signed this form before me .

(signature of witness)

Reference:

The Pension Benefits Act, Section 31(2)-(9)
Pension Benefits Regulation, Section 11 of Part 11