

Beneficiaries Designation Act

CHAPTER 36 OF THE REVISED STATUTES, 1989

as amended by

2008, c. 49; 2009, c. 9; 2025, c. 6, ss. 2, 3



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CHAPTER 36 OF THE REVISED STATUTES, 1989
amended 2008, c. 49; 2009, c. 9; 2025, c. 6, ss. 2, 3

**An Act Respecting the
Designation of Beneficiaries under
Employee Benefit Plans**

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(The table of contents is not part of the statute)

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Short title

1 This Act may be cited as the *Beneficiaries Designation Act*. R.S., c. 36, s. 1.

Interpretation

2 In this Act,

(a) “designation” means a written instrument to which Section 3 refers;

(b) “employer” includes the trustee under a plan;

(c) “participant” means a person who is participating in a plan established by an employer and who

(i) is or has been employed by the employer, or

(ii) is an agent or former agent of the employer;

(d) “plan” means a pension, retirement, welfare or profit-sharing fund, trust, scheme, arrangement or other plan established for the purpose of providing pensions, retirement allowances, annuities, or sickness, death or other benefits to, or for the benefit of, employees, former employees, agents and former agents of an employer, or any of them, and for the surviving spouses, dependants or other beneficiaries of any of them. R.S., c. 36, s. 2.

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Effect of designation

3 Where, in accordance with the terms of a plan, a participant, by a written instrument signed by him or on his behalf by another person in his presence and by his direction, has designated a person to receive a benefit payable under the plan in the event of the death of the participant,

(a) the employer is discharged on paying to the person designated the amount of the benefit; and

(b) subject to Section 4, the person designated may, on the death of the participant, enforce payment of the benefit to himself for his own use. R.S., c. 36, s. 3.

Defence by employer

4 Where a person designated under Section 3 seeks to enforce payment of the benefit, the employer may set up any defence that he could have set up against the participant or his personal representative. R.S., c. 36, s. 4.

Alteration of designation

5 A participant may alter or revoke a designation made under a plan, but, subject to Section 8, any such alteration or revocation may be made only in the manner set forth in the plan. R.S., c. 36, s. 5.

Will

6 Where a designation is contained in a will, the designation, notwithstanding Section 23 of the *Wills Act*, has effect from the time of its execution. R.S., c. 36, s. 6.

Invalid will

7 A designation contained in an instrument purporting to be a will is not invalid by reason only of the fact that the instrument is invalid as a testamentary instrument, and it may be revoked or altered by any subsequent designation. R.S., c. 36, s. 7.

Revoked will

8 Where a designation is contained in a will and subsequently the will is revoked by operation of law or otherwise, the designation is thereby revoked. R.S., c. 36, s. 8.

Savings plan

9 (1) In this Section and Section 9A,

(a) “plan holder” means a person who has entered into a savings plan;

(b) “savings plan” means a retirement savings plan, a retirement income fund, a tax-free savings account or a first home savings account as each is defined in the *Income Tax Act* (Canada).

(2) Where, in accordance with the terms of a savings plan, a plan holder has designated a person or persons to receive a benefit payable under the savings plan in the event of the plan holder’s death,

(a) the person administering the savings plan is discharged upon paying the benefit to the designated person or persons;

(b) the designated person or persons may, upon the death of the plan holder, enforce payment of the benefit, but the person administering the savings plan is entitled to set up any defence that could have been set up against the plan holder or the plan holder's personal representatives.

(3) Sections 5, 6, 7 and 8 apply *mutatis mutandis* to a designation under a savings plan.

(4) This Section applies to a designation made before or after the seventeenth day of May, 1985, in respect of a savings plan but only where the plan holder dies on or after that date. R.S., c. 36, s. 9; 2008, c. 49, s. 1; 2009, c. 9, s. 1; 2025, c. 6, s. 2.

Electronic signature

9A (1) Where, in accordance with the terms of a savings plan, a plan holder designates a person or persons to receive a benefit payable under the savings plan in the event of the plan holder's death, a requirement for a signature is satisfied by an electronic signature.

(2) This Section applies to a designation made before or after the coming into force of this Section. 2025, c. 6, s. 3.

Act does not apply

10 This Act does not apply to a designation of a beneficiary to which Part V or Part VIII of the *Insurance Act* applies. R.S., c. 36, s. 10.