

AMENDMENT NO. 3
To The Rules and Regulations of
The Musicians' Pension Fund of Canada

Effective May 18, 2010, the following changes are made to the Plan:

Article 1, Section 1.19 is deleted and replaced by the following:

Section 1.19. Former Member.

“Former Member” means an Employee or a former Employee who

- (a) has terminated membership as set forth in Section 2.02;
- (b) has not elected the Portability Option in accordance with Section 4.03;
- (c) has not elected to receive a lump sum payment in accordance with Section 4.04 or 5.15; and
- (d) is not a Pensioner;

and shall include a former Employee who terminated Plan membership prior to January 1, 2008 and who met the requirements of the Plan in effect at the time of such termination to be a Former Member.

Article 2, Sections 2.02 and 2.03 are deleted and replaced by the following:

Section 2.02. Termination of Membership.

- (a) An Employee, as defined in Section 1.17(a), shall terminate his status as a Member as of
 - (i) subject to paragraph (d) hereof, the last day of the calendar month coincident with or next following 24 consecutive months in which no Contributions are made on his behalf;
 - (ii) the date the Member, having become eligible to commence receipt of a pension other than under Section 5.14, elects to do so;

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- (iii) the date of death of the Member; or
- (iv) the receipt of a written notice from the Member to have his pension commuted under Section 4.04 or 5.15;

whichever occurs first.

(b) An Employee, as defined in Section 1.17(a), who last has Contributions reported prior to January 1, 1990, shall terminate his status as a Member as of the last day of the calendar month coincident with or next following 24 consecutive months in which no Contributions are made on his behalf.

(c) An Employee, as defined in Section 1.17(b), shall terminate his status as a Member as of

- (i) subject to paragraph (d) hereof, the day he terminates employment with an Employer;
- (ii) the date the Member, having become eligible to commence receipt of a pension other than under Section 5.14, elects to do so;
- (iii) the date of death of the Member; or
- (iv) the receipt of a written notice from the Member to have his pension commuted under Sections 4.04 or 5.15;

whichever occurs first.

(d) Notwithstanding paragraphs a(i) and c(i), a Member subject to the pension law of **Ontario** shall not terminate his status as a Member until he delivers written notice of his election to terminate to the Trustees. His membership will be terminated on the later of the date he delivers written notice of his election and the end of the period described in paragraph (a)(i) or the date described in paragraph (c)(i), whichever is applicable.

Section 2.03. Reinstatement of Employee Membership.

An Employee who terminated Membership in accordance with Section 2.02 and who elected the Portability Option under Section 4.03, a lump sum payment under Section 4.04, or a payment of the Commuted Value of his pension under any provision of the Plan shall again become a Member upon meeting the requirements of Section 2.01.

An Employee who terminated Membership in accordance with Section 2.02 and who did not elect the Portability Option under Section 4.03, a lump sum payment under Section 4.04, or a payment of the Commuted Value of his pension under any provision of the Plan shall again become a Member when Contributions on his behalf resume.

Article 3, Sections 3.07, 3.11 and 3.20 are deleted and replaced by the following:

Section 3.07. Disability Pension - Eligibility.

A Member shall be entitled to retire on a Disability Pension if

- (a) he becomes Permanently and Totally Disabled as defined in Section 3.08;
- (b) Contributions were made on his behalf within the 24 consecutive calendar months that immediately precede his Disability Retirement Date;
- (c) he is not eligible to retire on a Normal Pension; and
- (d) he is not in receipt of a disability benefit under a long term disability program sponsored by the Employer.

A Disability Pension shall first be payable to a Member on his Disability Retirement Date.

Section 3.11. Pre-Retirement Spouse's Benefit - Eligibility.

Subject to any right to or interest in the benefit that may arise under Section 5.13 and provided the Spouse has not waived the right to a Pre-Retirement Spouse's Benefit in

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accordance with Section 3.12, 4.04 or 5.15, the Spouse of a Member or Former Member shall be entitled to a Pre-Retirement Spouse's Benefit if the Member or Former Member dies before meeting the requirements to be a Pensioner.

If the Spouse of a deceased Member or Former Member subject to the pension law of **Alberta** is eligible to receive a benefit under this Section but dies before pension commencement without having elected to make the transfer under Section 4.03(b), a lump sum payment equal to the Commuted Value of the deceased Member's or Former Member's pension shall be payable to the Spouse's designated beneficiary, if living, and otherwise to the Spouse's estate.

Section 3.20. Special Retirement Pension - Eligibility.

(a) For Pensionable Service after December 31, 2010

A Member shall be entitled to retire on a Special Retirement Pension if he meets the following requirements:

- (i) he has attained age 55, but not age 65,
- (ii) Contributions were made on his behalf within the 24 consecutive calendar months that immediately precede his Early Retirement Date; and
- (iii) he has at least 20 Years in each of which Contributions were made to the Fund on his behalf. For the purpose of this paragraph only, Years of Contributions may include periods before January 1, 2011.

(b) For Pensionable Service before January 1, 2011

A Member shall be entitled to retire on a Special Retirement Pension if he meets the following requirements:

- (i) he has attained age 55, but not age 65,

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- (ii) Contributions were made on his behalf within the 24 consecutive calendar months that immediately precede his Early Retirement Date; and
- (iii) he has at least 15 Years in each of which Contributions were made to the Fund on his behalf. For the purpose of this paragraph only, Years of Contributions may include periods after December 31, 2010.

For the purposes of paragraphs (a)(ii) and (b)(ii), the term "Years" shall not include any periods which have been cancelled before the attainment of Vested Status, nor shall it include any pension credit accumulated under the American Federation of Musicians' and Employers' Pension Fund of the United States.

A Special Retirement Pension shall first be payable to a Member on his Early Retirement Date. There shall be only one Early Retirement Date for each eligible Member. A Member who meets the requirements of subsection (b) but not subsection (a) and elects to retire must commence to receive a pension in respect of all pensionable service on his Early Retirement Date.

Article 5, Section 5.13 is deleted and replaced by the following:

Section 5.13. Payment on Marriage Breakdown.

If a Member or Former Member obtains a divorce, annulment or separation, the allocation of his pension benefit or its Commuted Value, or the method of payment, shall be in accordance with the Act.

In the event a Member's or Former Member's pension benefit or its Commuted Value is divided under this Section, the Member's or Former Member's pension benefit or Commuted Value will be adjusted in accordance with the Act to reflect the division. In no case may the actuarial present value of the benefits paid to the Member or Former Member and/or the Spouse be greater than what would have been payable had the spousal relationship not been dissolved.

Article 5, a new Section 5.16 is added that reads as follows:

Section 5.16. Payment Option for Lump Sum Benefit.

An individual who is eligible for a lump sum cash payment under the Plan may elect to have that lump sum transferred, to the extent permitted under the Income Tax Act, to a registered retirement savings plan as defined under the Income Tax Act.

Effective May 31, 2010, the following changes are made to the Plan:

Article 1, Section 1.33(d) is deleted and replaced by the following:

Section 1.33. Spouse.

- (d) "Spouse," when used in reference to a Member, Former Member or Pensioner subject to the **Manitoba Pension Benefits Act**, means:
- (i) a person who is married to the Member, Former Member or Pensioner, or
 - (ii) a person who, with the Member, Former Member or Pensioner, registered a common-law relationship under section 13.1 of *The Vital Statistics Act*,
or
 - (iii) a person who, not being married to the Member, Former Member or Pensioner, cohabited with him in a conjugal relationship
 - (A) for a period of at least three years, if either of them is married, or
 - (B) for a period of at least one year, if neither of them is married.

For purposes of payment of any spousal benefit, a Spouse shall be the person mentioned above who was not living separate and apart from the Member, Former Member or Pensioner at the relevant time by reason of a breakdown of their relationship.

Article 3, Section 3.12, a new subsection (g) is added that reads as follows:

(g) Members or Former Members Subject to the Pension Law of **Manitoba**

The Spouse of a Member or Former Member may, after being given the information prescribed under the Act in accordance with the requirements of the Act, waive the right to the Pre-Retirement Spouse's Benefit by executing a waiver in a form prescribed by the Act and in the presence of a witness but outside of the presence of the Member or Former Member. In the event such waiver is filed with the Trustees in accordance with this subsection prior to payment of the Pre-Retirement Spouse's Benefit and has not been revoked prior to the Member's or Former Member's death, the Member or Former Member shall be considered not to have a Spouse eligible for the Pre-Retirement Spouse's Benefit and Section 3.14 shall apply. If the Spouse is also named as a designated Beneficiary, a waiver under this subsection shall also remove the Spouse as the Member's or Former Member's Beneficiary. The Spouse and the Member or Former Member may jointly revoke the waiver at any time prior to the death of the Member or Former Member by delivering a written revocation to the Trustees that is signed by each of them.

Article 4, Section 4.03, subsection (a) paragraph (i) is deleted and replaced by the following:

- (a) (i) If a Member terminates membership in the Plan in accordance with Section 2.02 before being eligible for an immediate pension, such Member or Former Member may elect to transfer the Commuted Value of his accrued Normal Pension to:
- (A) another pension plan if that other plan permits and the transfer is made in accordance with the transfer rules of the Income Tax Act and the Act;

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- (B) a prescribed retirement savings arrangement or locked-in retirement account that is established in accordance with the provisions of the Act and registered under the Income Tax Act; or,
- (C) purchase an immediate or deferred life annuity of the kind permitted by the Act.

Article 4, Section 4.04, a new subsection (f) is added that reads as follows:

(f) For Members or Former Members Subject to the Pension Law of **Manitoba**

Subject to an order under *The Garnishment Act* to enforce a maintenance order within the meaning of that Act and to an order under *The Family Maintenance Act* to preserve assets, a Member, Former Member or the surviving Spouse of a deceased Member or Former Member who meets the requirements of Section 4.03 to transfer the Commuted Value of the Member's or Former Member's accrued pension and who has not commenced to receive a pension may elect to receive the Commuted Value in a lump sum if

- (i) the Member, Former Member or surviving Spouse has been declared by the Canada Revenue Agency under the Income Tax Act to be a non-resident for income tax purposes and provides the Trustees with written confirmation that he is a non-resident of Canada for the purposes of the Income Tax Act;
- (ii) the Member, Former Member or surviving Spouse receives from the Trustees the information prescribed under the Act and in accordance with the requirements of the Act for such a lump sum withdrawal;
- (iii) the Member, Former Member or surviving Spouse applies to the Trustees to receive a Commuted Value in a lump sum;

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- (iv) in the case of a Member or Former Member, the Member's or Former Member's Spouse, if any, after being given the information prescribed under the Act in accordance with the requirements of the Act, consents in writing to the lump sum withdrawal in a form prescribed under the Act and this written consent is provided to the Trustees; and
- (v) the Member, Former Member or surviving Spouse provides the Trustees with such additional information as they may reasonably require to facilitate the lump sum withdrawal.

The consent of the Spouse of the Member or Former Member to the lump sum withdrawal shall not be required if, at the time of applying for the lump sum withdrawal of the Commuted Value, the Spouse is living separate and apart from the Member or Former Member by reason of a breakdown of their relationship.

The amount that may be withdrawn in a lump sum under this subsection must be reduced by any amount that is or may become payable under Section 5.13 from the Plan to a person who is living separate and apart from the non-resident Member or Former Member at the time of the application for a lump sum withdrawal.

Article 5, Section 5.04(d) is deleted and replaced by the following:

- (d) For Persons Subject to the Pension Law of **Manitoba**

Upon the earliest of the termination of membership of a Member, the retirement of a Member, the death of a Member or Former Member, and the division of a Former Member's or Pensioner's pension benefit credit under Section 5.13, a single cash payment that is the Commuted Value of the Member's or Former Member's monthly pension shall be paid to such Member or Former Member or his surviving Spouse in full settlement of any and all pension benefits to which the Member, Former Member or the surviving Spouse may be entitled if

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- (i) the monthly pension that would be payable at Normal Retirement Age is no more than 1/12 of 4% of the YMPE for the Year in which the earliest of the termination of membership, retirement, death or division of a Former Member's or Pensioner's pension under Section 5.13 occurs; or
- (ii) the Commuted Value of the pension is less than 20% of the YMPE for the Year in which the earliest of the termination of membership, retirement, death or division of a Former Member's or Pensioner's pension under Section 5.13 occurs.

Article 5, Section 5.15, subsection (d) is renumbered as subsection (e) and a new subsection (d) is added that reads as follows:

(d) For Members or Former Members Subject to the Pension Law of **Manitoba**

A Member or Former Member who has an illness or disability that is likely to shorten his life expectancy to less than two years may, before payment of the pension begins, elect to receive a lump sum payment of the Commuted Value of his accrued pension in lieu of a monthly pension at retirement subject to the following:

- (i) A written notice must be submitted to the Trustees by the Member or Former Member and be accompanied by the following documents:
 - (A) A statement signed by a physician who is licensed to practice medicine in a jurisdiction in Canada certifying that, in the opinion of the physician, the Member or Former Member has an illness or disability that is likely to shorten his or her life expectancy to less than two years.
 - (B) A declaration made on a form approved by the Trustees that is signed by the Member or Former Member attesting to the fact that he does or does not have a Spouse.

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- (ii) Within 60 days after receiving the application as indicated in paragraph (i) above, the Trustees shall provide the information prescribed under the Act in accordance with the requirements of the Act to the Member or Former Member and to the Spouse, if any, of the Member or former Member.
- (iii) Within 90 days after receipt of the information provided by the Trustees in accordance with paragraph (ii) above, the Member or Former Member who wishes to receive a lump sum payment of the Commuted Value of his accrued pension may apply to receive such a payment by submitting
 - (A) a written application to the Trustees, and
 - (B) if he has a Spouse, a waiver signed by his Spouse waiving the Spouse's right to a joint pension under Section 6.02 hereof after being given the information prescribed under the Act in accordance with the requirements of the Act.
- (iv) The Trustees shall pay the Commuted Value to an eligible Member or Former Member within 90 days after receiving the completed application and waiver under paragraph (iii) above and any other information required by the Trustees to facilitate the payment.

Article 6, Section 6.02(c) is deleted and replaced by the following:

- (c) For Members or Former Members Subject to the Pension Law of **Manitoba**

The written waiver shall be in a form approved by the Superintendent of Pensions for Manitoba, that is signed by the Spouse, after being given the information prescribed under the Act in accordance with the requirements of the Act, in the presence of a witness but outside the presence of the Member or Former Member, within 60 days before the commencement of the pension. The Spouse may revoke

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the waiver by delivering a written revocation to the Trustees at any time before
the commencement of the pension of the Member or Former Member.

The undersigned certifies that the above text is a true and correct Amendment to the
Rules and Regulations of the Musicians' Pension Fund of Canada (as amended and
restated effective January 1, 2008) adopted by the Board of Trustees at a meeting held on
_____.

Dated in the City of Toronto, this _____ day of _____, 2011.

Trustee

Witness

Trustee

Witness

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