CHAPTER 366.

The Teachers' and Inspectors' Superannuation Act.

1. In this Act,—

(a) "Board" shall mean and include board of public school trustees, board of separate school trustees, high school board and board of education;

(b) "Commission" shall mean the Commission appointed under this Act for the administration thereof;

(c) "Corporation" shall mean the corporation of a county or other municipality by which inspectors are employed;

(d) "Department" shall mean Department of Education;

(e) "Employed" shall mean and include—

(i) engaged in Ontario in teaching in a public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school, a school to which The Vocational Education Act applies, a faculty of education approved by the Minister, and including its attached observation and practice schools, the Ontario School for the Deaf or the Ontario School for the Blind, or a certified industrial school or a school or classes held in or in connection with any public institution supported in whole or in part by contributions from the Province or from a municipal corporation and defined in the regulations;

(ii) engaged in Ontario as an inspector of public schools by a county or other municipality;

(iii) engaged by the Minister, or by the Government as an inspector or a supervisor of any grade or department, or class of such schools or as superintendent of education or as any other officer designated by the Minister as being engaged in work in connection with the administration of the Department, requiring
the professional qualifications and experience of a teacher or as an officer of any association or body of teachers approved by the Minister as engaged in advancing the interests of education;

(f) "Fund" shall mean Teachers' and Inspectors' "Fund," Superannuation Fund; R.S.O. 1927, c. 331, s. 1, cls. (a-f).

(g) "Inspector" shall mean a person qualified according "Inspector," to the regulations of the Department for the duties of his office and shall include a supervisor and a superintendent of education and an inspector of the Penny Savings Bank; R.S.O. 1927, c. 331, s. 1, cl. (g); 1932, c. 42, s. 19 (1).

(h) "Minister" shall mean Minister of Education;

(i) "Regulations" shall mean regulations made under "Regulations," The Department of Education Act; Rev. Stat., c. 388.

(j) "Teacher" shall mean a person qualified according "Teacher," to the regulations of the Department to teach in a public school, separate school, continuation school, high school or collegiate institute, provincial normal or model school or a school to which The Vocational Education Act applies, or a practice or observation school attached to a faculty of education and shall include a professor in a faculty of education. R.S.O. 1927, c. 331, s. 1, cls. (h-j).

THE TEACHERS' AND INSPECTORS' SUPERANNUATION FUND.

2.—(1) The fund heretofore established as the "Ontario Teachers' and Inspectors' Superannuation Fund" shall be continued and shall hereafter be known as the "Teachers' and Inspectors' Superannuation Fund" to consist of contributions and payments to be made as hereinafter provided.

(2) The Treasurer of Ontario shall be the custodian of the fund.

(3) The fund, less such sums as may from time to time be necessary to meet current expenses, shall be invested by the Treasurer of Ontario in securities of the Province of Ontario and such securities shall be set apart and earmarked for the fund and the interest payable from time to time on account thereof shall be paid into and form part of the fund and shall be credited thereto whenever payable.
(4) All sums paid into the fund during any fiscal year shall be credited to the fund as of the 1st day of February in that fiscal year and the Province shall pay interest thereon at the rate from time to time payable upon loans issued for provincial purposes as fixed by the Lieutenant-Governor in Council for the period between the 1st day of February and the 31st day of July in each fiscal year.

(5) Books shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the fund and all sums received from time to time by way of contributions to the fund or which may be paid by the Province towards the administration thereof, and an account shall be kept in some chartered bank of Canada in the name of the Treasurer of Ontario as custodian of the fund and all amounts received as payments into the fund or as refunds shall be deposited to the credit of the said account, and all payments out of the fund shall be paid by cheque upon the said account as hereinafter provided.

(6) The payment of any superannuation allowance or other benefit under this Act and the cost and expenses of the administration of this Act shall be payable out of the fund and payments therefor shall be made by the cheque of the Treasurer of Ontario signed by him or by the Assistant Treasurer or by such other person as may be appointed by the Treasurer for that purpose, but no cheque shall be issued unless countersigned by a member of the Commission.

(7) The Treasurer of Ontario may issue bonds or other securities of the Province from time to time for any amount or amounts required to be contributed by the Province to the fund or in exchange for any amount to the credit of the fund and such bonds or other securities shall bear interest at the rate from time to time payable by the Province upon loans issued for provincial purposes as fixed by the Lieutenant-Governor in Council.

(8) The Minister with the approval of the Lieutenant-Governor in Council may make regulations respecting,—

(a) the manner in which the accounts of the fund are to be kept;

(b) the persons by whom such accounts shall be kept and who shall be responsible for the safe keeping of the securities issued from time to time on account of the fund;

(c) the form of cheques to be issued from time to time against the account of the fund and the manner in
which the same shall be signed and countersigned.
R.S.O. 1927, c. 331, s. 2 (1-8).

(9) The accounts of the fund shall be audited and the secur-
eties in which the moneys of the fund may be invested from
time to time shall be examined and checked by the Provincial
Auditor or by such other auditor or auditors and at such times
as the Lieutenant-Governor in Council shall direct, and such
auditor or auditors shall make an annual report, and prepare and
furnish such other statements to the Treasurer of Ontario as
he shall from time to time direct or request. R.S.O. 1927,
c. 331, s. 2 (9), part.

(10) The costs and expenses of such audits and reports shall
be paid by the Commission out of the fund. 1935, c. 64, s. 5.

(11) The Treasurer of Ontario may receive any gift, devise
or bequest made to, or for the purposes of the fund, and pay
the same, or the proceeds thereof, into the fund, to be applied
as directed by the donor, and if so directed, in additional
benefits to those provided by this Act, or in the absence of
any such direction, to the general purposes of the fund. R.S.O.
1927, c. 331, s. 2 (10).

3.—(1) Notwithstanding anything in this Act, or any other
Act contained as of the 1st day of November, 1932, the invest-
ments held for the fund in debentures or stock of the Province
of Ontario shall be ascertained and together with such unin-
vested funds as are not required for current expenses shall be
transferred to the Province and the Lieutenant-Governor in
Council may issue in exchange therefor debentures or Ontario
Government stock having a par value equal to the par value
of the debentures or stock transferred plus the uninvested funds
transferred.

(2) The debentures or Ontario Government stock to be
issued shall bear interest at the rate of four and three-quarters
per centum per annum, payable half-yearly and shall be due and
payable on the 1st day of November, 1942, and be a charge on
the Consolidated Revenue Fund of Ontario.

(3) In each of the next ten years the Province of Ontario
shall issue debentures or stock for the surplus funds accumu-
lated and which are not required for current expenses, such
debentures or stock to mature on the 1st day of November,
1942, and bear interest at the rate of four and three-quarters
per centum per annum payable half-yearly.

(4) On the 1st day of November, 1942, the Treasurer of
Ontario shall issue debentures or stock for all surplus funds
in his hands as custodian of the fund, and which are not re-
required for current expenses, including the principal of debentures and stock maturing on that date, bearing interest at the rate of four and three-quarters per centum per annum, payable half-yearly and maturing on the 1st day of November, 1982.

(5) On or before the 1st day of November, 1942, a rate of interest shall be agreed upon between the Commission and the Province, which shall be payable by the Province on the surplus funds accumulating in the ten years ending on the 1st day of November, 1952, and similarly at the beginning of each period of ten years thereafter a rate of interest shall be agreed upon which shall be paid by the Province on surplus funds accumulating during such period of ten years, or becoming due at the end of such ten year period.

(6) In each period of ten years the Treasurer of Ontario shall issue debentures or stock for the amount of surplus funds accumulated from time to time and which are not required for current expenses, such debentures or stock to become due and payable on the last day of the ten year period, and to bear interest at the rate agreed upon at the beginning of the period as being applicable for that period.

(7) At the end of each period of ten years the Treasurer of Ontario shall issue debentures or stock for the amount of surplus funds in his hands as custodian of the fund, and which are not required for current expenditures and for the amount of the debentures or stock which shall have become due at the end of such period of ten years, bearing interest at the rate agreed upon as outlined in subsection 5 and becoming due and payable forty years after the date of issue. 1932, c. 42, s. 19 (2).

Contributions by Teachers and Inspectors.

4. (1) Every teacher and inspector employed in Ontario shall contribute to the fund as from the 1st day of September, 1936, three per centum of his salary in such manner as may be prescribed by the regulations. R.S.O. 1927, c. 331, s. 3 (1); 1936, c. 55, s. 46.

(2) Subject to the regulations the Commission may provide that a teacher qualified according to the regulations of the Department and engaged in teaching in Ontario in any school or classes conducted by the Government of Canada or the Government of Ontario, or under any joint arrangement between the Government of Canada and the Department, or the Government of Canada and the Minister for the instruction of returned soldiers and sailors who served during the
late war with Germany, may be permitted to contribute to the
fund upon the same terms as teachers and inspectors contribut­
ing under subsection 1, and any teacher so contributing shall
be admitted to the benefits provided for by this Act, but no
contribution under this subsection shall be compulsory.

(3) If the salary of any teacher or inspector for any year is
less than $550, it shall be taken as being $550 for the purposes
of this Act.

(4) Every contribution payable under this section shall be
made in payments on the dates of the payment of the instal­
ments of the salary of the teacher or inspector and in the
manner prescribed by the regulations.

(5) The amount payable by a teacher or inspector employed
by a board or corporation or by the governing body of a
faculty of education shall be deducted from his salary by the
board or corporation or governing body as the case may be,
and the Minister shall deduct the same from the total legisla­
tive grant payable to the board or corporation or governing body,
and it shall be placed to the credit of the fund by the Treasurer
of Ontario, and if the amount of such grant is less than the
amount due from the corporation, board or governing body,
it shall pay over the balance to the Treasurer and the amount
so paid shall be placed to the credit of the fund.

(6) Where a teacher or inspector,—

(a) has been granted leave of absence from his employ­
ment for any purpose and for any period permitted
by the regulations; or

(b) is employed by a board which refuses or neglects to
comply with the provisions of subsections 4 and 5,
of which by reason of noncompliance with any
statute or regulation is disentitled to share in the
legislative grant for the schools under its jurisdic­
tion;

such teacher or inspector may make his contributions directly
to the fund on such terms and conditions and at such times as
may be prescribed by the regulations, and the contributions so
paid shall be placed to the credit of the fund and shall be al­
lowed to the teacher or inspector in fixing any allowance pay­
able to him under the provisions of this Act.

(7) In the case of a teacher or inspector whose salary
is paid directly or indirectly by the Government of Ontario,
the amount payable by such teacher or inspector shall be re­
tained out of his salary and placed to the credit of the fund by
the Treasurer of Ontario.
(8) Where the salary of a teacher in a school or institution other than a school which is under the control of a board is paid in part by the public school board, separate school board or board of education and in part by the board of managers or other authority having the control and management of the school or institution, or is paid wholly by such board of managers or other authority, subject to the regulations, such teacher shall contribute upon the whole salary so paid to him and as to any portion of his salary not payable by a board may make his contribution directly to the fund on such terms and conditions, and at such times as may be prescribed by the regulations, and the contributions so paid shall be placed to the credit of the fund and shall be allowed to him in fixing any allowance payable to him under the provisions of this Act. R.S.O. 1927, c. 331, s. 3 (2-8).

CONTRIBUTIONS BY PROVINCE.

5. The Treasurer of Ontario shall place to the credit of the fund at such time as shall be prescribed by the regulations, sums equal to two and one-half per centum of the salaries paid to every teacher and inspector employed in Ontario and coming under the provisions of this Act. 1936, c. 55, s. 47.

BENEFITS PAYABLE TO TEACHERS AND INSPECTORS.

6.—(1) Every teacher and every inspector who applies to the Minister for the superannuation allowance provided for by this Act and who furnishes to the Minister evidence that he has been employed for at least thirty-nine years prior to the date of such application and has retired from his profession and ceased to be so employed since the 31st day of December, 1916, and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an annual allowance chargeable against the fund equal to one-sixtieth of his average salary for the full number of years during which he has made contributions to the fund, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the fund, but,—

(a) the years during which he has contributed to the fund shall count as full years of employment;

(b) the years of employment completed prior to the 1st day of April, 1917, shall count each as a half year of employment;
(c) contributions to any municipal or school board fund made prior to the 1st day of April, 1917, and paid over to the fund shall be considered as contributions to the fund;

(d) if the amount of the annual payment to the teacher or inspector as above determined is less than $365, the amount payable annually to the teacher or inspector may be $20 for each year of service, but not exceeding in the whole $365;

(e) if the amount of such annual payment as above computed is more than $1,000, the amount of the annual payment shall be $1,000, but if at the time of his becoming entitled to such maximum allowance the teacher or inspector has paid into the fund a sum sufficient to purchase at Dominion Government rates a life annuity of a greater amount than $1,000 per annum, the annual allowance payable to him under this Act shall equal the amount of such annuity;

(f) a teacher or inspector who has contributed to the fund mentioned in sections 125 to 127 of The Public Schools Act, and who has become subject to this Act under section 15 shall be entitled to receive in addition to any allowance under this section, an annual allowance equal to an annuity which might have been purchased by him at Dominion Government rates with the sums so contributed, but the total amount payable to him shall not exceed the maximum provided for in clause e;

(g) should a teacher or an inspector after retirement again become employed the allowance shall cease during the term of such employment, but may be resumed upon his again ceasing to be employed, and the period during which he has been so employed shall be allowed for in fixing the amount of his annual allowance on retirement; R.S.O. 1927, c. 331, s. 5 (1); 1933, c. 58, s. 33 (1); 1934, c. 52, s. 17 (1); 1936, c. 55, s. 48 (1).

(h) notwithstanding anything contained in any of the preceding clauses, the amount of such annual payment as above computed shall not exceed three-fifths of the average salary of the teacher or inspector as computed according to this subsection. 1933, c. 58, s. 33 (2).

(2) A teacher or inspector who has been employed for at least thirty years, upon making the like application and furnish...
ing the like evidence of employment and retirement shall be entitled to an annual allowance actuarially equivalent to that provided for in the case of a teacher or inspector retiring after thirty-nine years' employment, having regard to the difference in length of service and the earlier age at which the allowance becomes payable. R.S.O. 1927, c. 331, s. 5 (2); 1934, c. 52, s. 17 (2).

(3) The annual allowance to teachers and inspectors under this section shall be payable in monthly instalments and shall be apportionable to date of death. R.S.O. 1927, c. 331, s. 5 (3).

(4) Every teacher and inspector who has been employed for at least fifteen years and who within two years from the date of his last employment makes application to the Minister for an annual allowance under this Act and produces the certificate of a legally qualified medical practitioner designated by the Minister which certificate is verified by an official medical referee appointed by the Minister, that he became incapacitated while employed and suffers from a physical disability which totally and permanently incapacitates him from further employment, shall be entitled to the annual allowance provided by subsection 1. 1930, c. 63, s. 21, part; 1933, c. 58, s. 33 (3).

(5) Every teacher and inspector who has been employed for at least fifteen years and who within two years from the date of his last employment makes application to the Minister for an annual allowance under this Act and who produces the certificate of a legally qualified medical practitioner designated by the Minister which certificate is verified by an official medical referee appointed by the Minister, that while employed he has become physically incapacitated from employment may be granted an annual allowance actuarially equivalent to that provided in the case of a teacher or inspector retiring after thirty-nine years of employment, having regard to the difference in length of employment and the earlier age at which the allowance becomes payable, but no such allowance shall be less than $240 per annum, with an additional $10 over and above that amount for each year by which the age of the applicant exceeds sixty years. 1930, c. 63, s. 21, part; 1933, c. 58, s. 33 (4).

(6) The certificate of the legally qualified medical practitioner shall state whether or not the disability is likely to be permanent and whether or not there is any prospect of the teacher or inspector becoming again capable of employment.

(7) The Commission may require a teacher or inspector who has been granted an annual allowance under subsection 4 or 5 to furnish such evidence from time to time of his physical
condition as the regulations may prescribe. 1930, c. 63, s. 21, part.

(8) Upon the death of a teacher or inspector while engaged in the profession, his personal representatives shall be entitled to receive a sum equal to the total amount contributed by him to the fund during his lifetime with interest at the rate paid by the Province of Ontario Savings Office at the time the refund is made compounded half-yearly. R.S.O. 1927, c. 331, s. 5 (5); 1936, c. 55, s. 48 (3).

(9) In computing the period of employment of a teacher or inspector applying for an annual allowance under subsection 1, 2 or 4, due credit shall be given for time spent in military or naval service in defence of the Empire, including service as nurse or nursing sister or in any other capacity, where such time is duly certified as prescribed by the regulations.

(10) A teacher or inspector who has retired from his profession and has ceased to be employed before the 12th day of April, 1917, shall not be entitled to the annual allowance provided for by subsection 1, 2 or 4 by reason of being employed after such date. R.S.O. 1927, c. 331, s. 5 (6, 7).

(11) Where for any of the purposes of this Act a teacher is required to furnish evidence as to any period or periods of years during which he has been employed as a teacher, he shall upon request in writing therefor be entitled to receive free of charge a written certificate from the secretary of any school board by which he has been employed as a teacher as to the period or periods of years of such employment, and it shall be the duty of such secretary to furnish the certificate when so requested. 1933, c. 58, s. 33 (5).

(12) Any teacher or inspector may be required by the Commission at any time to submit proof of age in such manner as the Commission may designate. 1936, c. 55, s. 48 (4).

7.—(1) Subject to the regulations a teacher or inspector may in writing signed by him and deposited with the Commission, at least three years prior to the date of his retirement from the profession, designate one of the following purposes to which any allowance payable to him upon retirement shall be applied, namely,—

(a) in the purchase, out of the fund, of an annuity payable to himself during his lifetime and after his death to his widow or any dependent designated by him; or
(b) in the purchase, out of the fund, of a joint annuity for himself and his wife or any other dependents and the survivors or survivor of them.

(2) A teacher or inspector may from time to time in writing signed by him and deposited with the Commission, at least three years prior to the date of his retirement from the profession, alter any designation made by him under subsection 1. 1932, c. 42, s. 19 (3).

(3) A teacher or inspector who has not given the notice required within the time referred to in subsections 1 and 2, may at a later date secure the privileges set forth in such subsections by passing a medical examination satisfactory to the Commission. 1934, c. 52, s. 18.

8.—(1) Subject to the regulations a teacher or inspector withdrawing from the profession after having been employed for at least five years shall be entitled to receive the whole of his contributions made to the fund together with interest thereon and such interest shall be compounded half-yearly and shall be at the rate of four per centum per annum from the date of his retirement to the 30th day of June, 1936, and at the rate currently paid by the Province of Ontario Savings Office from the 1st day of July, 1936, to the date of the refund. R.S.O. 1927, c. 331, s. 6; 1930, c. 63, s. 22; 1936, c. 55, s. 49 (1).

(2) Where a teacher or inspector has withdrawn his contributions from the fund and subsequently resumes work as a teacher or inspector, he shall repay with interest at the rate of four and three-quarters per centum per annum the money so withdrawn.

(3) Where a teacher or inspector has become in debt to the fund, he shall not be entitled to any benefits from the fund until he has repaid the debt or made an arrangement to do so approved by the Commission. 1936, c. 55, s. 49 (2).

(4) Where a teacher or inspector becomes a member of the Ontario Public Service on or after the 1st day of March, 1937, and elects or is required to contribute to the Public Service Superannuation Fund there shall be paid over from the Teachers' and Inspectors' Superannuation Fund to the Public Service Superannuation Fund the whole of the contributions made to the Teachers' and Inspectors' Superannuation Fund by the teacher or inspector and in his behalf by the Ontario Government, together with interest thereon at the rate of four and three-quarters per centum compounded annually. 1937, c. 72, s. 58.

9. Where a teacher or inspector dies after becoming entitled to the superannuation allowance provided for in section 6 his personal representatives shall be entitled to receive out of the
fund a sum sufficient to make the total amount received by him or his representatives equal to the total amount of his contributions to the fund with interest thereon at the rate paid by the Province of Ontario Savings Office at the time the refund is made. R.S.O. 1927, c. 331, s. 7; 1933, c. 58, s. 34; 1936, c. 55, s. 50.

10. Where a doubt exists as to the right of a teacher or inspector to any benefit under this Act and the Commission has endeavoured to procure the necessary evidence and other particulars and finds that owing to the delay in making the application it has become impossible to ascertain the facts, the Minister may reject the application. 1932, c. 42, s. 19 (4).

11.—(1) There shall be a triennial actuarial valuation of the fund, the next such valuation to be as at the 1st day of July, 1939, and the Minister may direct an additional valuation to be made at any time.

(2) Where it appears to the Minister that the condition of the fund is such as to warrant the granting of benefits in addition to those hereinafter mentioned the regulations may from time to time provide for,—

(a) increasing the amount payable to a teacher or inspector retiring under the provisions of section 6;

(b) reducing the number of years of employment necessary to entitle a teacher or inspector to a superannuation allowance under section 6; or

(c) in the alternative or in addition to both or either of such benefits, any other additional benefit which the Minister may deem proper. R.S.O. 1927, c. 331, s. 8.

12.—(1) The annual allowance payable to a teacher or an inspector under this Act shall not be subject to his debts, or be attached or taken in execution, and no assignment of any moneys payable or to become payable to a teacher or inspector under this Act shall be valid or binding, but every sum so payable shall be payable directly to the teacher or inspector or to his personal representative.

(2) Notwithstanding anything in this Act contained where any person to whom an allowance is payable under this Act is mentally ill or is otherwise physically or mentally incapable of managing his own affairs, or is an inmate of a hospital for mentally ill, mentally defective or epileptic persons or of any institution, the Commission appointed under section 16 may
Conclusive evidence of retirement.

Rev. Stat., c. 357.

Chap. 366. TEACHERS' SUPERANNUATION. Sec. 12 (2).

direct that any cheque for moneys payable to such person shall be made payable to his wife or child, or to some other member of his family or household, and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the fund to the extent of such payment. R.S.O. 1927, c. 331, s. 9.

13. A teacher or inspector who has applied for and received an annual allowance from the Province under The Public Schools Act, or under any municipal by-law, or from any fund provided by a board for the superannuation of teachers and inspectors, shall be conclusively deemed to have retired from the profession and to have ceased to be employed within the meaning of this Act from the date when the application for such allowance or gratuity was first made and accepted. R.S.O. 1927, c. 331, s. 10.

Notice by teacher or inspector becoming employed after superannuation.

14. A teacher or inspector who, after the granting of an allowance made under this Act, enters the employment of a board either temporarily or permanently, shall give notice to the Department of such employment in the manner prescribed by the regulations, and in default of so doing shall forfeit any further claim to any benefit under this Act. R.S.O. 1927, c. 331, s. 11.

STATUS OF TEACHERS AND INSPECTORS WHO WERE CONTRIBUTORS TO PUBLIC SCHOOL SUPERANNUATION FUND.

15.—(1) A teacher or an inspector in receipt of a superannuation allowance payable by the Province under The Public Schools Act shall continue to receive such superannuation allowance as if this Act had not been passed but shall have no claim to the allowance provided for by this Act.

(2) A teacher or an inspector who was employed on the 12th day of April, 1917, and who elected to become subject to the provisions of The Teachers' and Inspectors' Superannuation Act, 1917, as provided by that Act, shall have no claim against the Province in respect of any contributions made by him under The Public Schools Act before that date, provided that where it appears to the Commission that by reason of a subsequent increase in the amount of the allowance to be made upon superannuation under The Public Schools Act that such teacher or inspector has been granted or will be granted upon retirement under this Act an allowance less in amount than he would have been entitled to had he not made such election, the Commission may increase the annual allowance payable to such teacher or inspector to an amount equal
Sec. 17. **TEACHERS' SUPERANNUATION.** Chap. 366. 4637

to that which he would have received had he not made such election, provided that the total amount to be received by him shall not exceed the maximum provided for in clause e of subsection 1 of section 6. R.S.O. 1927, c. 331, s. 12.

**COMMISSION.**

16.—(1) A teacher or an inspector shall not be entitled to any allowance provided for by this Act until his claim to such allowance has been approved by the Minister upon the report of a commission consisting of five members who shall be appointed and elected triennially as follows:—

(a) An actuary and two other persons appointed by the Minister;

(b) Two teachers or inspectors who are members of the Ontario Educational Association, elected at the annual meeting of such Association, by the teachers and inspectors present and voting thereat.

(2) The election of representatives by the Ontario Educational Association shall be conducted in such manner as the majority of the members of the Association present and voting at the meeting may decide.

(3) The Minister shall triennially designate one of the members of the Commission to be the chairman thereof.

(4) A vacancy occurring in the Commission among the members appointed by the Minister shall be filled by the Minister and a vacancy occurring among the members appointed by the said Association shall be filled by the election of a person to fill such vacancy at the next annual meeting of the Association, and the board of directors of the Association, at a special meeting to be called for that purpose, upon notice of such vacancy from the Minister, may appoint a teacher or inspector who is a member of the Association to fill the vacancy until such election can be held. R.S.O. 1927, c. 331, s. 13.

(5) Each member of the Commission shall continue to hold office until his successor is duly appointed, or elected, as the case may be. 1936, c. 55, s. 51.

**REGULATIONS.**

17. Regulations may be made by the Minister with the approval of the Lieutenant-Governor in Council as provided by The Department of Education Act,
Evidence as
to claims.

(a) respecting evidence to be furnished by teachers and inspectors claiming to be entitled to the annual allowance or to any other benefit payable under this Act;

(b) respecting the conditions upon which the teachers or inspectors now employed and contributing to the superannuation fund provided for by The Public Schools Act may be entitled to receive an annual allowance as provided for by this Act;

(c) defining the classes of temporary, special or occasional teachers and providing that persons employed in any such class shall not be liable to contribute to the fund or be entitled to share in its benefits;

(d) for permitting a teacher to contribute to the fund where such teacher has been employed by a board and has since such employment been engaged in the office of the board of education of a city or town, or of an inspector, in work which in the opinion of the Minister requires the professional qualifications and experience of a teacher, and for providing that a teacher while so engaged shall be deemed to be employed within the meaning of this Act;

(e) requiring any board or corporation to make returns as to the teachers and inspectors employed by the board or corporation;

(f) prescribing the dates upon and the manner in which payments shall be made into the fund; R.S.O. 1927, c. 331, s. 14, cl. (a-f).

(g) providing that teachers from overseas or from other provinces of Canada engaged in teaching in Ontario under arrangement with the British Empire League and approved by the Minister shall not be required to contribute to the fund, and that teachers from Ontario engaged in teaching overseas or in other provinces of Canada shall, at their option, have the right to contribute to the fund while so engaged and that the period of such engagement while making such contribution shall be counted for the purposes of this Act as employment in Ontario; R.S.O. 1927, c. 331, s. 14, cl. (g); 1933, c. 58, s. 35.

(h) prescribing the date upon which payment is to be made on account of the fund to any teacher or inspector:
Sec. 18 (d). TEACHERS' SUPERANNUATION. Chap. 366. 4639

(i) prescribing the time and place at which the Commission mentioned in section 16 shall meet and the procedure of the Commission; R.S.O. 1927, c. 331, s. 14, cls. (h, i).

(j) prescribing the conditions upon which a teacher or inspector retiring from the profession before becoming entitled to a superannuation allowance may withdraw his contributions from the fund, and defining his status as regards the fund upon his return to employment in the profession, and defining and limiting the time and manner in which the right to so withdraw contributions may be exercised, and prescribing the time within which, after he returns to the profession, his contributions to the fund may be returned to it. 1929, c. 84, s. 13.

(k) providing for the withholding of any grant or other sum payable by the Province to a board or corporation in case of any default in making the payments or returns required by this Act or the regulations;

(l) generally for the better carrying out the provisions of this Act. R.S.O. 1927, c. 331, s. 14, cls. (j, k),

SPECIAL GRANTS TO TEACHERS AND INSPECTORS NOT ENTITLED TO SUPERANNUATION.

18. Regulations may be made in the manner provided by The Department of Education Act for the payment of an annual allowance to teachers and inspectors who have retired from the profession and ceased to be employed before the 1st day of January, 1917, out of any sum appropriated by the Legislature for that purpose, and the regulations may provide,—

(a) that the application for any such allowance shall be referred to the Commission for inquiry and report thereon;

(b) for payment of the allowance by the Minister upon the report of the Commission and prescribing the dates and manner of payment thereof;

(c) as to the length of service, age and other circumstances which shall entitle a teacher or inspector to receive any such annual allowance;

(d) as to what proportion such annual allowance shall bear to the salary earned by the teacher or inspector at the time of retirement or for any specified period before retirement;
(e) as to the evidence to be furnished by teachers and inspectors applying for any such annual allowances;

but no teacher or inspector shall be entitled to any allowance out of such appropriation who is in receipt of any superannuation or other allowance under *The Public Schools Act* or this Act or from any school board or municipal corporation. R.S.O. 1927, c. 331, s. 15 (1).