

" 4. Your Joint Committee has on two previous occasions encountered fee-increasing regulations made pursuant to an authority conferred by Order of the Governor in Council under section 13 (b) of the Financial Administration Act in situations in which a statutory scale of fees had been prescribed by parliament: SOR/73-548, Copyright Fees Order and SOR/73-549, Industrial Design Fees Order. Both these Orders covered fees charged for specific services provided on demand by and to interested individuals who wished to search records, register documents and so forth. A general function availed of by all Canadians was not involved. In view of its detailed examination of section 13(b) of the Financial Administration Act on the present occasion, these two Fee Orders will be examined as to vires.

... In each case the fees so prescribed were to be levied for services provided in individual cases when the persons or corporations who either requested or were provided with the services were identifiable. The Orders examined fell into the following categories:

- (a) where the Minister prescribed fees under an Order made pursuant to section 13 (b) where the Governor in Council could have prescribed fees by regulation under the direct authority conferred by another Act;
- (b) where there was no charge prescribed by statute and no specific authority in or under any Act of Parliament to set fees or charges,

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