

1960

c 327 Public Officers' Fees Act

Ontario

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Bibliographic Citation

Public Officers' Fees Act, SO 1966, c 327

Repository Citation

Ontario (1960) "c 327 Public Officers' Fees Act," *Ontario: Revised Statutes*: Vol. 1960: Iss. 4, Article 23.

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CHAPTER 327

The Public Officers' Fees Act

1. In this Act,

Interpre-
tation

- (a) "net income" means the excess of all fees and emoluments earned during the calendar year by an officer, by virtue of all his offices, after deducting such disbursements incident to the business of the office as may be allowed by the proper officer including the salaries of clerks and other employees;
- (b) "proper officer" means the inspector appointed under any Act who has supervision over the office in question, or any person designated by the Lieutenant Governor in Council. R.S.O. 1950, c. 312, s. 1.

2.—(1) Every officer to whom this Act applies who is paid by fees or other emoluments and not by salary only shall pay to the treasurer of Ontario a percentage of the fees and emoluments earned by him during the calendar year as provided by this Act and by any regulation made thereunder.

Percentage
of fees
payable to
Province

(2) When more than one person has held an office in a calendar year, each shall pay a proportionate part based upon his net income and the time he held office. R.S.O. 1950, c. 312, s. 2.

Apportion-
ment

3.—(1) On or before the 15th day of January in each year every officer to whom this Act applies shall transmit to the proper officer a return under oath of all fees and emoluments, including his salary, if any, earned in respect of his office, whether actually received or not, and also of the disbursements of his office during the calendar year ending on the 31st day of December previous to such return, and shall with such return transmit by marked cheque payable to the Treasurer of Ontario the percentage payable to the Government under this Act.

Returns
to be made
on or before
15th
January

(2) When a person ceases to hold office during a calendar year, he shall make a return and remit a cheque for the due proportion of the percentage within thirty days from the time he ceases to hold office.

When ceas-
ing to hold
office

(3) Upon the death of a person holding office, his representatives shall make a return within thirty days from the date of death and pay the due proportion of the percentage.

Where officer
dies

Attorney
General
may require
special
return

(4) When so required by the Attorney General, any officer shall make at any time a special return and shall forthwith pay over the due proportion of the percentage as of the date of such return. R.S.O. 1950, c. 312, s. 3.

Allowances
for salary
to be
approved

4.—(1) No allowance shall be made for any salary to any clerk or other employee until the proper officer has certified to the necessity for his employment and the reasonableness of the salary paid.

Application
of section

(2) This section applies to every person holding the office of Crown attorney, clerk of the peace, sheriff, local registrar of the Supreme Court, deputy registrar, clerk of the county or district court, registrar of the surrogate court, and to every other officer designated by the Lieutenant Governor in Council. R.S.O. 1950, c. 312, s. 4.

Crown
attorney

5. Every Crown attorney, whether he is or is not the clerk of the peace, and every clerk of the peace, is entitled to retain to his own use in each year his net income up to \$6,000, but shall pay to the Treasurer of Ontario 50 per cent of the excess over that sum. R.S.O. 1950, c. 312, s. 5.

Supreme
Court,
county
court and
surrogate
court fees

6.—(1) Every local registrar of the Supreme Court, deputy registrar, county or district court clerk and registrar of the surrogate court, whether holding one or more of such offices, and every sheriff is entitled to retain to his own use in each year his net income up to \$4,000.

Percentages
payable on
net income

(2) On the net income of each year over \$4,000, he shall pay to the Treasurer of Ontario,

- (a) on the excess over \$4,000 up to \$6,000, 50 per cent;
- (b) on the excess over \$6,000, 90 per cent. R.S.O. 1950, c. 312, s. 7 (1, 2).

Division
court
clerks and
bailiffs

7.—(1) Every division court clerk and every division court bailiff is entitled to retain to his own use in each year all the gross fees and emoluments earned by him in that year up to,

- (a) \$9,000 for a division court clerk; and
- (b) \$6,000 for a bailiff. R.S.O. 1950, c. 312, s. 8 (1); O. Reg. 1/58, reg. 1 (1).

Clerks

(2) Of all the gross fees and emoluments earned by any division court clerk in each year he shall pay to the Treasurer of Ontario, on the excess over \$9,000, 60 per cent thereof. 1953, c. 89, s. 1, *part*; O. Reg. 1/58, reg. 1 (2).

(3) Of all the gross fees and emoluments earned by any division court bailiff in each year he shall pay to the Treasurer of Ontario,

- (a) on the excess over \$6,000 up to \$10,000, 10 per cent thereof;
- (b) on the excess over \$10,000, 20 per cent thereof. 1953, c. 89, s. 1, *part.*

8. The money paid to the Treasurer of Ontario forms part of the Consolidated Revenue Fund. R.S.O. 1950, c. 312, s. 9.

9. The Lieutenant Governor in Council may direct the payment out of the Consolidated Revenue Fund to the sheriff and other officers of any provisional judicial district of such several sums of money by way of salary or otherwise and in addition to the fees that are received by such officers as are thought reasonable for the services performed by them. R.S.O. 1950, c. 312, s. 10.

10. The Lieutenant Governor in Council may make regulations for the management of the offices of all public officers, and may confer upon any inspector such powers as are deemed necessary for the carrying out of this Act and of the Acts under which such officers are appointed or under which they are required to discharge their duties. R.S.O. 1950, c. 312, s. 11.

11. Where it appears by a return to the Lieutenant Governor or to any department of the Government that in any year a sheriff, local registrar of the Supreme Court, deputy registrar, county or district court clerk, and registrar of the surrogate court, whether holding one or more of the above offices, has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which does not exceed \$3,200, or the amount at which he is commuted, as the case may be, there may, on the report of the Inspector of Legal Offices, be paid to such officer out of the Consolidated Revenue Fund an amount sufficient to make up the income for the year to \$3,200, or to the amount at which he is commuted, as the case may be, if the Lieutenant Governor in Council so directs. R.S.O. 1950, c. 312, s. 12; 1951, c. 72, s. 2.

12.—(1) The Lieutenant Governor in Council may from time to time amend or repeal the amount of percentages payable under this Act by any officer to whom this Act

applies, and the amount of net income or gross income that any such officer is entitled to retain to his own use.

Alterations
of fees

(2) The Lieutenant Governor in Council may amend or repeal any fee payable under any Act to any officer to whom this Act applies. R.S.O. 1950, c. 312, s. 13.

Compulsory
retirement
of officers

13. An officer, other than a sheriff, to whom this Act applies shall cease to hold office upon attaining the age of eighty years and the appointment of his successor. R.S.O. 1950, c. 312, s. 14.
