CHAPTER 416

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 Act who has supervision over the office in question, or any person designated by the Lieutenant Governor in Council. R.S.O. 1970, c. 383, s. 1.

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

(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. 1970, c. 383, s. 2.

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.

(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.
(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.

(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. 1970, c. 383, s. 3; 1972, c. 1, s. 9 (7).

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.

(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. 1970, c. 383, s. 4.

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. 1970, c. 383, s. 5.

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 officers, and every sheriff is entitled to retain to his own use in each year his net income up to $4,000.

(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. 1970, c. 383, s. 6.


8. 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. 1970, c. 383, s. 9.

9. 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 considered 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. 1970, c. 383, s. 10.

10. Where it appears by a return to the Lieutenant
Governor or to any ministry 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 dis-
bursements, 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. 1970, c. 383, s. 11; 1972, c. 1, s. 2.

11. 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.
1970, c. 383, s. 12.