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c 312 Public Officers' Fees Act

Ontario

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CHAPTER 312

The Public Officers' Fees Act

1. In this Act,

- (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 statute who has supervision over the office in question, or any person designated by the Lieutenant-Governor in Council. R.S.O. 1937, c. 18, ss. 1, 4 (1).

Interpretation.

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 any office in any calendar year, each shall pay a proportionate part based upon his net income and the time he has held office. R.S.O. 1937, c. 18, s. 2.

Apportionment where more than one officer in any year.

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 any person ceases to hold office during any calendar year, he shall make a return and remit a cheque for the due proportion of the percentage within 30 days from the time he ceases to hold office.

When ceasing to hold office.

(3) Upon the death of any person holding office, his representatives shall make a return within 30 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. 1937, c. 18, 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 shall apply 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. 1937, c. 18, s. 4 (2, 3).

Crown attorney.

5. Every Crown attorney, whether he is or is not the clerk of the peace, and every clerk of the peace, shall be 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. 1937, c. 18, s. 5; 1950, c. 64, s. 1.

Sheriff.

6. Every sheriff shall be entitled to retain to his own use in each year his net income up to \$6,500, but shall pay to the Treasurer of Ontario 90 per cent of the excess over that sum, provided that this section shall not apply to any sheriff appointed after the 28th day of March, 1929. R.S.O. 1937, c. 18, s. 6.

Supreme Court, county court and surrogate court fees.

7.—(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 the above offices, and every sheriff shall be entitled to retain to his own use in each year his net income up to \$4,000. R.S.O. 1937, c. 18, s. 7 (1); 1949, c. 83, s. 1 (1).

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. 1949, c. 83, s. 1 (2).

Application of subs. 1 and 2.

(3) Subsections 1 and 2 shall not apply in the case of a sheriff who was in office on the 28th day of March, 1929. R.S.O. 1937, c. 18, s. 7 (3).

Division court clerks and bailiffs.

8.—(1) Every division court clerk and every division court bailiff shall be entitled to retain to his own use in each

year all the gross fees and emoluments earned by him in that year up to \$6,000.

(2) Of all the gross fees and emoluments earned by any Idem. division court clerk or 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.
1950, c. 64, s. 2.

9. The money paid to the Treasurer of Ontario shall form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 18, s. 9. Application of moneys received by the Province.

10. 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 which are received by such sheriff and other officers as may be thought reasonable for the services performed by such officers. R.S.O. 1937, c. 18, s. 10. Salaries of sheriffs in district.

11. The Lieutenant-Governor in Council may make rules and regulations for the management of the offices of all public officers, and may confer upon any inspector such powers as may be deemed necessary for the carrying out of the provisions 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. 1937, c. 18, s. 11. Rules and regulations for management of offices.

12. 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 \$1,800, 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 \$1,800, 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. 1937, c. 18, s. 12; 1939, c. 47, s. 22. Minimum salary for certain officers.

13.—(1) The Lieutenant-Governor in Council may from time to time amend or repeal the amount of percentages Alteration of percentages and provisions re income.

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 under this Act is entitled to retain to his own use.

Alterations
of fees under
Ontario
Statute.

(2) The Lieutenant-Governor in Council may from time to time amend or repeal any fees payable under any Act of the Legislature to any sheriff, Crown attorney, clerk of the peace or any officer within this Act. R.S.O. 1937, c. 18, s. 13; 1946, c. 81, s. 2.

Compulsory
retirement
of officers.

14. An officer, other than a sheriff, to whom this Act applies shall cease to hold office upon attaining the age of 80 years and the appointment of his successor. R.S.O. 1937, c. 18, s. 14.
