

1960

## c 142 Financial Administration Act

Ontario

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## CHAPTER 142

**The Financial Administration Act****1. In this Act,**Inter-  
pretation

- (a) "appropriation" means an authority to pay money out of the Consolidated Revenue Fund;
- (b) "Consolidated Revenue Fund" means the aggregate of all public moneys that are on deposit at the credit of the Treasurer;
- (c) "department" means a department of the Government of Ontario, and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;
- (d) "fiscal agent" means a fiscal agent appointed under section 49;
- (e) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (f) "minister" means a member of the Executive Council;
- (g) "money" includes negotiable instruments;
- (h) "money paid to Ontario for a special purpose" means money that is paid to a public officer under or pursuant to a statute, trust, undertaking, agreement or contract and that is to be disbursed for a purpose specified in or pursuant to such statute, trust, undertaking, agreement or contract;
- (i) "negotiable instrument" includes a cheque, draft, traveller's cheque, bill of exchange, money order and any similar instrument;
- (j) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,
  - (i) special funds of Ontario and the income and revenue therefrom,
  - (ii) revenues of Ontario,

- (iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and
- (iv) money paid to Ontario for a special purpose;
- (k) "public officer" includes a minister and a person employed in a department;
- (l) "registrar" means a registrar appointed under section 49;
- (m) "Treasurer" means the Treasurer of Ontario. 1954, c. 30, s. 1, *revised*.

## PART I

### ORGANIZATION

Treasury Board, composition

**2.—**(1) The Treasury Board shall be composed of the Treasurer, who shall be the chairman, and not fewer than four and not more than seven other members of the Executive Council as are designated from time to time by the Lieutenant Governor in Council. 1958, c. 29, s. 1.

Alternate members

(2) The Lieutenant Governor in Council may designate other ministers to serve as alternates in the absence of members of the Treasury Board. 1954, c. 30, s. 2 (2).

Secretary

(3) The Treasury Board shall have a secretary who shall be designated by the Board. 1956, c. 21, s. 1.

Rules of procedure, minutes

(4) The Treasury Board may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board. 1954, c. 30, s. 2 (4).

Duties of Treasury Board

**3.** The Treasury Board shall act as a committee of the Executive Council on all matters relating to finance, revenues, estimates, expenditures and financial commitments and on any other matter concerning general administrative policy in the public service that is referred to the Board by the Executive Council or on which the Board considers it desirable to report to the Executive Council. 1954, c. 30, s. 3.

Treasury Board may require production of documents

**4.** The Treasury Board may require from any public officer or any agent of the Crown any account, return, statement, document, report or information that the Board considers necessary for the performance of its duties. 1954, c. 30, s. 4.

**5.** Subject to the approval of the Lieutenant Governor in Council, the Treasury Board may make regulations, Regulations

- (a) respecting the collection, management and administration of, and accounting for, public money;
- (b) for any purpose necessary for the efficient administration of the public service. 1954, c. 30, s. 5.

**6.** There shall be a department of the public service called the Treasury Department over which the Treasurer shall preside. 1954, c. 30, s. 6. Treasury  
Department

**7.—(1)** The Treasurer shall manage and control the revenue and expenditure of Ontario and shall supervise, control and direct all matters relating to the financial affairs of Ontario. Duties of  
Treasurer

(2) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him to the Deputy Provincial Treasurer or to any other officer of the Treasury Department who may act for him in his place and stead, and, when the Deputy Provincial Treasurer or such other officer acts in the place and stead of the Treasurer, it shall be presumed conclusively that he acted in accordance with such a delegation. 1954, c. 30, s. 7. Delegation  
of powers  
and duties of  
Treasurer

**8.—(1)** The Lieutenant Governor in Council may authorize a seal for the Treasurer and prescribe its use on documents. Seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. 1954, c. 30, s. 8. Mechanical  
reproduc-  
tion of seal

**9.—(1)** The Lieutenant Governor in Council shall appoint a Deputy Provincial Treasurer as deputy head of the Treasury Department. 1954, c. 30, s. 9 (1). Deputy  
Provincial  
Treasurer

(2) The Lieutenant Governor in Council shall appoint a Comptroller of Accounts, a Comptroller of Finances and a Comptroller of Revenue. 1956, c. 21, s. 2. Treasury  
Department  
officers

**10.** Under the direction of the Treasurer, the Deputy Provincial Treasurer, Duties of  
Deputy  
Provincial  
Treasurer

- (a) shall supervise the administration and management of all matters for which, by this or any other Act, the Treasurer or the Treasury Department or any officer or employee of the Treasury Department has any responsibility; and
- (b) shall perform such duties as the Treasurer assigns to him. 1954, c. 30, s. 10.



Duties of  
Comptroller  
of Accounts

**11.** Under the direction of the Treasurer, the Comptroller of Accounts,

- (a) shall examine the methods of administration and control applied in any department in connection with the accounting of the disbursement of public money and report thereon with his recommendations to the Treasurer and pursuant to such recommendations he may require the adjustment and supervise the operation in each such department of such methods of administration and control as he deems proper or he may provide in any such department accounting and other services in connection with the administration and control of the disbursement of public money; and
- (b) shall perform such duties as the Treasurer assigns to him. 1954, c. 30, s. 11.

Duties of  
Comptroller  
of Finances

**12.** Under the direction of the Treasurer, the Comptroller of Finances shall,

- (a) study and advise upon trends in the field of public finance and the effects of the policies of governments on public borrowing;
- (b) advise upon all matters relating to the raising of money under Part IV and to the management of the public debt and sinking funds of Ontario; and
- (c) perform such duties as the Treasurer assigns to him. 1954, c. 30, s. 12.

Duties of  
Comptroller  
of Revenue

**13.** Under the direction of the Treasurer, the Comptroller of Revenue,

- (a) shall make in any department any investigation as to the sources and the rates of any tax, fee, revenue or receipt as he deems advisable and report thereon with his recommendations to the Treasurer;
- (b) shall examine the methods of administration and control applied in any department in connection with collection and accounting of public money and report thereon with his recommendations to the Treasurer and pursuant to such recommendations require the adjustment and supervise the operation in each such department of such methods of administration and control as he deems proper or he may provide in any such department accounting and other services in connection with the administration and control of the collection and accounting of public money; and

- (c) shall perform such duties as the Treasurer assigns to him. 1954, c. 30, s. 13.

**14.** In any case where it is deemed advisable, the Treasurer <sup>Joint action</sup> may direct that such duties of the Comptroller of Accounts and the Comptroller of Revenue as he specifies shall be performed jointly. 1954, c. 30, s. 15.

**15.** Notwithstanding any Act and under the direction of <sup>Access to books and records</sup> the Treasurer, the Comptroller of Accounts and the Comptroller of Revenue or either of them is entitled to free access at all convenient times to all files, documents and records relating to the accounting, collection, management and disbursement of public money in any department, and each of them is entitled to require and receive from any public officer such information, reports and explanations as he deems necessary for the proper performance of his duties. 1954, c. 30, s. 16.

**16.** Under the direction of the Treasurer, the Comptroller <sup>Stationing of Treasury Department staff in other departments</sup> of Accounts and the Comptroller of Revenue or either of them may station any person employed in his office in any department to enable him to carry out his duties more effectively, and the department in which such a person is stationed shall provide office accommodation for him. 1954, c. 30, s. 17.

**17.** Every person who is to examine the accounts or <sup>Oath of secrecy</sup> inquire into the affairs of any department pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that department. 1954, c. 30, s. 18.

**18.—(1)** There shall be a committee called the Budget <sup>Budget Committee</sup> Committee composed of such officers of the Treasury Department and of any other department as the Lieutenant Governor in Council designates from time to time.

(2) Subject to any directions of the Treasury Board, the Budget Committee may appoint from its members a chairman <sup>Chairman and secretary</sup> and a secretary, may determine its own rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Committee.

(3) The Budget Committee, under the direction of the <sup>Duties</sup> Treasury Board, shall,

- (a) examine, advise upon and compile the annual and supplementary estimates of revenue, receipts, expenditures and payments;

- (b) inquire into, examine and advise upon the expenditures, the commitments, the prospective expenditures, the revenues and the prospective revenues of each department;
- (c) investigate all matters relating to the receipt, disbursement and payment of public money;
- (d) make suggestions generally with a view to promoting efficiency and economy in any department; and
- (e) perform such services as the Treasury Board assigns to it. 1954, c. 30, s. 19.

## PART II

### PUBLIC MONEY

**19.**—(1) All public money shall be deposited to the credit of the Treasurer.

Public money to be deposited

(2) The Treasurer shall establish in his name accounts with such banks as he designates for the deposit of public money.

Establishment of bank accounts

(3) Every person who collects or receives public money shall pay all public money coming into his hands to the credit of the Treasurer through such officers, banks or persons and in such manner as the Treasurer directs and shall keep a record of receipts and deposits thereof in such form and manner as the Comptroller of Revenue directs. 1954, c. 30, s. 20.

Duty of persons collecting public money

**20.**—(1) The Treasurer, when he deems it advisable for the sound and efficient management of public money or of the public debt or of any sinking fund, may purchase, acquire and hold,

(a) securities issued by or guaranteed as to principal and interest by Ontario, any other province of Canada, Canada, the United Kingdom, or any of its colonies; and

(b) securities issued by the United States of America, and pay therefor out of the Consolidated Revenue Fund.

Treasurer may purchase securities

(2) The Treasurer may sell any securities purchased, acquired or held pursuant to this section and the proceeds of such sales shall be deposited to the credit of the Consolidated Revenue Fund. 1954, c. 30, s. 21.

Sale of such securities



**21.**—(1) Where any security, obligation, debenture or covenant, or any interest in real or personal estate, effects, or property is given, or transferred to, made with, or vested in the Treasurer by virtue of his office, the security, obligation, debenture or covenant, and any right of action in respect thereto, and all the estate, right and interest of the Treasurer in respect thereof, upon the death, resignation or removal from office of the Treasurer, vests, subject to the same trusts as they were respectively subject to, in the succeeding Treasurer, and may be proceeded on by action or in any other manner, or may be assigned, transferred or discharged, in the name of the succeeding Treasurer.

Vesting of securities, etc., in Treasurer and his successors

(2) A security, obligation, debenture, covenant or an interest in real or personal estate, effects and property may be proceeded on in the name of, or assigned, transferred or discharged by, any member of the Executive Council acting under *The Executive Council Act*.

Realizing on securities

R.S.O. 1960, c. 127

(3) This section applies to every security, obligation, debenture or covenant, and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in any former Treasurer, by virtue or on account of his office, and transfers all the interest, rights and estate of the former Treasurer to the Treasurer for the time being to be vested in him by virtue of his office. 1954, c. 30, s. 22.

Application of section

**22.**—(1) Where a person has an obligation or debt due to the Crown or the Crown has a claim against a person, the Treasurer may, subject to any other Act affecting such obligation, debt or claim, negotiate and accept a settlement in payment and satisfaction of such obligation, debt or claim, or may determine that any such obligation, debt or claim is uncollectable.

Settlement of or determination of uncollectability of debts

(2) The Lieutenant Governor in Council, on the recommendation of the Treasurer, may, if he considers it in the public interest, delete from the accounts any loss incurred in any settlement or determination made under subsection 1.

Deletion of losses

(3) The losses deleted from the accounts during any fiscal year shall be reported in the surplus account for that year. 1954, c. 30, s. 23.

Losses charged to surplus account

**23.**—(1) The Treasurer may accept from any person gifts or bequests for the permanent endowment of any charitable or educational object in Ontario, and may invest them in such securities as the Lieutenant Governor in Council directs.

Treasurer authorized to accept certain gifts and bequests

(2) The Treasurer shall pay interest upon such gifts or bequests to such persons, at such rate, at such times and

Interest



computed in such manner as the Lieutenant Governor in Council from time to time determines, and such interest is a charge upon and payable out of the Consolidated Revenue Fund. 1954, c. 30, s. 24.

Money received for special purpose

**24.**—(1) Money received by or on behalf of the Crown for a special purpose and paid into the Consolidated Revenue Fund may, subject to any Act applicable thereto, be paid out of the Consolidated Revenue Fund for that purpose.

Interest

(2) The Treasurer may pay interest upon any money to which subsection 1 applies, at such rate, at such times and computed in such manner as the Lieutenant Governor in Council from time to time determines, and such interest is a charge upon and payable out of the Consolidated Revenue Fund. 1954, c. 30, s. 25.

Recovery of balance of public money

**25.**—(1) Every person, on the termination of his charge of an account, or, in the case of his death, his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive it.

Idem

(2) Where it appears to the Comptroller of Revenue that an amount of public money has been improperly retained by a person, he shall report the circumstances to the Treasurer. 1954, c. 30, s. 26.

Refunds

**26.** Where a refund is authorized to be made to a person, such refund shall be paid out of the Consolidated Revenue Fund and charged to the appropriate account. 1954, c. 30, s. 27.

### PART III

#### DISBURSEMENT OF PUBLIC MONEY

Form of payments out of Consolidated Revenue Fund

**27.**—(1) Every payment out of the Consolidated Revenue Fund shall be made by cheque prepared under the direction of the Comptroller of Accounts and shall be signed by the Treasurer and by the Deputy Provincial Treasurer or such other officer of the Treasury Department as is for the time being authorized by the Treasurer to sign cheques.

Signature

(2) The Treasurer may authorize the use of facsimile signatures on cheques to be affixed thereto by the use of a rubber stamp or by printing, lithographing, engraving or by other mechanical means.

(3) Every cheque that is issued under the direction of the Comptroller of Accounts shall, when paid, be delivered into his custody for examination and reconciliation with the statement of cheques issued. <sup>Cancelled cheques</sup>

(4) The Treasurer, with the approval of the Provincial Auditor, may authorize the destruction from time to time of paid and cancelled cheques. <sup>Destruction</sup> 1954, c. 30, s. 28.

**28.** Where a guarantee has been given under the authority of the Legislature by or on behalf of the Crown for the payment of a debt or obligation, any amount required to be paid by the terms of the guarantee may, subject to the Act authorizing the guarantee, be paid out of the Consolidated Revenue Fund. <sup>Payment of guarantee</sup> 1954, c. 30, s. 29.

**29.**—(1) Where an accident happens to any public work or building when the Legislature is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when the Legislature is not in session in respect of which an expenditure not foreseen or provided for by the Legislature is urgently required for the public good, the Treasury Board shall estimate the amount to be required for such expenditure, and the Lieutenant Governor in Council, upon the report of the Treasurer that there is no appropriation for the expenditure and upon the report of the Treasury Board stating its estimate and upon the recommendation of the minister of the department concerned that the expenditure is urgently required, may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the payment of the amount estimated to be required for such expenditure. <sup>Special warrants</sup>

(2) A warrant issued under this section shall be deemed to be an appropriation for the fiscal year in which it is issued. <sup>Warrant an appropriation</sup> 1954, c. 30, s. 30.

**30.** Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Treasury Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required and upon the report of the Budget Committee thereon, may make an order authorizing payments to be made against such amount as it deems proper. <sup>Treasury Board orders</sup> 1954, c. 30, s. 31.

How public  
moneys to  
be paid in  
certain  
circum-  
stances

**31.** If any public money is appropriated by an Act for any purpose or is directed by the judgment of a court or the award of arbitrators or other lawful authority to be paid by the Lieutenant Governor and no other provision is made respecting it, such money is payable under warrant of the Lieutenant Governor, directed to the Treasurer, out of the Consolidated Revenue Fund, and all persons entrusted with the expenditure of any such money or a part thereof shall account for it in such manner and form, with such vouchers, at such periods and to such officer as the Treasurer directs. 1954, c. 30, s. 32.

Allowances  
for travel-  
ling and  
living  
expenses

**32.** The Lieutenant Governor in Council may make regulations fixing the scale of allowances for the travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service. 1954, c. 30, s. 33.

Accountable  
advances

**33.—(1)** On the application of a minister, the Treasurer may authorize the Comptroller of Accounts to make an accountable advance out of the Consolidated Revenue Fund for the purpose of meeting disbursements for travelling expenses or other contingencies or of making payments on account of expenses incurred or to be incurred. 1954, c. 30, s. 34 (1); 1958, c. 29, s. 2.

Idem

(2) If, at the termination of the fiscal year in which an advance was made no accounting or repayment of the advance has been received, such advance shall be repaid or accounted for within thirty days thereafter.

Recovery

(3) Where it appears to the Comptroller of Accounts that an accountable advance or a part thereof has not been repaid or accounted for as required by subsection 2, he shall report the circumstances to the Treasurer. 1954, c. 30, s. 34 (2, 3).

Authority  
for pay-  
ments of  
accounts for  
printing,  
stationery,  
etc.

**34.** The Treasurer may pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other supplies delivered to the Queen's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of \$650,000. 1954, c. 30, s. 35; 1957, c. 35, s. 1.

Expenditure  
refunds

**35.** An amount received as a refund or repayment of an expenditure or advance and deposited to the credit of the Treasurer shall be included in the unexpended balance of the appropriation against which it was charged. 1954, c. 30, s. 36.



## PART IV

## PUBLIC DEBT

**36.** In this Part, "securities" means securities of Ontario, and includes Ontario Government stock, bonds, debentures, interest bearing and non-interest bearing treasury bills, notes and any other security representing part of the public debt of Ontario. 1954, c. 30, s. 37.

Interpre-  
tation

**37.** No money shall be raised by way of loan by the Crown except under this or any other Act of the Legislature. 1954, c. 30, s. 38.

Loans to be  
authorized

**38.** All money raised by way of loan and the interest thereon and the principal amount of and interest on all securities issued are a charge on and are payable out of the Consolidated Revenue Fund. 1954, c. 30, s. 39.

Money  
raised  
a charge on  
Consolidated  
Revenue  
Fund

**39.** Where by this or any other Act authority is given to the Lieutenant Governor in Council to raise a sum of money by way of loan, unless there is a provision to the contrary in the Act by which the authority is given, such sum may, in the discretion of the Lieutenant Governor in Council, be raised in one of the following ways, or partly in one and partly in another or others thereof:

Raising of  
loans, etc.

1. By the issue and sale of any class or classes of securities which may be in such form or forms, may be for such separate sums, may bear interest at such rate or rates, may be payable as to principal and interest at such time or times and at such place or places as the Lieutenant Governor in Council deems expedient.
2. By the issue and sale of non-interest bearing treasury bills which may be in such form and for such separate sums and may be payable at such place or places and at such time or times, not later than twelve months after the date thereof, as the Lieutenant Governor in Council deems expedient.
3. By temporary loan or loans, and in any such case, unless the Lieutenant Governor in Council otherwise directs, the sums authorized to be raised by way of temporary loan, or any part thereof, may be raised by way of cheques creating overdrafts having such signatures affixed thereto as provided by section 27 as would make such cheques, if not creating overdrafts, binding on Ontario, and all moneys paid in honouring any such cheque by any



bank upon which such cheque is drawn shall conclusively be deemed to have been raised by the Lieutenant Governor in Council in pursuance of the authorizing Act. 1954, c. 30, s. 40.

Raising  
loans for  
refunding  
purposes

**40.**—(1) The Lieutenant Governor in Council may raise money by way of loan in such manner and at such times as is deemed expedient by the issue and sale of any class or classes of securities in such amounts as will realize the net sum required for any or all of the following purposes:

1. Payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued under this or any other Act notwithstanding that the issue of securities for such purpose may have the effect of increasing the amount of the public debt or of extending the term of years, if any, fixed by the Act authorizing the raising of the loan or the issue of the securities being paid, refunded or renewed.
2. Payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other obligations, payment whereof is guaranteed or assumed by Ontario.

Effect of  
recital in  
order

(2) A recital or declaration in the order of the Lieutenant Governor in Council authorizing the issue and sale of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum required to be raised by way of loan is conclusive evidence of that fact. 1954, c. 30, s. 41.

Securities  
may be  
issued  
subject  
to call

**41.** Any securities issued under the authority of this or any other Act heretofore or hereafter passed may be made redeemable in advance of maturity at such time or times and at such price or prices as the Lieutenant Governor in Council provides at the time of the issue thereof. 1954, c. 30, s. 42.

Contracts  
and agree-  
ments for  
the raising  
of loans

**42.** The Lieutenant Governor in Council may authorize the Treasurer to enter into such contracts and agreements relating to the raising of loans or the issue and sale of securities as the Lieutenant Governor in Council approves, but where the Lieutenant Governor in Council authorizes the raising of a loan by the issue and sale of non-interest bearing treasury bills, he may authorize the Treasurer to offer any such treasury bills for sale on a competitive or other basis and upon such terms and conditions, including the date of issue and the date of maturity thereof, as the Treasurer deems expedient and to sell any or all of such treasury bills in such principal amount

or amounts and for such price or prices as the Treasurer accepts. 1954, c. 30, s. 43; 1956, c. 21, s. 4.

**43.** Securities issued under the authority of this Act may be made payable in the currency or currencies of any country or countries. 1954, c. 30, s. 44. Securities payable in currency

**44.** Every Act heretofore or hereafter passed that authorizes the borrowing or raising by way of loan of a specific or maximum number of dollars or the issue of securities for a specific or maximum number of dollars in principal amount shall be deemed to authorize, Loans in foreign currencies authorized

- (a) the borrowing or raising by way of loan, in whole or in part, of the same number of dollars of the United States of America or the issue of securities, in whole or in part, for the same number of dollars of the United States of America in principal amount, as the case may be; and
- (b) the borrowing or raising by way of loan, in whole or in part, of an equivalent amount in the currency of any country other than Canada or the United States of America, or the issue of securities, in whole or in part, for an equivalent principal amount in the currency of any country other than Canada or the United States of America, as the case may be, calculated in each case in accordance with the nominal rate of exchange between the Canadian dollar and the currency concerned as quoted by any chartered bank in Canada as of any time on the business day next preceding the date on which the Lieutenant Governor in Council authorizes the raising of the loan or the issue of the securities. 1960, c. 37, s. 1.

**45.** The Lieutenant Governor in Council may direct that securities, the money invested therein and the interest thereon shall be free from all taxes, succession duties, charges and impositions now or hereafter imposed by Ontario and by any taxing authority thereof or therein. 1954, c. 30, s. 46. Exemption from taxation

**46.** The Lieutenant Governor in Council may change the form of any part of the debt of Ontario by substituting one security for another, provided that neither the capital of the debt nor the annual charge for interest is thereby increased, except where a security bearing a lower rate of interest is substituted for one bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the respective securities; but such substitution shall not be made unless the consent of the holder of the Power to change form of debt

security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of Ontario, and such substitution may be made by the sale of a security of one class and the purchase of that for which it is desired to substitute it. 1954, c. 30, s. 47.

Securities,  
how  
executed

**47.** The Lieutenant Governor in Council may provide for the manner of executing securities, and that the signature of the Treasurer upon securities and the coupons attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced, the securities being in such case countersigned by the Deputy Provincial Treasurer or such officer or officers of the Treasury Department as are appointed for the purpose. 1954, c. 30, s. 48.

Contents  
and con-  
ditions of  
securities

**48.** The Lieutenant Governor in Council may provide that any securities to be issued shall contain or be subject to such conditions or provisions, including conditions or provisions with respect to the registration and transfer thereof and with respect to the exchange of securities of one form or denomination for securities of a different form or denomination of equivalent aggregate principal amount and bearing the same rate of interest, as he deems expedient. 1954, c. 30, s. 49.

Registrars  
and fiscal  
agents

**49.—(1)** The Lieutenant Governor in Council may,

- (a) appoint one or more registrars to perform such services in respect of the registration of securities as he prescribes;
- (b) appoint one or more fiscal agents to perform such services in respect of loans as he prescribes;
- (c) prescribe the duties of registrars and fiscal agents;
- (d) fix the remuneration or compensation of any such registrar or fiscal agent.

Accounting  
by fiscal  
agents and  
registrars

**(2)** Every registrar and fiscal agent shall as often as required by the Treasurer give to the Treasurer an accounting, in such form and containing such information as the Treasurer prescribes, of all his transactions as registrar or fiscal agent. 1954, c. 30, s. 50.

Officers not  
bound to  
see to trust

**50.** No officer or person employed in the inscription, registration, transfer, management or redemption of any securities, or in the payment of any interest thereon, is bound to see to the execution of any trust, expressed or implied, to which such securities are subject, or is liable in any way to any person for anything so done by him. 1954, c. 30, s. 51.



**51.** In the event of the loss of any securities or interest coupons thereon by a holder thereof, the Treasurer may pay the amount thereof out of the Consolidated Revenue Fund and may take a bond in such amount and in such form as he deems advisable indemnifying Ontario against loss in respect of such payment. 1954, c. 30, s. 52.

Payment  
of lost  
securities

**52.** The Lieutenant Governor in Council may provide for the creation and management of a special sinking fund with respect to any issue of securities or of a general sinking fund with respect to such securities as have been or are hereafter issued without provision for a sinking fund with respect to them. 1954, c. 30, s. 53.

Sinking  
funds

**53.** All money required to provide a sinking fund or otherwise required to secure repayment of securities, the remuneration and compensation of registrars and fiscal agents and all costs, expenses and charges incurred in the negotiation or raising of loans or in the issue, redemption, servicing, payment and management of any loan and any securities issued in respect thereof, may be paid out of the Consolidated Revenue Fund. 1954, c. 30, s. 54.

Payment of  
loan ex-  
penses out of  
Consolidated  
Revenue  
Fund

**54.** The Treasurer may cancel securities that come into his hands through purchase for sinking fund or otherwise, and upon cancellation such securities cease to be a charge upon the Consolidated Revenue Fund. 1954, c. 30, s. 55.

Power to  
cancel  
securities  
acquired on  
sinking fund  
account

**55.**—(1) All securities issued for raising money by way of loan shall contain in the body of each security a statement of the legislative authority under which the loan is authorized, and no security issued after the 1st day of July, 1922, is valid unless such statement of the legislative authority for the particular loan is contained in the body of such security.

Securities  
to state  
authority

(2) Every advertisement for the sale of such securities shall contain a statement of the legislative authority under which the loan is authorized. 1954, c. 30, s. 56.

Advertise-  
ment to  
state  
authority

**56.** Nothing in this Act impairs or prejudicially affects the rights of the holder of any securities issued before this Act comes into force. 1954, c. 30, s. 57.

Securities  
heretofore  
issued

**57.** The Lieutenant Governor in Council may make such regulations as he deems necessary,

Regulations

- (a) for the management of the public debt;
- (b) for the inscription of any securities;
- (c) for the registration, transfer, exchange, redemption, cancellation and destruction of securities. 1954, c. 30, s. 58



## PART V

## CIVIL LIABILITY

Notice to  
person  
failing to  
pay over  
public  
money

**58.**—(1) Where the Treasurer has reason to believe that a person,

- (a) has received money for the Crown and has not paid it over;
- (b) has received money for which he is accountable to the Crown and has not accounted for it; or
- (c) has in his hands any public money applicable to a purpose and has not applied it to that purpose,

the Treasurer may give notice to such person, or to his personal representative in case of his death, requiring him within such time from the service of the notice as is stated therein, to pay over, account for, or so apply such money, as the case may be, and to transmit to the Treasurer proper vouchers that he has done so.

Service  
of notice

(2) The notice may be served by delivering a copy to the person to whom it is addressed or by leaving it for him at his usual place of residence. 1954, c. 30, s. 59 (1, 2).

Proceedings  
where notice  
not com-  
plied with

(3) Where a person fails to comply with the notice given under subsection 1 within the time stated therein, the treasurer may state an account between the Crown and such person showing the amount of the money not paid over, accounted for or applied, as the case may be, and, in the discretion of the Treasurer, charging interest on the whole or any part thereof at the rate of 5 per cent per annum from such date as the Treasurer determines, and in any proceedings for the recovery of such money a copy of the account so stated by the Treasurer, certified by him, is admissible in evidence as *prima facie* proof that the amount stated therein, together with interest, is due and payable to the Crown, without proof of the signature of the Treasurer or his official character, and without further proof thereof, and such amount and interest may be recovered as a debt due to the Crown in any court of competent jurisdiction. 1954, c. 30, s. 59 (3), *revised*.

Unapplied  
public  
money for  
purpose to  
be applied  
out of Con-  
solidated  
Revenue  
Fund

**59.** Where a person has received public money to be applied to a purpose and has not so applied it and a notice has been given under subsection 1 of section 58, an equal sum out of the Consolidated Revenue Fund may in the meantime be applied to the purpose to which such sum ought to have been applied. 1954, c. 30, s. 60.

**60.** Where it appears,

Evidence

- (a) by the books or accounts kept by or in the office of any person employed in the collection or management of the revenue;
- (b) in any accounting by such person; or
- (c) by his written acknowledgment or confession,

that such person has, by virtue of his office or employment, received money belonging to the Crown and has neglected or refused to pay it over to the proper persons at the proper times, an affidavit deposing to such facts, taken by any person having knowledge thereof, is, in any proceedings for the recovery of such money, admissible in evidence as *prima facie* proof of the facts stated therein. 1954, c. 30, s. 61.

**61.** Where by reason of any malfeasance, nonfeasance or misfeasance by a person employed in collecting or receiving any public money, any sum of money is lost to the Crown, such person is accountable for such sum as if he had collected and received it and it may be recovered from him as if he had collected and received it. 1954, c. 30, s. 62.

Liability  
for loss

**62.** Where in the opinion of the Treasurer a person is indebted to the Crown in any specific sum of money, the Treasurer may authorize the Comptroller of Accounts to retain by way of deduction or set-off the amount of such indebtedness out of any sum of money that may be due and payable by the Crown to such person. 1954, c. 30, s. 63.

Set-off

**63.** All books, papers, accounts and documents kept or used by, or received or taken into the possession of any person who is or has been employed in connection with the collection, management, disbursement or accounting of public money, by virtue of that employment, shall be deemed to be chattels belonging to the Crown, and all money and valuable securities received or taken into the possession of any such person by virtue of his employment shall be deemed to be money and valuable securities belonging to the Crown. 1954, c. 30, s. 64.

Books, etc.,  
property  
of the  
Crown

**64.** Nothing in this Act affects any remedy that the Crown by virtue of any other Act or law has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown and in the possession of any person or any remedy that the Crown or any person has against such person or his sureties or against any other person. 1954, c. 30, s. 65.

Nothing in  
this Act to  
impair other  
remedies of  
the Crown

