

## New Zealand.



### ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Redefinition, for purposes of principal Act, of the term "dependant" in relation to members of the Forces. Consequential repeals.</p> | <p>3. Limitation of right of wives and children to receive pensions in respect of death or disablement of members of Forces.</p> <p>4. Extension of application of section 14 of War Pensions Amendment Act, 1917.</p> <p>5. Commencement of pensions becoming payable under this Act.</p> |
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1935, No. 6.

AN ACT to amend the War Pensions Act, 1915.

Title.

[24th October, 1935.]

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

1. This Act may be cited as the War Pensions Amendment Act, 1935, and shall be read together with and deemed part of the War Pensions Act, 1915 (hereinafter referred to as the principal Act).

Short Title.

See Reprint,  
of Statutes,  
Vol. VI, p. 796

2. (1) For the purposes of the principal Act the term "dependant", in relation to a member of the Forces, includes—

Redefinition,  
for purposes  
of principal  
Act, of the  
term  
"dependant"  
in relation  
to members of  
the Forces.

(a) His wife (if any) by a marriage subsisting at the date of his death or disablement:

(b) His wife (if any) by a marriage taking place subsequent to the date of his disablement but within seven years after the date of his discharge:

(c) Any child of a member of the Forces, whether born before or after the date of his death or disablement, and being the issue of a marriage to which paragraph (a) or paragraph (b) hereof relates:

(d) Any other member of his family who was in fact wholly or in part dependent upon his earnings at any time within the period of twelve months immediately preceding the date upon which he became a member of the Forces—

but does not include any other person.

Consequential repeals.

(2) Section two of the principal Act is hereby amended by repealing the definition of the term “dependants” in subsection one thereof.

(3) The following enactments are hereby consequentially repealed, namely:—

(a) Section fifteen of the War Pensions Amendment Act, 1917:

(b) Section twelve of the Finance Act, 1919:

(c) Section fifteen of the War Pensions Amendment Act, 1923.

Limitation of right of wives and children to receive pensions in respect of death or disablement of members of Forces.

3. (1) The wife of a member of the Forces (being a dependant of that member within the meaning of the last preceding section) shall be entitled to receive a pension in respect of his death or disablement in accordance with the provisions of the principal Act:

Provided that a woman whose marriage to a member of the Forces took place after the date of his discharge shall not be entitled to a pension by virtue of her marriage if—

(a) The death of the member occurred within one year after the date of the marriage; and

(b) At the date of his marriage the member had not, in the opinion of the Board, a reasonable expectation of surviving for at least one year thereafter.

(2) Except as provided in the next succeeding subsection, every child of a member of the Forces (being a dependant of that member within the meaning of the last preceding section) shall be entitled to a pension in respect of his death or disablement in accordance with the provisions of the principal Act.

(3) No child of a member of the Forces shall be entitled to a pension under the principal Act in respect of his death or disablement if its mother would, as the wife of the member, be debarred from obtaining a pension by virtue of the provisions of subsection one hereof.

(4) Nothing in the foregoing provisions of this Act shall affect the validity of any pension granted before the commencement of this Act, and every such pension subsisting on the passing of this Act shall continue in force as if this Act had not been passed.

4. (1) In addition to the classes of persons referred to in paragraph (a) or in paragraph (b) of subsection one of section fourteen of the War Pensions Amendment Act, 1917, a pension may be granted under that section to any dependant of a member of the Royal Naval Auxiliary Patrol (being a body of men raised in New Zealand under that name for service in the War as part of His Majesty's Imperial Naval Forces).

Extension of application of section 14 of War Pensions Amendment Act, 1917.  
See Reprint of Statutes, Vol. VI, p. 818

(2) For the purposes of this section a person shall be deemed to be a dependant of a member of the Royal Naval Auxiliary Patrol if he would be a dependant of that member if the Patrol had formed part of the New Zealand Forces within the meaning of the principal Act.

5. Every pension granted under this Act shall be deemed to have commenced on the first day of the month in which the application therefor is received by the Board, but not earlier in any case than the date of the passing of this Act.

Commencement of pensions becoming payable under this Act.