

# *The Public Service Superannuation Act*

*being*

Chapter 9 of *The Revised Statutes of Saskatchewan, 1930*  
(effective February 1, 1931).

FOR HISTORICAL REFERENCE ONLY

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

## Table of Contents

	SHORT TITLE		PAYMENTS TO FAMILY
1	Short title	19	Payments on death of superannuate
	INTERPRETATION	20	Payments on death of employee
2	Interpretation	24	Suspension or discontinuance of allowance
	ADMINISTRATIVE BOARD	25	Widow becoming an employee
3	Administration of Act		TEMPORARY AND PERMANENT EMPLOYMENT
	RETIREMENT	26	Persons employed temporarily with continuous service to date of permanent appointment
4	Compulsory retirement		REFUNDS
5	Optional retirement	27	Refund of deductions from salary
6	Retention after the age of retirement	28	No right to demand refund
7	Notice to employees due for retirement		MISCELLANEOUS
	CONTRIBUTIONS	29	Manner of payment of superannuation allowance
8	Contributions by employees	30	Payments made on requisition of chairman of board
	SUPERANNUATION ALLOWANCE	31	Audit
9	Employees entitled to allowance	32	Consolidated fund
10	Power of board to review cases of superannuation on account of ill-health	33	Interest
	AMOUNTS OF ALLOWANCES	34	Retention of moneys in default
11	Computation	35	Medical certificate
12	Payment to persons in service before Act	36	Allowances tax exempt and unassignable
13	When retiring employee has served less than ten years	37	Absence during great war
14	Service as teachers	38	Certain war service deemed service with government
15	Employment in Northwest Territories	39	Persons who left and returned to service
16	Employment under Dominion Government	40	Power to extend application of Act
17	Employees killed in performance of duties	41	Application of Act determined by the board
18	Board to decide eligibility	42	Power of dismissal not impaired
		43	Regulations
		44	Report
		45	Exceptions

## CHAPTER 9

### An Act respecting the Superannuation of Employees in the Public Service

#### SHORT TITLE

##### Short title

1 This Act may be cited as *The Public Service Superannuation Act*.

1927, c.2, s.1; R.S.S. 1930, c.9, s.1.

#### INTERPRETATION

##### Interpretation

2 In this Act, unless the context otherwise requires, the expression:

##### “Board”

1 “**Board**” means the Public Service Superannuation Board appointed under the authority of this Act;

##### “Child”

2 “**Child**” includes a step-child and an adopted child;

##### “Employee”

3 “**Employee**” means a person who is a member of any class or description or persons to whom *The Civil Service Act* applied at the date of its repeal, permanently employed and required, during the hours or period of his active employment, to devote his constant attention to the duties of his position, and the conditions of whose employment for the period or periods of the year over which such employment extends preclude his engaging in any other substantially gainful service or occupation; but includes the Clerk of the Legislative Assembly and persons permanently employed in his office and a member of any class or description of persons designated by order of the Lieutenant Governor in Council under the provisions of section 40 of this Act:

##### “Regulations”

4 “**Regulations**” means regulations made under the authority of this Act;

##### “Salary”

5 “**Salary**” means the regular salary of an employee, together with the value of living and residential allowances, and of emoluments, perquisites and privileges incidental to his office, as determined by the board, but not payments for overtime or any other extra allowance or pay or any gratuity.

1927, c.2, s.2; 1928, c.7, s.2; 1930, c.92, s.2;  
R.S.S. 1930, c.9, s.2.

## ADMINISTRATIVE BOARD

**Administration of Act**

**3(1)** This Act shall continue to be administered by a board to be known hereafter as The Public Service Superannuation Board, which shall consist of three members to be appointed by the Lieutenant Governor in Council. One at least of such members shall be a member and representative of the public service.

(2) The Public Service Commission may appoint such clerks and assistants as the board may require in connection with the administration of this Act.

(3) The necessary salaries and expenses of administration shall be a charge upon and be paid out of the consolidated fund.

1927, c.2, s.3; R.S.S. 1930, c.9, s.3.

## RETIREMENT

**Compulsory retirement**

**4** Subject to the other provisions of this Act, every employee shall retire from the service upon attaining the age of retirement, that is to say, sixty-five years in the case of males and sixty years in the case of females.

1927, c.2, s.4; R.S.S. 1930, c.9, s.4.

**Optional retirement**

**5** An employee who has served continuously for thirty-five years or more and who, if a male, has attained the age of sixty years or, if a female, the age of fifty-five years, may be retired at his or her option, or at the option of the Lieutenant Governor in Council, and shall on retirement be entitled to the superannuation allowance hereinafter provided.

1927, c.2, s.5; R.S.S. 1930, c.9, s.5.

**Retention after the age of retirement**

**6** When the Lieutenant Governor in Council decides that it is in the public interest to retain the services of an employee who has, before or after the commencement of this Act, attained the age of retirement, he may continue to employ him for a further period not exceeding five years, upon such terms as to remuneration as may be deemed expedient. In such case the superannuation allowance to which the employee so retained becomes entitled on retirement shall be based upon the total number of his years of continuous service and the amount of his average yearly salary during the three years prior to the date when he reached the age of retirement.

1927, c.2, s.6; 1928, c.7, s.3; R.S.S. 1930, c.9, s.6.

**Notice to employees due for retirement**

**7** Where an employee is to be retired under the provisions of this Act the board shall give him notice to that effect not less than six months prior to the date fixed for his retirement. Further notice need not be given when an employee is retained under the provisions of section 6 or section 45.

1927, c.2, s.7(1); 1928, c.7, s.4; R.S.S. 1930, c.9, s.7.

## CONTRIBUTIONS

**Contributions by employees**

8(1) Every employee shall, by reservation from his salary, contribute four per cent. of such salary to the consolidated fund, but no contribution shall be made in respect of a period of continuous service in excess of thirty-five years. The Provincial Treasurer shall deduct the amount of the contributions from each payment of salary.

(2) Notwithstanding anything contained in this Act, an employee who has served continuously for thirty-five years, but who has not attained the age of sixty years, if a male, or fifty-five years, if a female, and whose superannuation allowance, if retired at the expiry of the said thirty-five years, would be less than the maximum allowance payable under this Act, may continue to contribute to the consolidated fund in the manner mentioned in subsection (1), in which case the superannuation allowance payable on retirement shall be based upon the number of years of service at that time.

(3) Where an employee has been granted leave of absence without pay, the sums which would have been deducted had his salary been paid during the period of absence, shall be deducted from the payments of salary made after his return to active employment.

(4) When, in addition to a cash salary, an employee enjoys living or residential allowances, or other emoluments, perquisites or privileges incidental to his office, the board may determine the value of such allowances or of such other emoluments, perquisites or privileges.

1927, c.2, s.8; 1930, c.92, s.3; R.S.S. 1930, c.9, s.8.

## SUPERANNUATION ALLOWANCE

**Employees entitled to allowance**

9 Subject to the provisions of this Act and the regulations thereunder a yearly superannuation allowance shall be granted to:

- (a) every employee who, having attained the age of retirement and having served at least ten years continuously, retires from the service;
- (b) every employee who, having served at least ten years continuously, retires from the service on account of ill-health or physical or mental incapacity, and who is declared by the board to be entitled to superannuation.

1927, c.2, s.9; R.S.S. 1930, c.9, s.9.

**Power of board to review cases of superannuation on account of ill-health**

10(1) The board may review from time to time the case of an employee superannuated on account of ill-health or physical or mental incapacity, and where such employee recovers the board shall report his case to the Lieutenant Governor in Council who may offer him further employment.

(2) When an employee who has been superannuated on account of ill-health or physical or mental incapacity is offered upon recovery, but does not accept, re-employment, the board may discontinue his allowance, but in that case he shall be paid a sum equal to the amount of his contributions with accrued interest less the total sums paid to him on account of his superannuation allowance.

(3) When an employee who has been superannuated on account of ill-health or physical or mental incapacity is re-employed, his allowance shall be suspended during the period of his re-employment and the time during which such re-employment continues shall be counted in determining the superannuation allowance to which he is entitled on his final retirement.

1927, c.2, s.10; R.S.S. 1930, c.9, s.10.

### AMOUNTS OF ALLOWANCES

#### Computation

**11** The superannuation allowance payable hereunder, except as provided for in section 12, shall be calculated upon the average yearly salary of the employee during the last three years of service, and shall be one-fiftieth part of such salary multiplied by the total number of his years of continuous service and any fraction of a year, including service previous to appointment by order in council where such service has been continuous and the employee has contributed as provided by section 26; but no more than thirty-five years of service shall be reckoned, nor shall the yearly allowance exceed in any case the sum of \$2,000, nor, shall such allowance be less than \$360, and in no case shall the annual allowance exceed the final annual salary of the employee.

1927, c.2, s.11; 1928, c.7, s.5; R.S.S. 1930, c.9, s.11.

#### Payment to persons in service before Act

**12** An employee who was in the service on the first day of May, 1927, and had been so for continuously ten years before that date, and who is or has been retired at any time on account of having reached the age of retirement, shall receive annually as a superannuation allowance one-half of the salary which he was receiving immediately preceding his superannuation, but such allowance shall in no case exceed annually the sum of \$2,000. If, however, such employee has served more than twenty-five years continuously the amount of the allowance shall be computed in accordance with the provisions of section 11.

1927, c.2, s.12; R.S.S. 1930, c.9, s.12.

#### When retiring employee has served less than ten years

**13** An employee who was in the service on the first day of May, 1927, and who retires on account of having reached the age of retirement before he has been ten years in the service, shall be paid in a lump sum an amount equal to one-tenth of the annual salary which he was receiving immediately before retirement multiplied by the number of years he has been continuously in the service, but such amount shall in no case exceed \$2,000.

1927, c.2, s.13; R.S.S. 1930, c.9, s.13.

**Service as teachers**

14(1) Subject to the provisions of the following subsections, continuous service by any person as a teacher, as such service is reckoned under the provisions of *The Teachers' Superannuation Act*, whether before or after the date upon which this Act came into force, shall:

- (a) if continuous with employment in the Department of Education; and
- (b) if such person is designated by the Minister of Education as being engaged in work in connection with the Department of Education requiring the professional qualifications and experience of a teacher;

be deemed for the purposes of this Act to have been and to be employment under the Government of Saskatchewan, and such person shall be deemed to have been continuously in the service during the whole period of such employment, whether as a teacher or in connection with the Department of Education; and the period of continuous service as a teacher shall be taken into account in reckoning the amount of superannuation allowance to which an employee becomes entitled under this Act.

(2) For the purposes of this section an employee shall be entitled to have his period of continuous employment as a teacher reckoned in accordance with the provisions of *The Teachers' Superannuation Act*.

(3) Where any person mentioned in subsection (1) became an employee after the first day of May, 1927, or becomes an employee prior to the first day of July, 1930, his contributions to the superannuation fund in respect of the period between the said first day of May, 1927, and the date upon which he became or becomes an employee, shall be determined by the board.

(4) If such person becomes an employee after the first day of July, 1930, having been a teacher before that date, his contributions to the superannuation fund in respect of the period between the first day of May, 1927, and the first day of July, 1930, or in respect of the part of that period during which he was a teacher, as the case may be, shall be determined by the board.

(5) Where any person mentioned in subsection (1) becomes an employee after the first day of July, 1930, his contributions to The Teachers' Superannuation Fund, together with the interest thereon and sums paid into that fund to his credit by the Provincial Treasurer, under section 13 of *The Teachers' Superannuation Act*, shall be transferred to and form part of the consolidated fund and shall be deemed to be a contribution thereto by him under this Act.

1930, c.92, s.4; R.S.S. 1930, c.9, s.14.

**Employment in Northwest Territories**

15 Employment in that part of the North-West Territories now included in Saskatchewan, under the government of the Territories or of Canada, or employment under the government of Canada in Saskatchewan prior to the first day of January, 1907, shall, if continuous with employment under the government of Saskatchewan, be deemed for the purposes of this Act, to have been employment under the government of Saskatchewan and the employee to have been a member

of the public service of Saskatchewan during the whole period of his employment under either government; and such period shall be taken into account in reckoning the amount of any superannuation allowance to which the employee becomes entitled under this Act.

1927, c.2, s.14; R.S.S. 1930, c.9, s.15.

**Employment under Dominion Government**

**16(1)** Employment of any person under the Government of Canada after the first day of January, 1907, shall, if continuous with employment under the Government of Saskatchewan, and if the duties performed by such person under the Government of Canada were or are absorbed by the Government of Saskatchewan, be deemed for the purposes of this Act to have been employment under the Government of Saskatchewan, and the employee to have been a member of the public service of Saskatchewan during the period of his employment under the Government of Canada; and such period shall be taken into account in reckoning the amount of any superannuation allowance to which the employee becomes entitled under this Act.

(2) Where such person entered the public service of Saskatchewan after the first day of May, 1927, or hereafter enters the service, his contributions to the superannuation fund, in respect of this period between the first day of May, 1927, and the date on which he entered or enters the service, shall be determined by the board.

1930, c.92, s.5; R.S.S. 1930, c.9, s.16.

**Employees killed in performance of duties**

**17** If an employee is killed while in the performance of his duties, the Lieutenant Governor in Council may, notwithstanding that such employee has served for less than ten years, authorise the payment of allowances to his widow and children and determine the amounts thereof, or may authorise such increase in the payments mentioned in section 20, or in any of such payments, as is deemed expedient, having regard to all the circumstances of the case.

1930, c.92, s.6; R.S.S. 1930, c.9, s.17.

**Board to decide eligibility**

**18** No allowance shall be granted to an employee unless the board reports that he is eligible within the meaning of this Act.

1927, c.2, s.15; R.S.S. 1930, c.9, s.18.

**PAYMENTS TO FAMILY**

**Payments on death of superannuate**

**19(1)** If a superannuate dies leaving a widow, one-half of the allowance to which he was entitled shall be paid to his widow for life or during widowhood; and there shall be paid to each child under the age of eighteen years, if any, until it attains that age, a sum equal to 10 percent of the allowance, the total amount payable to the children not to exceed one-quarter of the allowance and to be divided equally between them. If the superannuate's wife has predeceased him or if she, having survived him, dies or remarries, her one-half allowance

shall be paid to those of his children, if any, who have not attained the age of eighteen years and shall be paid until they attain that age, in lieu of the sums to which they were entitled before the death or remarriage of their mother.

(2) When a superannuate dies before receiving an amount equal to one year's allowance, and leaving neither widow nor children, there shall be paid to his personal representative or nominee, or to a member of his family, as the board may direct, a sum equal to the remainder of such amount.

1927, c.2, s.16; R.S.S. 1930, c.9, s.19.

**Payments on death of employee**

**20(1)** If an employee dies after having served for at least ten years continuously, and leaving a widow, one-half of the allowance to which he would have been entitled under section 11, had he been superannuated at the date of his death, calculated on the basis of his actual period of continuous service at the said date, shall be paid to the widow for life or during widowhood; and there shall be paid to each child under the age of eighteen years, if any, until it attains that age, a sum equal to 10 per cent. of the allowance, the total amount payable to the children not to exceed one-quarter of the allowance and to be divided equally between them. If the employee's wife has predeceased him or if she, having survived him, dies or remarries, her one-half allowance shall be paid to those of his children, if any, who have not attained the age of eighteen years and shall be paid until they attain that age, in lieu of the sums to which they were entitled before the death or remarriage of their mother.

(2) When an employee dies after having served for at least ten years continuously, and leaving neither widow nor children, there shall be paid to his personal representative or to a member of his family, as the board may direct, a lump sum not exceeding the contributions made by him during his lifetime with interest.

1927, c.2, s.17; 1928, c.7, s.6; R.S.S. 1930, c.9, s.20.

**Death before ten years' service**

**21** Where an employee dies before he has served for ten years, there shall be granted to his widow, if any, or if no widow to those of his children, if any, who have not attained the age of eighteen years, or if neither widow nor any such children, to his personal representative or to such of his next of kin as the board may direct, a lump sum not exceeding his total contributions with accrued interest.

1927, c.2, s.18; 1930, c.92, s.7; R.S.S. 1930, c.9, s.21.

**Cases in which widow and children get no allowance**

**22(1)** Subject to the provisions of subsection (2), no allowance shall be granted to the widow or child of a superannuate or employee:

- (a) if such widow or child is in the opinion of the board unworthy of it; or
- (b) if the deceased married after superannuation; or

(c) if the deceased married after the thirtieth day of April, 1927, being at the date of marriage over sixty years of age;

provided, however, that a breach of the conditions as to the marriage shall not prejudice the right of a child of an earlier marriage to an allowance.

(2) No allowance shall be granted to the adopted child of a superannuate or employee if such child:

(a) was adopted after the superannuation of his adoptive father; or

(b) was adopted after the thirtieth day of April, 1927, his adoptive father being at the time over sixty years of age.

1927, c.2, s.19; R.S.S. 1930, c.9, s.22.

**Reduction of allowance to widow**

**23** If an employee marries and if his age exceeds that of his wife by twenty years or upwards, the allowance to such wife shall be reduced by such an amount as the board may by regulation prescribe.

1927, c.2, s.20; R.S.S. 1930, c.9, s.23.

**Suspension or discontinuance of allowance**

**24** The allowance to a widow or child may be suspended or discontinued if in the opinion of the board such widow or child becomes unworthy of it.

1927, c.2, s.21; R.S.S. 1930, c.9, s.24.

**Widow becoming an employee**

**25(1)** If the widow of an employee or superannuate has become an employee, and is retired having reached the age of retirement, or on account of ill-health or physical or mental incapacity, she shall be paid only the allowance payable in respect of her husband's death or a superannuation allowance, whichever is the greater.

(2) If she is not entitled to a superannuation allowance, there shall be granted to her, in addition to the allowance in respect of her husband's death, a lump sum not exceeding her total contributions with accrued interest.

1930, c.92, s.8; R.S.S. 1930, c.9, s.25.

TEMPORARY AND PERMANENT EMPLOYMENT

**Persons employed temporarily with continuous service to date of permanent appointment**

**26** A person who:

(a) before the first day of May, 1927, was temporarily employed in the public service, and was so employed at that date; or

(b) was after that date or is temporarily employed;

and in either case has been or is subsequently appointed to a permanent position in the service, and whose temporary employment has been continuous up to the time of his permanent employment, may, within one month after such permanent appointment, give notice in writing to the board to deduct from his salary the amount which would have been payable had he been appointed permanently on the first day of May, 1927, or at the date of his temporary employment, whichever is later, and in the event of his so doing, shall be entitled to credit for the period of his temporary employment in reckoning the amount of any annual allowance subsequently payable to him; but, in the event of his failure to give notice, the period of temporary employment shall not be included in such reckoning.

1927, c.2, s.22; R.S.S. 1930, c.9, s.26.

## REFUNDS

### Refund of deductions from salary

**27(1)** When an employee retires voluntarily or is dismissed from the service, or his office is abolished and he is no longer employed, the sums which have been deducted from his salary shall be forthwith refunded to him with accrued interest.

(2) If an employee to whom section 14 applies resigns to fill a position as teacher, within the meaning of *The Teachers' Superannuation Act*, all contributions paid by him under the provisions of this Act and standing to his credit in the consolidated fund, together with interest as provided by section 33, shall thereupon be transferred to and form part of The Teachers' Superannuation Fund.

1927, c.2, s.23; 1930, c.92, s.9; R.S.S. 1930, c.9, s.27.

### No right to demand refund

**28** Except as herein expressly provided, nothing in this Act shall be construed to confer upon any person any right to demand or enforce the repayment of his contributions or the payment of interest.

1927, c.2, s.24; R.S.S. 1930, c.9, s.28.

## MISCELLANEOUS

### Manner of payment of superannuation allowance

**29** The superannuation allowance payable to a retired employee, or to his widow or children, shall be paid in monthly instalments in the manner hereinafter provided

1927, c.2, s.25; R.S.S. 1930, c.9, s.29.

### Payments made on requisition of chairman of board

**30(1)** The payment of any benefit under this Act, or of any expense incurred in its administration, shall be made upon a requisition in writing signed by the chairman of the board, directing the issue of a cheque by the Provincial Treasurer for the amount named in the requisition. Such direction shall be final and conclusive.

(2) Cheques shall be signed by the Deputy Provincial Treasurer and the Provincial Auditor, or by such other officials as may be designated for the purpose by the Treasury Board.

1927, c.2, s.26; R.S.S. 1930, c.9, s.30.

**Audit**

**31** The Provincial Auditor shall conduct a continuous audit of the affairs of the board.

1927, c.2, s.27; R.S.S. 1930, c.9, s.31.

**Consolidated fund**

**32** Contributions by employees shall form part of the consolidated, fund, and superannuation allowances, lump sum payments and refunds, together with any accruals of interest thereon shall be a charge on that fund and shall be paid therefrom.

1927, c.2, s.28; R.S.S. 1930, c.9, s.32.

**Interest**

**33** Interest shall be calculated at the rate of five per cent per annum or such other rate as may from time to time be prescribed by the Treasury Board, compounded half yearly.

1927, c.2, s.29; R.S.S. 1930, c.9, s.33.

**Retention of moneys in default**

**34** Where money is payable to or in respect of an employee retired, dismissed or deceased, who has made default in accounting for public moneys, the Provincial Treasurer may retain the amount so payable or so much thereof as is necessary for repayment of the moneys in default.

1927, c.2, s.30; R.S.S. 1930, c.9, s.34.

**Medical certificate**

**35** Where an employee is retired on account of ill-health or physical or mental incapacity or is re-employed, the physical or mental condition of such employee shall be established by certificate of a duly qualified medical practitioner, nominated by the board.

1927, c.2, s.31; R.S.S. 1930, c.9, s.35.

**Allowances tax exempt and unassignable**

**36** Any payments to be made under the provisions of this Act shall be exempt from provincial and municipal taxes, and shall not be subject to garnishment or attachment or seizure or any legal process, and shall be unassignable.

1927, c.2, s.32; R.S.S. 1930, c.9, s.36.

**Absence during great war**

**37** If an employee absent on active service in the Great War, with or without leave, such absence shall not be deemed a discontinuance of service, but such employee shall be deemed to have been in the employ of the government during the period of his absence.

1927, c.2, s.33; R.S.S. 1930, c.9, s.37.

**Certain war service deemed service with government**

**38(1)** Every person who:

- (a) served during the Great War in His Majesty's government forces or the forces of any of His Majesty's allies;

- (b) at the time of enlistment, resided in Saskatchewan; and
- (c) became an employee prior to the first day of May, 1925;
- (d) was an employee on that date and has been continuously in the service since that date;

shall, for the purposes of this Act, be deemed to have been in the employ of the Government during such war service.

- (2) Subsection (1) shall apply to females who were engaged in such war service.
- (3) The periods covered by such war service and subsequent continuous employment under the Government shall, subject to the provisions of subsection (4), be deemed to have been continuous service under the government for the purposes of this Act.
- (4) The foregoing provisions of this section shall not have the effect of extending to the persons therein mentioned the benefit conferred by section 12.
- (5) For the purposes of this section the conclusion of the war shall be deemed to have taken place on the twenty-eighth day of June, 1919, or, in the case of a person who was at that date in hospital under treatment, on the date of discharge from hospital.

1930, c.92, s.10; R.S.S. 1930, c.9, s.38.

**Persons who left and returned to service**

**39(1)** Notwithstanding anything hereinbefore contained, and subject to the provisions of subsection (2), if an employee, who left the service at any time prior to the first day of May, 1927, again became an employee before the seventh day of March, 1928, the period of his previous service in the employment of the Government shall be taken into account in computing any allowance or payment to be made to him or his widow or children or any other person under this Act and the periods of service shall be deemed to have been continuous service for the purposes of this Act.

(2) The provisions of subsection (1) shall not apply to any such employee whose previous service did not cover a continuous period of three years or more, nor to any such employee who, on leaving the service, received a gratuity or honorarium from the Government unless and until he repays the same.

(3) Subject to the provisions of section 12, the superannuation allowance payable to such employee shall be computed in accordance with the provisions of section 11.

1928, c.7, s.9; 1930, c.92, s.11; R.S.S. 1930, c.9, s.39.

**Power to extend application of Act**

**40(1)** The Lieutenant Governor in Council may at any time by order declare that the members of any board or commission whose members are appointed by the Lieutenant Governor in Council, or the employees of such board or commission, or both, or any class or description of persons in the employ of the Government of Saskatchewan, shall be entitled to the benefit of this Act, and thereupon such

members or employees or the persons of that class or description shall be deemed, for the purposes of this Act, to be included in the public service, and the provisions of this Act shall apply to them accordingly.

(2) If a person who becomes entitled under this section to the benefit of this Act entered the service of the Government before the first day of May, 1927, he shall contribute to the consolidated fund, in accordance with the provisions of this Act, as from the said date; otherwise he shall so contribute as from the date of the commencement of such service.

(3) The superannuation allowance payable to such person shall be based upon the total number of his years of continuous service with the Government whether such service has been temporary or permanent or both temporary and permanent.

1928, c.7, s.7; R.S.S. 1930, c.9, s.40.

**Application of Act determined by the board**

41 Where a question arises as to the application of this Act to any employee or class or description of employees, it shall be determined by the board.

1927, c.2, s.35; R.S.S. 1930, c.9, s.41.

**Power of dismissal not impaired**

42 Nothing in this Act contained shall impair or affect the right of the Lieutenant Governor in Council or the Public Service Commission to remove or dismiss an employee.

1927, c.2, s.36; R.S.S. 1930, c.9, s.42.

**Regulations**

43 The board may, from time to time, with the approval of the Lieutenant Governor in Council, make regulations for the purpose of carrying out the provisions of this Act according to their true intent and meaning, and such regulations shall have the same force and effect as if incorporated herein.

1927, c.2, s.37; R.S.S. 1930, c.9, s.43.

**Report**

44(1) The board shall, each year, transmit to the president of the Executive Council a report showing:

- (a) the names of all employees who have retired from the service, or who have died during the last preceding fiscal year;
- (b) the offices held by them or the nature of their employment respectively;
- (c) the amount of salary payable to each at the time of retirement or death;
- (d) the age of each at retirement or death;
- (e) the cause of retirement in the case of any one retiring before attaining the age of retirement;
- (f) the amount of superannuation or other allowance granted in each case;
- (g) all regulations made under this Act.

(2) The president of the Executive Council shall lay the board's report before the Legislative Assembly during the first fifteen days of the then next ensuing session, or within fifteen days after its receipt if the Legislature is then sitting, together with a complete statement of the finances of the board for the preceding fiscal year, showing in detail the moneys withheld by the Provincial Treasurer as contributions by employees and moneys paid out by him in respect of allowances or refunds of contributions.

1927, c.2, s.38; R.S.S. 1930, c.9, s.44.

**Exceptions**

**45(1)** The provisions of sections 4 and 6, shall not apply to the Sergeant-at-Arms of the Legislative Assembly nor to persons employed in the Information Bureau of the Department of Public Works, they having attained the age of seventy years and holding their appointments on the first day of May, 1927. For the purpose of computing the superannuation allowance to which those persons will become entitled on retirement, the dates of their actual retirement shall be considered the dates at which they respectively reach the age of retirement.

(2) The Lieutenant Governor in Council may exempt from the application of section 4, and of section 6 in so far as it restricts the period for which his services may be retained, any member of the public service occupying the position of caretaker.

1928, c.7, s.8; R.S.S. 1930, c.9, s.45.

