

# Uniform Retirement Plan Beneficiaries Act

(1975 Proceedings, pages 30, 178)

## 1. In this Act

Interpretation

- (a) "participant" means a person who is entitled to designate another person to receive a benefit payable under a plan on the participant's death;
- (b) "plan" means
  - (i) a pension, retirement, welfare or profit-sharing fund, trust, scheme, contract, or arrangement for the benefit of employees, former employees, agents, or former agents of an employer or their dependents or beneficiaries, or
  - (ii) a fund, trust, scheme, contract, or arrangement for the payment of an annuity for life or for a fixed or variable term, created before or after the commencement of this Act;
- (c) "will" has the same meaning as in the *Wills Act*.

**2.** A participant may designate a person to receive a benefit payable under a plan on the participant's death

Designation of  
beneficiaries

- (a) by an instrument signed by him or signed on his behalf by another person in his presence and by his direction; or
- (b) by will,

and may revoke the designation by either of those methods.

**3.** A designation in a will is effective only if it relates expressly to a plan, either generally or specifically.

Designation by  
will

**4.** A revocation in a will is effective to revoke a designation made by instrument only if the revocation relates expressly to the designation, either generally or specifically.

Revocation by  
will

**5.** Notwithstanding the *Wills Act*, a later designation revokes an earlier designation, to the extent of any inconsistency.

Latest designa-  
tion prevails

**6.** Revocation of a will is effective to revoke a designation in the will.

Revocation of  
will

**7.** A designation or revocation contained in an instru-

Designations  
and revocations

ment purporting to be a will is not invalid by reason only of the fact that the instrument is invalid as a will.

Revocation

**8.** A designation in an instrument that purports to be but is not a valid will is revoked by an event that would have the effect of revoking the instrument if it had been a valid will.

Idem

**9.** Revocation of a designation does not revive an earlier designation.

Effective date

**10.** Notwithstanding the *Wills Act*, a designation or revocation in a will is effective from the time when the will is signed.

Payment

**11.** After the death of a participant who has made a designation that is in effect at the time of his death, the person designated may enforce payment of the benefit payable to him under the plan, but the person against whom the payment is sought to be enforced may set up any defence that he could have set up against the participant or his personal representative.

Where Act and plan inconsistent

**12.** Where this Act is inconsistent with a plan, this Act applies, unless the inconsistency relates to a designation made or proposed to be made after the making of a benefit payment where the benefit payment would have been different if the designation had been made before the benefit payment, in which case the plan applies.

Where Act does not apply

**13.** This Act does not apply to a contract or to a designation of a beneficiary to which the *Insurance Act* applies.

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