



1980

c 419 Public Service Superannuation Act

Ontario

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Bibliographic Citation

Public Service Superannuation Act, RSO 1980, c 419

Repository Citation

Ontario (1980) "c 419 Public Service Superannuation Act," *Ontario: Revised Statutes*: Vol. 1980: Iss. 6, Article 59.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1980/iss6/59>

CHAPTER 419

Public Service Superannuation Act

1.—(1) In this Act,

Interpre-
tation

- (a) "Board" means the Public Service Superannuation Board;
- (b) "child" includes adopted child and step-child;
- (c) "civil servant" has the same meaning as in the *Public Service Act*; R.S.O. 1980, c. 418
- (d) "contributor" means a civil servant or a person in a class of persons to whom this Act is made applicable, and includes the Provincial Auditor, the Assistant Provincial Auditor and the members of the staff of the Provincial Auditor, but does not include a person who has not attained the age of eighteen years or a person who is a contributor to a fund to which the Crown contributes other than the Public Service Superannuation Fund and the Canada Pension Plan;
- (e) "Crown" means the Crown in right of Ontario;
- (f) "Fund" means the Public Service Superannuation Fund;
- (g) "Minister" means the Minister of Government Services;
- (h) "Treasurer" means the Treasurer of Ontario and Minister of Economics;
- (i) "widow" includes a woman who,
- (i) establishes to the satisfaction of the Board that she had, for a period of not less than seven years immediately prior to the death of a contributor with whom she had been residing and with whom by law she was prohibited from marrying by reason of a previous marriage either of the contributor or of her-

self to another person, been maintained and publicly represented by the contributor as his wife, or

- (ii) establishes to the satisfaction of the Board that she had, for a period of not less than twelve consecutive months immediately prior to the death of a contributor with whom she had been residing, been maintained and publicly represented by the contributor as his wife, and that at the time of the death of the contributor, neither she nor the contributor was married to any other person;

(j) "widower" includes a man who,

- (i) establishes to the satisfaction of the Board that he had, for a period of not less than seven years immediately prior to the death of a contributor with whom he had been residing and with whom by law he was prohibited from marrying by reason of a previous marriage either of the contributor or of himself to another person, been maintained and publicly represented by the contributor as her husband, or

- (ii) establishes to the satisfaction of the Board that he had, for a period of not less than twelve consecutive months immediately prior to the death of a contributor with whom he had been residing, been maintained and publicly represented by the contributor as her husband, and that at the time of the death of the contributor, neither he nor the contributor was married to any other person. R.S.O. 1970, c. 387, s. 1 (1); 1971 (2nd Sess.), c. 10, s. 1; 1972, c. 1, s. 76 (1); 1972, c. 3, s. 17 (1); 1974, c. 37, s. 1; 1975, c. 73, s. 1 (1-3).

When
common-law
wife deemed
married to
contributor

(2) For the purposes of this Act, a woman who has established to the satisfaction of the Board that she is a widow under subclause (1) (i) or (ii) shall, if the Board so directs, be deemed to have become married to the contributor at such time as she commenced being represented by him as his wife, and a woman who could establish that she is a widow under subclause (1) (i) or (ii) but for her marriage to a contributor after such time as she commenced being represented by him as his wife shall, if the Board so directs, be deemed to have become married to the

contributor at the time when, in fact, she commenced being so represented. R.S.O. 1970, c. 387, s. 1 (2).

(3) For the purposes of this Act, a man who has established to the satisfaction of the Board that he is a widower under subclause (1) (j) (i) or (ii) shall, if the Board so directs, be deemed to have become married to the contributor at such time as he commenced being represented by her as her husband, and a man who could establish that he is a widower under subclause (1) (j) (i) or (ii) but for his marriage to a contributor after such time as he commenced being represented by her as her husband shall, if the Board so directs, be deemed to have become married to the contributor at the time when, in fact, he commenced being so represented. 1975, c. 73, s. 1 (4).

When common-law husband deemed married to contributor

2. The Minister is responsible for the administration of this Act. R.S.O. 1970, c. 387, s. 2; 1972, c. 1, s. 76 (2).

Responsibility of Minister

3.—(1) The board known as the Public Service Superannuation Board is continued and shall consist of four members. R.S.O. 1970, c. 387, s. 3 (1).

Board continued

(2) The members of the Board shall be appointed by the Lieutenant Governor in Council, one of whom shall be the representative of the Civil Service Commission and one of whom shall be the representative of the Ontario Public Service Employees Union. 1974, c. 37, s. 2.

Composition

(3) The Lieutenant Governor in Council may designate one of the members of the Board as chairman. R.S.O. 1970, c. 387, s. 3 (3).

Chairman

4. It is the function of the Board to make recommendations to the Minister with respect to matters under this Act and the amounts of allowances and annuities to which persons are entitled under this Act and to perform such other duties as are assigned to it by this Act or by the Minister. R.S.O. 1970, c. 387, s. 4; 1972, c. 1, s. 76 (3).

Functions of Board

5.—(1) The fund known as the Public Service Superannuation Fund and the account in the books of the Treasurer known as the Public Service Superannuation Fund Account are continued.

Fund continued

(2) The Fund consists of the moneys paid in by contributors and the moneys credited to the Fund out of the Consolidated Revenue Fund or otherwise in accordance with law, less the moneys paid out under this Act.

Composition of Fund

Records (3) The Treasurer shall keep records showing a separate account for each contributor to the Fund. R.S.O. 1970, c. 387, s. 5 (1-3).

Interest (4) Interest shall be credited at the close of each fiscal year to the Fund out of the Consolidated Revenue Fund at a rate and in a manner to be determined from time to time by the Lieutenant Governor in Council. 1971, c. 40, s. 1.

Deficiency (5) If at any time the amount at the credit of the Fund is insufficient to meet the payments out of the Fund, the deficiency shall be made up out of the Consolidated Revenue Fund. R.S.O. 1970, c. 387, s. 5 (6).

Interest payable under Act **6.** Except where otherwise specifically provided for by this Act, interest payable under this Act shall be at the rate of 5 per cent per annum compounded annually. R.S.O. 1970, c. 387, s. 6; 1975, c. 73, s. 2.

Contributions, current **7.—(1)** There shall be deducted from the salary of every contributor an amount equal to,

(a) 6 per cent of his salary up to the amount of his basic exemption within the meaning of the *Canada Pension Plan*;

R.S.C. 1970,
c. C-5

(b) 4.2 per cent of his salary on the amount in excess of his basic exemption up to the amount of his year's maximum pensionable earnings within the meaning of the *Canada Pension Plan*; and

(c) 6 per cent of the amount of his salary in excess of the year's maximum pensionable earnings,

and the amounts so deducted shall be placed to his credit in the Fund.

Cessation of contributions

(2) Every contributor shall cease to contribute to the Fund on the day on which he ceases to be employed in the public service or at the end of the month in which he attains the age of seventy years or, in the case of a provincial judge who was appointed a magistrate before the 1st day of July, 1941, at the end of the month in which he attains the age of seventy-five years, whichever occurs first, but any such person may at any time after attaining the age of sixty-five years give notice in writing to the Board that he wishes to discontinue his contributions, and in every such case his contributions shall cease at the end of the month following the month in which the notice is given. R.S.O. 1970, c. 387, s. 7.

(3) Notwithstanding subsection (2), a contributor who ceases to be employed in the public service because the service he provided has been transferred to another public authority, may, subject to the approval of the Lieutenant Governor in Council and to the terms and conditions negotiated between the Board and the other public authority, including the matter of equivalent contribution by the contributor and the other public authority, continue to contribute to the Fund in which case this Act applies as though he were a contributor within the meaning of this Act. 1971, c. 40, s. 2.

Application to former contributors

8.—(1) Every person,

Contributions in respect of past service

(a) who becomes a contributor on or after the 1st day of April, 1960; and

(b) who was continuously in the service of the Crown up to the time he became a contributor; and

(c) who gives notice in writing to the Board within one year from the date of his appointment to the classified service under the *Public Service Act* of his intention to establish credit in the Fund in respect of his past non-contributory service with the Crown; and

R.S.O. 1980, c. 418

(d) who agrees to pay on terms satisfactory to the Board and pays an amount equal to the amount that he would have paid if he had contributed to the Fund from the time he commenced his continuous non-contributory service with the Crown, together with interest upon such amount at such rate as the board determines,

is, in reckoning the amount of any allowance or annuity payable to him, entitled to credit in the Fund for the period of service represented by the payments so made. R.S.O. 1970, c. 387, s. 8 (1); 1975, c. 73, s. 3 (1), *revised*.

(2) Where in the opinion of the Board special circumstances exist, the Board may determine the amount to be paid by a person in lieu of the amount provided in clause (1) (d).

Exception

(3) Any contributor who is entitled under subsection (1) to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown may establish such credit in respect of a part only of such service, in which case the relevant provisions of this section apply with necessary modifications, but no interval of time shall intervene between such part and the period in respect of which he contributes under section 7.

Idem, part of past service

Commence-
ment of
continuous
service

(4) For the purposes of this section, the Board may determine the day on which any contributor commenced his continuous non-contributory service with the Crown.

Where
payment for
such service
not paid in
reasonable
time

(5) This section does not apply where a person does not agree to pay on terms satisfactory to the Board the amount he elected to pay under this section or where the person does not pay the amount he elected to pay under this section together with interest upon such amount within such reasonable time as the Board may determine. R.S.O. 1970, c. 387, s. 8 (2-5).

Open
option

(6) Any contributor who is entitled under clauses (1) (a) and (b) to credit in the Fund but who has failed to establish credit in respect of his continuous non-contributory service with the Crown under clauses (1) (c) and (d), may elect to establish credit any time before ceasing to be a contributor, and the relevant provisions of this section apply with necessary modifications, except that the rate of salary authorized to be paid to him during his period of non-contributory service shall be deemed to be equal to the last rate of salary authorized to be paid to him during such service or to the rate of salary authorized to be paid to him at the time when he made the election, whichever is greater, and interest shall not be added. 1971 (2nd Sess.), c. 10, s. 2; 1974, c. 37, s. 4; 1975, c. 73, s. 3 (2).

Leave of
absence
contribu-
tions

9.—(1) A contributor who is granted leave of absence of more than one month without salary because of illness or pregnancy may make contributions to the Fund for the period of leave, in which case the contributor shall contribute an amount equal to the amount the contributor would have contributed to the Fund if leave had not been granted, and such contribution shall be made within six months of the termination of leave, or the contributor may elect not to make such contribution, in which case the contributor is not entitled to credit for the period of the leave. 1975, c. 73, s. 4 (1).

Idem

(2) A contributor who is granted leave of absence of more than one month without salary for special or educational purposes may make contributions to the Fund for the period of the leave, in which case he shall contribute an amount equal to the amount he would have contributed to the Fund if he had not been granted the leave together with an amount equal to the amount that would have been credited to the Fund under section 10, and such contribution shall be made within a period of time that is equal to or less than the period of leave, or he may elect not to make such contribution, in which case he is not entitled to credit for the period of the leave.

(3) Where a contributor is granted leave of absence without salary for educational purposes and he receives bursary assistance as provided for under the *Public Service Act*, the leave shall be deemed for the purposes of this Act to be educational leave of absence with pay, and he shall contribute to the Fund an amount equal to the amount he would have contributed if he had not been granted the leave, and the amount of the contribution shall be deducted from his bursary, unless at the time the contributor is granted the leave of absence, he elects not to make such contribution, in which case he is not entitled to credit for the period of the leave. R.S.O. 1970, c. 387, s. 9 (2, 3). Idem
R.S.O. 1980,
c. 418

(4) Any contributor who is entitled under subsection (1), (2) or (3) to credit in the Fund but who has failed to establish credit in respect of the contributor's period of leave under subsection (1), (2) or (3) may elect to establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply with necessary modifications, except that the rate of salary on which the contribution would be based shall be deemed to be equal to the rate of salary authorized to be paid to the contributor at the time the election was made and interest shall not be added. 1975, c. 73, s. 4 (2). Open
option

10.—(1) Except as otherwise provided, where a contribution is credited to the Fund, an equivalent amount shall be credited to the Fund out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 387, s. 10 (1); 1974, c. 37, s. 5. Govern-
ment's con-
tribution

(2) Where contributors are engaged in a branch of the civil service that has a special fund and the branch is designated for the purpose of this subsection by the Lieutenant Governor in Council, amounts equivalent to the contributions to the Fund of such contributors shall be credited or paid to the Fund out of the special fund of the branch in lieu of the credits to the Fund provided for in subsection (1). Designated
branches

(3) Where the Lieutenant Governor in Council designates a board, commission or foundation under section 28, amounts equivalent to the contributions to the Fund of persons who become contributors by reason of such designation shall be paid into the Fund by the board, commission or foundation in lieu of the credits to the Fund provided for in subsection (1). R.S.O. 1970, c. 387, s. 10 (2, 3). Designated
boards,
commissions
and
foundations

11.—(1) Subject to subsection (4), every contributor who, Super-
annuation
allowance,
at 65

(a) has attained the age of sixty-five years; and

- (b) has contributed to the Fund in respect of a period of ten or more years,

is entitled to a superannuation allowance upon his retirement. R.S.O. 1970, c. 387, s. 11 (1); 1975, c. 73, s. 5 (1).

at 60

- (2) Subject to subsection (4), every contributor who,

- (a) has attained the age of sixty years; and

- (b) has contributed to the Fund in respect of a period of twenty or more years,

is entitled to a superannuation allowance upon his retirement. R.S.O. 1970, c. 387, s. 11 (2); 1975, c. 73, s. 5 (2).

90 year
rule

- (3) Subject to subsection (4), every contributor who,

- (a) ceases to be employed in the public service after the 30th day of November, 1971; and

- (b) has credit in the Fund for a number of years of service that, when added to his age on the date he ceases to be employed in the public service, totals at least ninety years,

is entitled to a superannuation allowance upon his retirement. 1971 (2nd Sess.), c. 10, s. 3; 1974, c. 37, s. 6; 1975, c. 73, s. 5 (3).

Commence-
ment of
entitlement
to super-
annuation
allowance

- (4) The entitlement to a superannuation allowance, subject to section 14, commences on the first day of the month next following the month in which the contributor retired. 1975, c. 73, s. 5 (4).

Disability
allowance

- 12.**—(1) Subject to subsection (2), every contributor who,

- (a) has contributed to the Fund in respect of a period of ten or more years; and

- (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity,

is entitled to a disability allowance upon termination of his service. R.S.O. 1970, c. 387, s. 12 (1); 1975, c. 73, s. 6 (1).

Commence-
ment of
entitlement
to disability
allowance

- (2) The entitlement to a disability allowance, subject to section 14, commences on the first day of the month next following the month in which the contributor terminated his service. 1975, c. 73, s. 6 (2).

(3) The Board may at any time review the case of any person receiving a disability allowance and if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties, the Board shall report the case to the Civil Service Commission which shall consider the person for re-employment. 1971 (2nd Sess.), c. 10, s. 4 (1). Review

(4) Where a person is offered re-employment under this section, his disability allowance ceases whether or not he accepts the offer. R.S.O. 1970, c. 387, s. 12 (3). Re-employment

(5) Where a person does not accept the offer, he is entitled to a deferred annuity or to an immediate annuity in accordance with the provisions of section 13, except that if he is entitled to an immediate annuity under section 13, the date on which he declined the offer of employment shall be deemed to be the date on which he ceased to be employed under that section. 1975, c. 73, s. 6 (3). Where offer not accepted

(6) Where an immediate annuity is payable under this section, the age of the person at the beginning of the month in which he commenced to receive a disability allowance will be taken into account in applying the reduction factors provided for in section 14. 1971 (2nd Sess.), c. 10, s. 4 (2), *part.* Reduction factors on immediate annuity

13.—(1) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who is not entitled to an allowance under this Act is entitled to a deferred annuity, Deferred annuities

(a) commencing when he attains the age of sixty-five years if he ceases to be employed before attaining that age and if he is not entitled to or has not elected to take an immediate annuity provided in subsection (5); or

(b) commencing when he attains the age of sixty years if he ceases to be employed before attaining that age and if he has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966. R.S.O. 1970, c. 387, s. 13 (1).

(2) The entitlement to a deferred annuity under clause (1) (a) or (b), subject to section 14, commences on the first day of the month next following the month in which the contributor attained the age of sixty-five years or sixty years, respectively. 1975, c. 73, s. 7, *part.* Commencement of entitlement under subs. (1)

Idem

(3) Every former contributor who has contributions locked in under subsection 17 (2) and who is not entitled to a payment under subsection 17 (3) is entitled to a deferred annuity commencing,

(a) when he attains the age of sixty years if he has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966; or

(b) when he attains the age of sixty-five years. R.S.O. 1970, c. 387, s. 13 (2).

Commence-
ment of
entitlement
under
subs. (3)

(4) The entitlement to a deferred annuity under clause (3) (a) or (b), subject to section 14, commences on the first day of the month next following the month in which the contributor attained the age of sixty years or sixty-five years, respectively. 1975, c. 73, s. 7, *part.*

Immediate
annuities

(5) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who is not entitled to an allowance under this Act is entitled to an immediate annuity,

(a) commencing when he ceases to be employed in the public service after he has attained the age of sixty years; or

(b) subject to subsection (11), commencing when he ceases to be employed in the public service after he has attained the age of fifty-five years and before he has attained the age of sixty years. R.S.O. 1970, c. 387, s. 13 (3); 1971 (2nd Sess.), c. 10, s. 5 (1).

Commence-
ment of
entitlement
under
subs. (5)

(6) The entitlement to an immediate annuity under clause (5) (a) or (b), subject to section 14, commences on the first day of the month next following the month in which the contributor ceased to be employed. 1975, c. 73, s. 7, *part.*

Idem

(7) Every former contributor who has a deferred annuity and who has attained the age of fifty-five years is, subject to subsection (11), entitled to an immediate annuity. R.S.O. 1970, c. 387, s. 13 (4); 1971 (2nd Sess.), c. 10, s. 5 (2).

Commence-
ment of
entitlement
under
subs. (7)

(8) The entitlement to the immediate annuity under subsection (7), subject to section 14, commences on the first day of the month next following the month in which the contributor elected to take the immediate annuity. 1975, c. 73, s. 7, *part.*

(9) Notwithstanding subsection (8), Idem

- (a) every former contributor who qualified for a deferred annuity before the 1st day of January, 1966, and who has attained the age of fifty years; or
- (b) every person who has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and who ceases to be employed on or after that date and after he is fifty years of age and before he is sixty years of age or who has a deferred annuity and has attained the age of fifty years,

is, subject to subsection (11), entitled to an immediate annuity computed under *The Public Service Superannuation Act* as it was on the 31st day of December, 1965. R.S.O. 1960, c. 332
R.S.O. 1970, c. 387, s. 13 (5); 1971 (2nd Sess.), c. 10, s. 5 (3).

(10) The entitlement to an immediate annuity under clause (9) (a) or (b), subject to section 14, commences on the first day of the month next following the month in which the contributor or person elected to take the immediate annuity. Commencement of entitlement under subs. (9) 1975, c. 73, s. 7, *part.*

(11) If a contributor or former contributor has been dismissed from the public service no annuity shall be paid, without the approval of the Lieutenant Governor in Council, under clause (5) (a) or (b) or under subsection (7) or (9). Approval required 1971 (2nd Sess.), c. 10, s. 5 (4).

14.—(1) The amount of every annual superannuation allowance and annual disability allowance and of every annuity under this Act shall be 2 per cent of the average annual salary of the contributor during the sixty consecutive months of his contributory service during which his salary was highest, multiplied by the total number of full years and any part of a year of contributory service, but not more than thirty-five years of service shall be reckoned. Computation of allowances and annuities R.S.O. 1970, c. 387, s. 14 (1).

(2) The amount computed under subsection (1) shall be reduced by 0.7 per cent of the average annual salary of the contributor during the sixty consecutive months of his contributory service during which his salary was highest, but not exceeding his average maximum pensionable earnings, multiplied by the number of full years and any part of a year of contributory service after the 1st day of January, 1966, but not more than thirty-five years of service shall be reckoned. C.P.P. reduction
R.S.O. 1970, c. 387, s. 14 (2); 1974, c. 37, s. 7 (1).

Interpre-
tationR.S.C. 1970,
c. C-5

(3) In subsection (2), "average maximum pensionable earnings" with respect to any contributor means the average of the year's maximum pensionable earnings under the *Canada Pension Plan* for the year in which the contributor ceased to be employed in the public service and for each of the two preceding years. 1974, c. 37, s. 7 (2).

Idem,
allowances
and
annuities

(4) The reduction in subsection (2) does not apply,

- (a) to a person who ceases to be employed in the public service before the year 1967; or
- (b) to a person whose disability allowance commences before the 1st day of January, 1971; or
- (c) in the case of a person who retires or ceases to be employed in the public service before attaining the age of sixty-five years, until he attains the age at which he becomes entitled to a retirement pension under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*. R.S.O. 1970, c. 387, s. 14 (4); 1971 (2nd Sess.), c. 10, s. 6 (2).

Idem,
annuities

(5) The amount of every annuity shall be further reduced or reduced, as the case may be, at the rate of 5 per cent for each year by which the age of the person is less than sixty-five years at the beginning of the month in which he commences to receive the annuity. 1971 (2nd Sess.), c. 10, s. 6 (3).

Where
subs. (5)
does not
apply

(6) The reduction in subsection (5) does not apply to a person who has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, unless the person receives an immediate annuity before he is sixty years of age, in which case, in lieu of the reduction in subsection (5), the amount of his annuity shall be reduced at the rate of 5 per cent for each year by which his age is less than sixty years at the beginning of the month in which he commences to receive the annuity. R.S.O. 1970, c. 387, s. 14 (6).

Computa-
tion of
part of
year

(7) Where a computation under this section involves part of a year, the computation in respect of that part shall be made on a monthly basis, and,

- (a) any part of a month less than fifteen days shall be disregarded; and

(b) any part of a month not less than fifteen days shall be deemed to be a month. R.S.O. 1970, c. 387, s. 14 (8).

(8) Subject to subsection (9), a person who was a contributor to the Fund on the 31st day of December, 1965, and who has been employed in the public service without an interruption of over three months since that date shall, if he becomes entitled to an allowance or an annuity, receive an annual allowance or an annuity equal to that which he would have received if it had been computed under *The Public Service Superannuation Act* as it was on the 31st day of December, 1965. R.S.O. 1970, c. 387, s. 14 (9); 1974, c. 37, s. 7 (4). ^{Guarantee} ^{R.S.O. 1960, c. 332}

(9) When a person referred to in subsection (8) attains the age at which he becomes entitled to a retirement pension under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*, his annual allowance or his annuity shall be recomputed under this section, and, if the amount thereof together with the pension he is then entitled to or is receiving under the *Canada Pension Plan*, other than that part derived from contributions made after he ceased to be employed in the public service, is less than the amount that he qualified for or received under subsection (8), the amount of the difference shall be added to the amount of his annual allowance or his annuity as so recomputed. R.S.O. 1970, c. 387, s. 14 (10); 1971 (2nd Sess.), c. 10, s. 6 (4). ^{Idem} ^{R.S.C. 1970, c. C-5}

15. Except as provided in section 20, where an annuitant dies, an amount equal to the amount of his contributions to the Fund with interest, less the amount of the annuity paid to him, shall be paid to his personal representative. R.S.O. 1970, c. 387, s. 15. ^{Death of annuitant}

16.—(1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown, any allowance or annuity to which he is entitled during such re-employment or engagement shall, with respect to any period of three months, commencing on the 1st day of January, April, July or October in any year, during which he is at any time so re-employed or engaged, be reduced by the amount by which the sum of, ^{Re-employment of superannuate}

(a) three times the monthly salary authorized to be paid to him during that period of three months of his re-employment or engagement; and

- (b) the allowance or annuity which would be payable to him during that period of three months if he were not re-employed or engaged,

exceeds the amount equal to three times the monthly salary payable to him during the last full month of his employment before he became entitled to the allowance or annuity. 1971, c. 40, s. 3.

Idem

(2) Subject to subsection (3), any period of re-employment referred to in subsection (1) during which a person contributes under this Act shall be added to the period of his prior employment, and the allowance or the annuity payable upon termination of his re-employment shall be recalculated accordingly. R.S.O. 1970, c. 387, s. 16 (2); 1974, c. 37, s. 8 (1).

Special case

(3) Where a person referred to in subsection (2) was receiving an immediate annuity under clause 13 (5) (b) or subsection 13 (7) or (9), the recalculation under subsection (2) shall be adjusted by the Board to take into account the amount of the annuity he has received. 1974, c. 37, s. 8 (2).

Re-employment in expert capacity
R.S.O. 1980,
c. 418

(4) Notwithstanding subsections (1) and (2), where a person in receipt of an allowance or annuity has been or is appointed under the *Public Service Act*, or any predecessor thereof, because the Lieutenant Governor in Council desires to have such person's professional, expert or technical knowledge at his disposal, payment of the allowance or annuity shall not be suspended or recalculated. R.S.O. 1970, c. 387, s. 16 (3).

Refunds

17.—(1) Where a contributor,

- (a) resigns or is dismissed and is not entitled to or granted an allowance or an immediate annuity; or
- (b) dies leaving no widow or widower, or no child or children under the age of eighteen years,

an amount equal to the total of his or her contributions to the Fund with interest shall be paid to him or her in monthly instalments or otherwise as he or she directs or to his or her personal representative, as the case may be. 1974, c. 37, s. 9.

Contributions locked in

(2) Notwithstanding subsection (1), a contributor,

- (a) who has attained the age of forty-five years;

- (b) who has contributed to the Fund in respect of a period of ten or more years; and
- (c) who resigns or is dismissed,

is not entitled to a refund of his contributions to the Fund in respect of service rendered after the 31st day of December, 1964.

(3) Notwithstanding subsection (2), where the deferred Exception annuity in respect of service rendered after the 31st day of December, 1964, is less than \$10 a month, it may be commuted for a cash sum. R.S.O. 1970, c. 387, s. 17 (2, 3).

18. Where a contributor who,

Retirement or death before super-annuation

- (a) has attained the age of sixty-five years retires and is not entitled to a superannuation allowance or annuity; or
- (b) is found by the Board to be unable to perform his or her duties by reason of mental or physical incapacity and whose service is terminated in circumstances under which he or she is not entitled to a disability allowance or annuity; or
- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or widower or a child or children under the age of eighteen years,

twice the amount of his or her contributions under section 7, with interest thereon, together with all other moneys paid into the Fund that entitle him or her to credit in the Fund, with interest thereon, shall be paid to him or her in monthly instalments or otherwise as he or she directs or to his widow or her widower or child or children, as the case may be. 1971 (2nd Sess.), c. 10, s. 7; 1975, c. 73, s. 8.

19. Except as provided in section 20, where a person who Death of person in receipt of allowance is in receipt of an allowance dies, an amount equal to the amount of his contributions with interest, less the amount of the allowance paid to him, shall be paid to his personal representative. R.S.O. 1970, c. 387, s. 19.

20.—(1) For the purposes of subsections (2) and (5) to (10), Interpretation “allowance” includes an annuity, and, in the case of a deferred annuity, it shall be deemed that it is being paid.

Allowances
to widows,
etc.

(2) Subject to subsection (4), where a contributor who has contributed to the Fund in respect of a period of ten or more years, or a person to whom an allowance is being paid,

(a) dies leaving a widow, an amount equal to,

(i) one-half of the allowance computed in the manner provided in subsections 14 (1) to (7) but based on the deceased's employment to the time of his death, or

(ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to his widow during her life or during her widowhood, and, where the widow dies or marries leaving a child or children of the former contributor who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

(b) dies leaving no widow, but leaving a child or children under the age of eighteen years, an amount equal to,

(i) one-half of the allowance computed in the manner provided in subsections 14 (1) to (7) but based on the deceased's employment to the time of his death, or

(ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to the child or children until such age is attained. R.S.O. 1970, c. 387, s. 20 (1, 2).

Commence-
ment of
entitlement
to payment
under
subs. (2)

(3) The entitlement to the payment,

(a) of the amount referred to in subclause (2) (a) (i) or (ii); or

(b) of the amount referred to in subclause (2) (b) (i) or (ii),

commences on the first day of the month next following the month in which the contributor or person died. 1975, c. 73, s. 9 (1).

(4) Where a person who was receiving an allowance or an annuity dies without having attained the age of sixty-five years at the date of his death, the allowance or annuity payable to the widow, or child or children, as the case may be, shall be one-half of the allowance or the annuity that he would have received at the beginning of the month following the month in which he would have attained such age. 1971 (2nd Sess.), c. 10, s. 8 (1). Exceptions

(5) In computing an allowance under this section, the reduction referred to in subsection 14 (5) shall not exceed 50 per cent. Maximum reduction

(6) Where the payments made under subsection (2) or the amount of the allowance and any payments made under subsection (2), as the case may be, are less than the amount of the contributions of the deceased with interest, the amount of the difference shall be paid to his personal representative. R.S.O. 1970, c. 387, s. 20 (4, 5). Where payments less than contributions

(7) Subsection (2) does not apply to the widow of a contributor or of a person to whom an allowance was being paid if she married him after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions under section 7, with interest thereon, together with all other moneys paid into the Fund that entitle him to credit in the Fund, with interest thereon, less the total amount of the allowance, if any, paid to him shall be paid to his widow or child or children, as the case may be. R.S.O. 1970, c. 387, s. 20 (6); 1975, c. 73, s. 9 (2). Post-retirement marriages

(8) Where the contributor or the person to whom an allowance was being paid was a widow who died leaving a child or children, subsection (2) applies with necessary modifications to the child or children. R.S.O. 1970, c. 387, s. 20 (7). Where deceased was a widow with children

(9) Where the contributor or the person to whom an allowance was being paid dies leaving a widower, this section applies with necessary modifications to him. R.S.O. 1970, c. 387, s. 20 (8); 1971 (2nd Sess.), c. 10, s. 8 (2). Widower's allowance

(10) Where a contributor who had credit in the Fund on the 8th day of July, 1966, Exception

(a) dies before the 1st day of January, 1969; or

(b) ceases to be employed before that day and subsequently dies,

R.S.O. 1960,
c. 332

leaving a widow or child or children, the allowance otherwise payable under this section shall be computed under *The Public Service Superannuation Act* as it was on the 31st day of December, 1965. R.S.O. 1970, c. 387, s. 20 (9).

Exception
for higher
education

(11) For the purposes of this section, a person who has attained the age of eighteen years but has not attained the age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Board for the purposes of this section as a place of higher education, shall be deemed not to have attained the age of eighteen years. 1974, c. 37, s. 10.

Long term
income
protection
plan
R.S.O. 1980,
c. 418

21.—(1) In this section, “approved long term income protection plan” means a plan established pursuant to the *Public Service Act*.

Contribution
on behalf of
disabled
contributor

(2) Where a contributor who is not in receipt of an allowance or annuity under this Act and whose disability was incurred on or after the 1st day of July, 1974 has qualified for a benefit under an approved long term income protection plan, whether or not he is in receipt of such benefit, a contribution shall be made to the Fund on behalf of the contributor, out of moneys appropriated therefor by the Legislature, for each month or part of a month in respect of which the contributor continues to qualify for such a benefit and the contribution shall be 6 per cent of the salary authorized to be paid to the contributor in the month immediately prior to the month in which he qualified for the benefit.

Period
deemed
contributory
service

(3) The period for which contributions are required to be made under subsection (1) shall be counted as contributory service. 1975, c. 73, s. 10.

Payment
of
allowances
and
annuities

22. An allowance or annuity to which a person becomes entitled under this Act is payable in monthly instalments commencing with the month in which the person becomes entitled thereto, but in the first instance payment thereof shall commence as soon as practicable after the entitlement thereto occurred. 1975, c. 73, s. 11.

Cessation
of allow-
ances and
annuities

23. Except as otherwise provided in this Act, an allowance or annuity shall cease on the last day of the month during which the entitlement thereto ceases. R.S.O. 1970, c. 387, s. 22.

Sheriffs,
persons
engaged in
administra-
tion of
justice

24.—(1) This Act applies to,

(a) every sheriff; and

- (b) every person or class of persons connected with the administration of justice who or that are designated by the Lieutenant Governor in Council,

whether paid by fees or salary or partly by fees and partly by salary.

(2) Where a person or class of persons designated under subsection (1) is paid by fees or partly by fees, the contributions payable under this Act in respect of fees shall be computed upon the net income, within the meaning of the *Public Officers' Fees Act*, payable for the preceding year in respect of the office occupied by him and his allowance or annuity shall be computed accordingly. R.S.O. 1970, c. 387, s. 23. Computation of contributions
R.S.O. 1980, c. 416

25. This Act applies to every full-time registrar of deeds. R.S.O. 1970, c. 387, s. 24. Registrars of deeds

26. This Act applies to every full-time provincial judge. R.S.O. 1970, c. 387, s. 25. Application of Act to provincial judges

27.—(1) In this section, "contributions" means a person's contributions, the Government's contributions with respect thereto and interest on both such contributions at 6 per cent per annum compounded annually. R.S.O. 1970, c. 387, s. 26 (1); 1974, c. 37, s. 11 (1). Interpretation

(2) Where a person who has contributions in the Teachers' Superannuation Fund becomes a civil servant engaged as a teacher in a ministry of the Government or as an inspector or in a supervisory capacity in the Ministry of Education, he may elect to continue as a contributor under the *Teachers' Superannuation Act* or to become a contributor under this Act and he shall send written notice thereof to the Teachers' Superannuation Commission and to the Board within sixty days of his appointment as a civil servant and, if he fails to send such notice in accordance with this subsection, he shall continue as a contributor under the *Teachers' Superannuation Act*. R.S.O. 1970, c. 387, s. 26 (2); 1972, c. 1, ss. 1, 2. Teachers becoming civil servants
R.S.O. 1980, c. 494

(3) Where a person who has contributions in the Teachers' Superannuation Fund becomes a civil servant and he elects to become a contributor under this Act in accordance with subsection (2) or he is engaged in a capacity other than any of those mentioned in subsection (2), he shall contribute under this Act. R.S.O. 1970, c. 387, s. 26 (3). Idem

(4) Where the contributions of a person mentioned in subsection (3) are transferred from the Teachers' Superannuation Service credits

Fund to the Fund, the Board may allow him such credit in the Fund in respect of the amount so transferred and the period of service represented thereby as the Board may determine.

Contributors
to Fund
becoming
teachers
R.S.O. 1980,
c. 494

(5) Where a former contributor to the Fund who is not in receipt of an allowance or an annuity is employed within the meaning of the *Teachers' Superannuation Act*, his contributions in the Fund shall, if he so requests in writing before a refund is made, be transferred to the Teachers' Superannuation Fund. R.S.O. 1970, c. 387, s. 26 (6).

Boards,
commissions,
etc.

28. This Act applies,

- (a) to the permanent and full-time probationary staff of any board, commission or foundation established under any Act of the Legislature that is designated by the Lieutenant Governor in Council; and
- (b) to any full-time member of any such board, commission or foundation,
 - (i) who holds a position that is designated by the Lieutenant Governor in Council as a position to which this Act may apply, and
 - (ii) whose request therefor in writing has been approved by the Lieutenant Governor in Council. 1971, c. 40, s. 5.

Interpre-
tation

29.—(1) In this section, “pensionable service” of a contributor means service in respect of which he has made contributions to the pension fund of an employer recognized in subsection (3). 1974, c. 37, s. 12, *part*.

Transfer from
Fund to
another
superannua-
tion fund

(2) Where a contributor, within three months after leaving the service of the Crown, becomes a member of,

- (a) the civil service of Canada or of any province of Canada;
- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario;

(d) the staff of,

(i) any Government related agency,

(ii) any public institution that is assisted by money appropriated by the Legislature, and

(iii) any corporation the controlling interest of which is owned by the Crown in right of Ontario or whose bonds or debentures are guaranteed by the Crown in right of Ontario,

that is designated by the Lieutenant Governor in Council;

(e) the staff of any Crown corporation of Canada or of any province of Canada;

(f) the staff of any university in Ontario or of any college of applied arts and technology to which the *Ministry of Colleges and Universities Act* applies;

R.S.O. 1980,
c. 272

(g) the Canadian Forces; or

(h) the clergy of a religious denomination in any province of Canada having been a chaplain in the public service of Ontario,

a sum of money equal to his contributions and such portion, if any, of the Government's contributions with respect thereto, as the Board determines, with interest at such rate as the board determines, shall be paid out of the Fund into any like fund or registered pension plan of a religious denomination maintained to provide superannuation benefits for the members of such civil or civic service or staff or the Canadian Forces or clergy, as the case may be. 1974, c. 37, s. 12, *part*; 1975, c. 73, s. 12 (1).

(3) A contributor who, within three months before entering the service of the Crown, had pensionable service as a member of,

Transfer
from another
superannua-
tion fund
to Fund

(a) the civil service of Canada or of any province of Canada;

- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario;
- (d) the staff of,
 - (i) any Government related agency,
 - (ii) any public institution that is assisted by money appropriated by the Legislature, and
 - (iii) any corporation the controlling interest of which is owned by the Crown in right of Ontario or whose bonds or debentures are guaranteed by the Crown in right of Ontario, that is designated by the Lieutenant Governor in Council;
- (e) the staff of any Crown corporation of Canada or of any province of Canada;
- (f) the staff of any university in Ontario or of any college of applied arts and technology to which the *Ministry of Colleges and Universities Act* applies;
- (g) the Canadian Forces; or
- (h) the practising clergy contributing to a registered pension plan of his religious denomination in any province of Canada and who becomes a chaplain in the public service of Ontario,

may count such pensionable service for the purposes of this Act if,

- (i) he elected to pay into the Fund within one year after the 18th day of June, 1974; or
- (j) he elects to pay into the Fund within one year after becoming a contributor,

and agrees to pay on terms satisfactory to the Board and pays an amount equal to twice the amount that he would have paid if he had contributed to the Fund during such pensionable service except that the rate of contribution for service before the 1st day of January, 1966 shall be 6 per cent and thereafter in accordance with section 7 and the rate of salary authorized to be paid to him during the period of such pensionable service shall be deemed to be equal to the rate of salary authorized to be paid to him at the time he became a contributor under this Act, together with interest at such rate as the Board determines. 1974, c. 37, s. 12, *part*; 1975, c. 73, s. 12 (2, 3), *revised*.

(4) A contributor who is entitled under subsection (3) to establish credit in the Fund and who had civil or civic pensionable service, or both, may establish credit in respect of any or all of such pensionable service provided the periods of employment were not interrupted for more than three months at any time. Civil or civic pensionable service

(5) A contributor who is entitled under subsection (3) to establish credit in the Fund may establish credit in respect of a part only of his pensionable service, in which case the relevant provisions of this section apply with necessary modifications. 1974, c. 37, s. 12, *part*. Part service

(6) A contributor who is entitled under subsection (3) to establish credit in the Fund for his pensionable service but who has failed to establish credit under subsection (3) may elect to establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply with necessary modifications, except that the rate of salary authorized to be paid to him at the time he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines. 1974, c. 37, s. 12, *part*; 1975, c. 73, s. 12 (4). Open option

(7) No contributor shall be given credit in the Fund in respect of his pensionable service for which he is entitled to credit in his previous employer's pension fund unless he withdraws his contributions from such pension fund or arranges for them to be transferred to the Fund. 1974, c. 37, s. 12, *part*. Exception

(8) Notwithstanding subsections (2) and (3), the Minister, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission, public institution, corporation, Government related agency or religious denomination mentioned therein to provide reciprocal arrangements for the transfer of contributions and credits, and, where such an agreement exists, such transfers shall be in accordance with the agreement. 1974, c. 37, s. 12, *part*; 1975, c. 73, s. 12 (5). Agreements authorized

(9) An agreement entered into under subsection (8) may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance or an annuity, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance or annuity shall then be computed upon the service for which contributions have been made to the Fund. Idem

Application
of s. 10 (1)

(10) Subsection 10 (1) does not apply with respect to any amount credited to the Fund under this section. 1974, c. 37, s. 12, *part*.

Reinstatement when
re-employed

30.—(1) A former contributor who was or is re-employed and who has become or becomes a contributor under this Act may reinstate his account in the Fund.

Election to
reinstate
where prior
contributions
withdrawn

(2) If a contributor who has withdrawn his prior contributions with interest thereon elects, within one year after again becoming a contributor, to reinstate his account under subsection (1), he shall pay into the Fund an amount equal to the amount that he would have paid if he had contributed to the Fund during his prior service except that the rate of contribution shall be 6 per cent for service before the 1st day of January, 1966 and thereafter in accordance with section 7 and the rate of salary authorized to be paid to him during his period of prior service shall be deemed to be equal to the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest at such rate as the Board determines.

Where prior
contributions not
withdrawn

(3) Where a contributor who elects to reinstate his account under subsection (1) has not withdrawn his prior contributions with interest thereon, the amount of such contributions shall, in lieu of being paid to him, be applied on account of the amount required by this section to be paid by him to reinstate his account in the Fund.

Part of
past service

(4) A contributor who is entitled under subsection (1) to reinstate his account may re-establish credit in respect of a part only of his prior service, in which case the relevant provisions of this section apply with necessary modifications. 1974, c. 37, s. 13, *part, revised*.

Open
option

(5) A contributor who is entitled under subsection (1) to reinstate his account but who has failed to do so under subsection (2) may elect to re-establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply with necessary modifications, except that the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines. 1974, c. 37, s. 13, *part*; 1975, c. 73, s. 13.

Military
service

31.—(1) Every contributor who was on active service during World War II or the Korean War,

- (a) in His or Her Majesty's naval, army or air forces or in the Canadian or British Merchant Marine; or
- (b) in any naval, army or air force that was allied with His or Her Majesty's forces and that is designated by the Lieutenant Governor in Council,

may, on producing proof of such service, establish credit in the Fund in respect of such service. 1975, c. 73, s. 14 (1).

(2) A contributor who is entitled under subsection (1) to establish credit in the Fund and who,

Credit for military service

- (a) elected within two years after the 18th day of June, 1974; or
- (b) elects within one year after becoming a contributor,

to establish such credit is entitled to credit in the Fund for such active service if he agrees to pay on terms satisfactory to the Board and pays an amount equal to 12 per cent of the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor under this Act for each year and part of a year of such active service, together with interest at such rate as the Board determines. 1974, c. 37, s. 14, *part*; 1975, c. 73, s. 14 (2).

(3) A contributor who is entitled under subsection (1) to establish credit in the Fund may establish credit in respect of a part only of such active service, in which case the relevant provisions of this section apply with necessary modifications. 1974, c. 37, s. 14, *part*.

Part of service

(4) A contributor who is entitled under subsection (1) to establish credit in the Fund but who has failed to establish credit under subsection (2) may elect to establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply with necessary modifications, except that the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines. 1974, c. 37, s. 14, *part*; 1975, c. 73, s. 14 (3).

Open option

(5) No contributor shall be given credit in the Fund in respect of such active service if he is entitled to credit for such service in computing another pension, except a pension granted for a disability resulting from war service.

Exception

(6) Subsection 10 (1) does not apply with respect to any amount credited to the Fund under this section. 1974, c. 37, s. 14, *part*.

Application of s. 10 (1)

- Custodian of Fund** **32.** The Treasurer is custodian of the Fund. R.S.O. 1970, c. 387, s. 30.
- Audit** **33.** The Fund shall be audited by the Provincial Auditor, and he shall make an annual report in respect of the preceding fiscal year to the Treasurer, and the Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 387, s. 31.
- No attachment, etc.** **34.**—(1) The interest of any person in the Fund or in any allowance, annuity, refund or other sum payable out of the Fund is not subject to garnishment, attachment, seizure or other process of law and, subject to subsection (2), is not assignable.
- Payments into other funds** (2) Where a former contributor who is entitled to a refund or a lump-sum payment from the Fund requests in writing to the Board to have the refund or payment paid into another registered pension plan or into a registered retirement savings plan, the refund or payment shall be so paid. R.S.O. 1970, c. 387, s. 32.
- Where person indebted to Crown** **35.** Where a person who leaves the service of the Crown is indebted to the Crown, the amount of such indebtedness shall be deducted from any payment to which he or his personal representative is entitled under this Act. R.S.O. 1970, c. 387, s. 33.
- Where no personal representative** **36.** Where a person dies in circumstances under which a refund under this Act is payable to his personal representative but there is no personal representative, the refund may be paid to such person as the Board determines. R.S.O. 1970, c. 387, s. 34.
- Refund to estate of deceased contributor where spouse or child cannot be found** **37.**—(1) Where a spouse or child of a deceased contributor cannot be found and the Board is satisfied that reasonable inquiries have been made to find the spouse or child and more than one year has passed since the death of the contributor, the Board may, notwithstanding any other provision of this Act, direct that the moneys that would be payable under this Act to the deceased contributor's estate if the contributor had died leaving no widow or widower and no child be paid to the deceased contributor's estate upon such terms and conditions as the Board directs.
- Where spouse or child later found** (2) Where the spouse or child referred to in subsection (1) is subsequently found and a claim is made for any moneys payable under this Act, the Board may direct that such

moneys, less any moneys paid under subsection (1), be paid to the spouse or child, as the case may be. 1975, c. 73, s. 15, *part*.

38. Where a contributor dies and any moneys are payable under this Act to his spouse and the Board is satisfied that the spouse is not entitled to receive such moneys by virtue of a separation agreement or other contractual arrangement entered into with the contributor before he died or that the spouse has refused to accept such moneys, the Board may direct that, Payment to child or estate of deceased contributor where spouse not entitled to or refuses to accept moneys

- (a) where there is a child under the age of eighteen years, the moneys be paid in accordance with this Act as if there were no spouse; and
- (b) if there is no child under the age of eighteen years, the moneys that would be payable under this Act to the deceased contributor's estate if the contributor had died leaving no widow or widower and no child be paid to the deceased contributor's estate. 1975, c. 73, s. 15, *part*.

39.—(1) The Board shall make a report annually to the Minister containing such information as the Minister requires. Annual report
R.S.O. 1970, c. 387, s. 35 (1); 1972, c. 1, s. 76 (5).

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Idem
R.S.O. 1970, c. 387, s. 35 (2); 1972, c. 1, s. 76 (6).

40. The cost of administration of this Act is payable out of the moneys appropriated therefor by the Legislature. Cost of administration
R.S.O. 1970, c. 387, s. 36.

41. The Lieutenant Governor in Council may make Regulations regulations,

- (a) prescribing the proofs to be furnished as a condition to the payment of an allowance or an annuity;
- (b) prescribing the times at which and the manner in which contributions to the Public Service Superannuation Fund shall be made by any class of contributors with respect to which special circumstances exist;
- (c) determining the maximum number of years of contribution to the Public Service Superannuation

Fund, the maximum amount of contribution to that Fund or the maximum salary on which contributions to that Fund shall be reckoned;

- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 387, s. 37.

Amount of benefits existing before Jan. 1, 1966, not changed

42. Nothing in this Act increases or decreases the amount of any allowance or annuity that was being paid or to which a former contributor had become entitled under this Act immediately before the 1st day of January, 1966. R.S.O. 1970, c. 387, s. 38.

Augmentation of allowances and annuities

43.—(1) The Lieutenant Governor in Council, for the purpose of augmenting from time to time allowances and annuities being paid under this Act, may make regulations providing for the payment of supplementary benefits and minimum amounts to persons receiving allowances or annuities under this Act and prescribing the minimum amounts and the amounts of such benefits, the times at which they shall be paid and the classes of persons entitled thereto.

Moneys required to augment allowances, etc.

(2) The moneys required for the purposes of subsection (1) shall be credited to the Fund out of the Consolidated Revenue Fund. 1975, c. 73, s. 16.