

3.4.4 Salaries, allowances and pensions of judges

Section 100 of the British North America Act provides that the "Salaries, Allowances, and Pensions of the Judges of the Superior, District, and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick) and of the Admiralty Courts in Cases where the Judges thereof are for the Time being paid by Salary, shall be fixed and provided by the Parliament of Canada". These are provided under the Judges Act (RSC 1970, c.J-1 as amended by SC 1970-71, c.55).

The salary of the Chief Justice of Canada is \$47,000 per annum and those of the puisne judges of the Supreme Court of Canada, \$42,000. The salaries of the Chief Justice and the Associate Chief Justice of the Federal Court of Canada are \$39,000 per annum and of the other judges of the Federal Court, \$35,000. The salaries of deputy judges of the Federal Courts, who are judges of other superior courts and were formerly district judges in admiralty pursuant to the Admiralty Act, which was repealed (admiralty jurisdiction now being provided for by the Federal Court Act), are as follows: Ontario, \$1,500 and Newfoundland three judges at \$333.33 each.

All Chief Justices of provincial superior courts and the Associate Chief Justice of the Superior Court of Quebec receive annual salaries of \$39,000; the puisne judges of these courts and the judges of the two territorial courts receive \$35,000 per annum. Where judicial offices are created for supernumerary judges, the incumbents will receive \$35,000 per year. Supernumerary judges are those judges of a superior court of a province who have given up their regular judicial duties to hold themselves available to perform such special judicial duties as may be assigned to them from time to time by the Chief Justice or Associate Chief Justice of the Court of which they are a member. The chief judges of county and district courts receive salaries of \$27,000 per annum and the remaining judges and junior judges of all county and district courts, \$25,000 per annum.

Every judge who is in receipt of a salary under the Judges Act is paid an additional salary of \$3,000 per annum as compensation for any extra-judicial services that he may be called upon to perform by the Government of Canada or the government of a province, and for the incidental expenditures that the fit and proper execution of his office as judge may require. In the case of each judge of the Federal Court of Canada and of the territorial courts of the Yukon Territory and the Northwest Territories an additional allowance of \$2,000 per annum is paid as compensation for special incidental expenditures inherent in the exercise of his office as judge.

The Judges Act provides that a judge of a superior or county court who, for the purpose of performing any function or duty as such judge, attends at any place other than that at which or in the immediate vicinity of which he is by law obliged to reside is entitled to be paid, as a travelling allowance, his moving or transportation expenses and reasonable travelling and other expenses incurred by him in so attending. If a judge uses his personal automobile because of the lack of good public transportation facilities, he is paid a mileage allowance.

Judges' annuities are non-contributory and the statutory retirement age is 75 years except for judges of the Federal Court of Canada who cease to hold office at the age of 70 and judges of the county courts who are compulsorily retired at 70. Those judges of the county courts who held office at the time the retirement age was reduced to 70 years (1971) are not affected by the earlier retirement age but are allowed to serve as judges until they reach 75 years of age, the retirement age in force previously. The Governor in Council may grant an annuity to: a judge who has continued in judicial office for at least 15 years and has attained the age of 65, if he resigns his office; a judge who has continued in judicial office for at least 15 years, if he resigns his office and in the opinion of the Governor in Council the resignation is conducive to the better administration of justice or is in the national interest; a judge who has become afflicted with some permanent infirmity disabling him from the due execution of his office, if he resigns his office or if, by reason of such infirmity, he is removed from office; or a judge who ceases to hold office because he has attained the age of retirement, if he has held judicial office for at least ten years. The amount of the annuity may not exceed two thirds of the salary annexed to the office held at the time of resignation, removal or ceasing to hold office, as the case may be. An annuity granted to a judge commences on the day of his resignation, removal or ceasing to hold office and continues during his natural life.

The Governor in Council may grant to the widow of a judge who dies while in office an annuity not exceeding two ninths of the salary of the judge at the date of his death, to commence immediately after the death of the judge and to continue thenceforth during her