

1927

## c 19 Public Officers' Fees Act

Ontario

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## CHAPTER 19.

## The Public Officers' Fees Act.

## INTERPRETATION.

**1.** "Proper Officer" shall mean the inspector appointed under any Statute, having supervision over the office in question or any person designated by the Lieutenant-Governor in Council.

Interpretation of "Proper Officer."

## OFFICER TO PAY PERCENTAGE OF FEES TO CROWN.

**2.**—(1) Every officer to whom this Act applies, paid by fees or other emoluments and not by salary, only, shall pay to the Treasurer of the Province 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. 1922, c. 7, s. 6.

Apportionment where more than one officer in any year.

## RETURNS.

**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 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. 1924, c. 8, s. 3.

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 thirty days from the time he ceases to hold office.

To be made within thirty days of date of ceasing to hold office.

(3) Upon the death of any 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. 1917, c. 27, s. 4.

To be made within thirty days of death.

Attorney-General may require at any time.

(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.

[See also *The Public Officers' Act, Rev. Stat. c. 17, ss. 14, 15.*]

PERCENTAGES BASED ON NET INCOME.

"Net Income", meaning of.

**4.**—(1) In this Act "Net Income" shall mean 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. 1924, c. 8, s. 2.

Allowances for salary to be approved.

(2) No allowance shall be made for any salary to any clerk or other employee unless and until the proper officer shall have certified to the necessity for his employment and the reasonableness of the salary paid. *New.*

Application of section.

(3) This section shall apply to all persons holding the following offices:

Crown Attorney;

Clerk of the Peace;

Sheriff;

Local Registrar of the Supreme Court;

Deputy Clerk of the Crown;

Deputy Registrar;

Clerk of the County or District Court;

Registrar of the Surrogate Court;

and any other officer designated by the Lieutenant-Governor in Council.

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 \$3,500, but shall pay to the Treasurer of Ontario fifty per centum of the excess over that sum. 1922, c. 7, s. 2.

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 ninety per centum of the excess over that sum. R.S.O. 1914, c. 17, s. 5.

**7.**—(1) Every local registrar of the Supreme Court of Ontario, deputy clerk of the Crown, deputy registrar, county or district court clerk and registrar of the surrogate court, whether holding one or more of the above offices, shall be entitled to retain to his own use in each year his net income up to \$2,500.

(2) On the net income of each year over \$2,500 he shall pay to the Treasurer of Ontario the following percentages:

- (a) On the excess of \$2,500 up to \$3,000, ten per centum thereof;
- (b) On the excess of \$3,000 up to \$3,500, twenty per centum thereof;
- (c) On the excess over \$3,500 up to \$5,000, fifty per centum thereof;
- (d) On the excess over \$5,000, ninety per centum thereof.

R.S.O. 1914, c. 17, s. 4.; 1914, c. 2, Sched. (4).

PERCENTAGE BASED ON GROSS INCOME.

**8.**—(1) Every division court clerk shall be entitled to retain to his own use in each year all the fees and emoluments earned by him in that year up to \$2,000.

(2) Of the fees and emoluments earned by any division court clerk in each year he shall pay to the Treasurer of Ontario the following percentages:

- (a) On the excess over \$2,000 up to \$3,500, twenty per centum thereof;
- (b) On the excess over \$3,500 up to \$6,000, thirty per centum thereof;
- (c) On the excess over \$6,000 up to \$10,000, forty per centum thereof;
- (d) On the excess over \$10,000, seventy-five per centum thereof.

(3) Every division court bailiff shall be entitled to retain to his own use in each year all the fees and emoluments earned by him in that year up to \$4,000.

(4) Of all the fees and emoluments earned by any division court bailiff in each year he shall pay to the Treasurer of Ontario the following percentages:

- (a) On the excess over \$4,000 up to \$10,000, ten per centum thereof;

(b) On the excess over \$10,000, twenty per centum thereof. 1922, c. 7, s. 3.

PAYMENTS TO FORM PART OF CONSOLIDATED REVENUE FUND.

Application of moneys received by the Province.

**9.** The money paid to the Treasurer shall form part of the Consolidated Revenue Fund. R.S.O. 1914, c. 17, s. 9.

PAYMENTS TO SUPPLEMENT EARNINGS OF OFFICERS IN PROVISIONAL JUDICIAL DISTRICTS.

Salaries of sheriffs in district.

**10.** The Lieutenant-Governor in Council may direct the payment out of the Consolidated Revenue Fund to the sheriff and other officers of every 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. 1915, c. 20, s. 2.

REGULATION.

Rules and regulations for management of offices.

**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 the said officers are appointed or under which they are required to discharge their duties. R.S.O. 1914, c. 17, s. 10 (1).

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