

## New Zealand.



### ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Fraudulent misrepresentation on hearing of application.</li> <li>3. Inquiry by Registrar.</li> <li>4. Magistrate may review his decision.</li> <li>5. Certificate to be cancelled in certain cases.</li> </ol> | <ol style="list-style-type: none"> <li>6. Payments in excess may be recovered.</li> <li>7. Proceedings, how and when to be taken.</li> <li>8. Provisions where applicant is owner of his residence.</li> <li>9. Modification of qualifications.</li> <li>10. Repeal.</li> </ol> <p style="text-align: center;">Schedule.</p> |
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1902, No. 20.

**Title.** AN ACT to make Better Provision against the Obtaining of Old-age Pensions by Fraud. [1st October, 1902.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

**Short Title.** 1. The Short Title of this Act is “The Old-age Pensions Amendment Act, 1902”; and it shall form part of and be read together with “The Old-age Pensions Act, 1898” (hereinafter referred to as “the principal Act”).

**Fraudulent misrepresentation on hearing of application.** 2. Where on the hearing of an application for a pension-certificate under the principal Act the Magistrate is of opinion that any fraudulent misrepresentation has been made by the applicant, with the intention of obtaining a pension to which he was not by law entitled, or a higher rate of pension than that to which he was by law entitled, then, in addition to any penalty incurred under the principal Act by the applicant, the Magistrate shall refuse the application, and may by order declare that the applicant shall not be entitled to make a fresh application for such period, not exceeding twelve months, as the Magistrate thinks fit.

**Inquiry by Registrar.** 3. (1.) If at any time the Registrar has reason to believe that any pension-certificate has been improperly obtained, he shall cause special inquiry to be made before the Magistrate, and shall give notice to the Postmaster through whom the instalments are payable to suspend payment of any instalments pending the inquiry, and payment of such instalments shall be suspended accordingly.

(2.) If on inquiry it appears that the pension-certificate was improperly obtained, it shall be cancelled by the Magistrate; but if it appears that the certificate was properly obtained, the suspended instalments shall be payable in due course.

(3.) Such inquiry shall be made in manner prescribed by regulations made under the principal Act.

4. Irrespective of any such inquiry, the Magistrate may at any time himself review any pension-certificate issued under the principal Act, and may modify or cancel the same as he deems just. Magistrate may review his decision.

5. Where any person is convicted of an offence under section forty-seven of the principal Act the Magistrate shall cancel the pension-certificate in respect to the issue of which the offence was committed. Certificate to be cancelled in certain cases.

6. Where it is found that any pension or instalment of a pension has been paid in excess of the amount to which the pensioner was by law entitled, the amount so paid in excess (whether paid before or after the commencement of this Act) may be recovered by the Registrar as a debt due to the Crown, and if in the opinion of the Magistrate such excess was obtained by fraud, then the pensioner shall, in lieu of or in addition to any penalty to which he is liable under section forty-seven of the principal Act, be liable at the discretion of the Magistrate to a penalty not exceeding double the amount so paid in excess. Payments in excess may be recovered.

7. (1.) Notwithstanding anything to the contrary in "The Justices of the Peace Act, 1882," all proceedings under the principal Act and its amendments (including this Act), whether in respect of an offence heretofore or hereafter committed, or of moneys recoverable under the last preceding section, shall be taken before a Stipendiary Magistrate alone, and may be so taken at any time not exceeding six months from the time when the facts first came to the knowledge of the Registrar, or, where the facts came to his knowledge before the passing of this Act, then at any time within six months after the passing of this Act. Proceedings, how and when to be taken.

(2.) In all such proceedings the Deputy Registrar, or other person appointed by the Registrar, may appear on behalf of the Registrar, and the fact that any person so appears shall be sufficient evidence of his authority so to do.

8. (1.) Where any person who otherwise would be entitled to a pension under the principal Act is the owner of the property in which he resides, and such property does not exceed in value the sum of three hundred pounds, as appears from the valuation thereof under "The Government Valuation of Land Act, 1896," he may convey or transfer the same to the Public Trustee, who shall deal therewith as directed by "The Public Trust Office Consolidation Act, 1894," the provisions of which Act shall, where applicable, and subject to the provisions of this section, apply to such property. Provisions where applicant is owner of his residence.

(2.) The value of the property so conveyed or transferred shall be deducted from the capital value of the accumulated property of the pensioner for the purpose of computing the amount of his pension.

(3.) The Public Trustee shall permit the pensioner to reside on the property rent-free during his life, and if he or she dies leaving a wife or husband who is also entitled to a pension, then during the life of the survivor.

(4.) While the pensioner or the survivor aforesaid so resides he shall maintain the premises in good and substantial repair, and shall pay all rates and other assessments payable thereon.

(5.) On the death of the pensioner or of the survivor aforesaid, or where from any cause the pensioner is no longer entitled to a pension, the Public Trustee shall sell the property, and out of the proceeds thereof shall (after deducting the commission payable under "The Public Trust Office Consolidation Act, 1894") refund to the Treasury so much of the pension paid to the pensioner since the date of the conveyance or transfer as but for the operation of this section would not have been payable, together with interest thereon at the rate of four per centum per annum, and shall pay the balance (if any) to the person or persons entitled thereto :

Provided that, if at any time the pensioner or the survivor aforesaid so desires, the Public Trustee shall, on payment of so much of the pension so paid as aforesaid, with commission and interest as aforesaid, reconvey or transfer the property to the applicant or the said survivor, as the case may be, and thereupon the value of the property shall not be deducted from the capital value of the accumulated property of the pensioner as aforesaid, and his pension shall be adjusted accordingly.

(6.) All conveyances and transfers to and by the Public Trustee under this section shall be exempt from stamp duty.

Modification of qualifications.

9. Section eight of the principal Act is hereby amended by repealing, in subsection five, the words "at any time," where these words first occur, and substituting in lieu thereof the following: "during the period of twelve years immediately preceding such date."

Repeal.

10. (1.) The enactments specified in the Schedule hereto are hereby repealed.

(2.) Any proceedings commenced under any of the said repealed enactments shall be deemed to have been taken under this Act, and may be prosecuted accordingly.

Schedule.

## SCHEDULE.

### ENACTMENTS REPEALED.

1898, No. 14.—"The Old-age Pensions Act, 1898": Section 48.

1900, No. 28.—"The Old-age Pensions Act Amendment Act, 1900": Section 9.