# Disposition on Death of Pension or Allowance Held in Trust

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This policy replaces the following PPM policy: Article 31(1)(2)(3) - Disposition of Unpaid Pension After Death.

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## Purpose

To provide guidance on situations when the Department can accept and administer any property or monies conveyed to the Department in trust.

## Policy

### General

1. The *Pension Act* permits the Department to accept and administer any property or monies conveyed to the Department in trust for the benefit of:
    a. pensioners;
    b. pensioners' dependants; or,
    c. any other person on such terms and conditions as are set out in the terms of conveyance, or if no conditions are set out, on such terms and conditions as the Minister deems reasonable for the purposes of the trust.
2. Before accepting any pension or allowance in trust, the pensioners and/or their families should be provided information as to the various alternatives available.
3. Any pension or allowance held in trust by the Department and due to a deceased pensioner at the time of death does not form part of the estate of the deceased pensioner.
4. The Department may direct the payment of any pension or allowance due to a deceased pensioner at the time of death either to:
    a. the pensioner's estate; or
    b. the survivor or child or children of the pensioner; or
    c. in whole or in part to any person who has maintained, or been maintained by, the pensioner; or
    d. toward the expenses of the pensioner's last sickness and burial.

5. If no order for the payment of a pension or allowance due to a deceased pensioner at the time of death is made by the Department, the pension or allowance shall not be paid.

### No Order for Payment Made

6. When a pensioner dies intestate and no person has been appointed by the Court to be the administrator of the deceased's estate and the value of any account administered by the Minister cannot be disbursed in accordance with any other federal legislation, the Minister shall ensure that the value of the deceased's administered account is transferred to the Consolidated Revenue Fund in conformity with the *Financial Administration Act*. This will ensure that funds are available to satisfy payment to heirs who subsequently establish a lawful claim to the deceased intestate's estate.

## References

*Pension Act*, section 6, subsections 31(1), (2) and (3)

*Financial Administration Act*