

## New Zealand.



### ANALYSIS.

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| <p>Title.<br/>           1. Short Title.<br/>           2. Extended period of absence allowed.<br/>           3. Provisions where applicant is married.<br/>           4. Deputy Registrar, &amp;c., may take declarations.<br/>           5. Apportionment of instalment on death of pensioner.<br/>           6. Extending time for payment of instalments.</p> | <p>7. Charitable Aid Boards not to refuse to admit pensioner.<br/>           8. Making the Act permanent.<br/>           9. Power to cancel certificate improperly obtained.<br/>           10. Naturalised subjects may obtain pensions.<br/>           11. Application of Act to existing pensions.<br/>           12. Principal Act modified.</p> |
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1900, No. 28.

AN ACT to amend "The Old-age Pensions Act, 1898." Title.

[18th October, 1900.]

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

1. The Short Title of this Act is "The Old-age Pensions Act Short Title.  
Amendment Act, 1900"; and it shall form part of and be read together with "The Old-age Pensions Act, 1898" (hereinafter called "the principal Act").

2. Notwithstanding that the total period during which an applicant for a pension has been absent from the colony exceeds two years, such excess shall not be deemed to interrupt his continuous residence in the colony as provided by section eight of the principal Act if the total period of absence does not exceed four years: Extended period of absence allowed.

Provided that he shall not be entitled to the benefit of this section in either of the following cases, that is to say,—

- (1.) If he has been absent from the colony during any part of the year immediately preceding the date when the principal Act was passed; or
- (2.) If the total period of his actual residence in the colony (exclusive of the total period of his actual absence) is less than twenty-five years.

3. If the applicant for a pension or a pension-certificate is married, the following provisions shall apply:— Provisions where applicant is married.

- (1.) In computing the amount of the pension of husband or wife the net capital value of all the accumulated property of each shall be deemed to be not less than half the total

net capital value of all the accumulated property of both, and the yearly income of each shall be deemed to be not less than half the total yearly incomes of both :

Provided that this subsection shall not be construed to reduce the actual net capital value of the accumulated property, or the actual yearly income, of either husband or wife.

- (2.) The amount of the pension of either of them for any year shall in no case exceed such sum as, with the total actual incomes of both of them for the year and the pension, if any, then already granted to the other of them, will amount to seventy-eight pounds for the year.
- (3.) The foregoing provisions of this section shall not apply in cases where husband and wife are living apart pursuant to decree, order, or deed of separation.
- (4.) Subsection three of section thirteen of the principal Act is hereby repealed.

**Deputy Registrar,  
&c., may take  
declarations.**

4. The power conferred by subsection four of section fifteen of the principal Act, enabling any Justice of the Peace, solicitor, Deputy Registrar, or Postmaster to take statutory declarations in support of any claim, is hereby extended to any statutory declaration required by the principal Act or adduced in proof of any particular required to be proved on the investigation of any claim or income and property statement.

5. In the case of the death of a pensioner, the instalment then accruing but not actually accrued due shall be apportioned up to the date of the death, and the apportioned amount, together with the previous instalment (if any) then payable but not actually paid, shall, without further appropriation than this Act, be paid to such person as the Colonial Treasurer directs, and shall be applied in or towards defraying the burial expenses of the deceased pensioner :

Provided that nothing in this section contained shall apply to any instalment which at the date of the death has become absolutely forfeited.

6. (1.) The period during which instalments are payable as provided by section thirty-eight of the principal Act is hereby extended to one calendar month after the due date :

Provided that the Colonial Treasurer may further extend such period in any case where the provisions of that section are not strictly complied with owing to the pensioner's illness or temporary absence from home (but not from the colony), or other sufficient cause.

(2.) Sections forty, forty-one, and forty-two of the principal Act are hereby repealed.

7. It shall not be lawful for the governing body of any charitable institution to refuse to admit any person as an inmate of such charitable institution on the ground only that he is a pensioner under the principal Act.

8. So much of section fifty-eight of the principal Act as limits the time during which that section is to continue in operation is hereby repealed, and that section shall continue in operation in like manner as if such limit had never been imposed.

**Apportionment of  
instalment on death  
of pensioner.**

**Extending time for  
payment of  
instalments.**

**Charitable Aid  
Boards not to refuse  
to admit pensioner.**

**Making the Act  
permanent.**

9. (1.) If in any case the Registrar has reason to believe that any pension-certificate has been improperly obtained, it shall be his duty to cause special inquiry to be made before a Stipendiary Magistrate, and to give notice to the Postmaster through whom the instalments are payable to suspend payment of any instalments pending such inquiry.

(2.) Payment of every such instalment shall be suspended according to the tenor of such notice.

(3.) If on inquiry it appears that the certificate was improperly obtained it shall be cancelled by the Stipendiary Magistrate.

(4.) If on inquiry it appears that the certificate was properly obtained the suspended instalments shall be payable in due course.

(5.) Every such inquiry shall be conducted in manner prescribed by regulations.

10. For the purpose of enabling naturalised subjects (other than Chinese or other Asiatics) the more readily to obtain pensions, subsection three of section sixty-four of the principal Act is hereby amended by substituting the words "one year" in lieu of the words "five years."

11. In the case of pensions granted prior to the passing of this Act, the provisions of this Act shall apply to all pension-certificates hereafter applied for or granted.

12. The principal Act is hereby modified in so far as it is in conflict with this Act, but not further or otherwise.

Power to cancel  
certificate im-  
properly obtained.