



ANALYSIS

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1986, No. 20

An Act to amend the War Pensions Act 1954

[16 June 1986]

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

1. Short Title—This Act may be cited as the War Pensions Amendment Act 1986, and shall be read together with and deemed part of the War Pensions Act 1954 (hereinafter referred to as the principal Act).

2. Fresh application for pension on grounds of additional evidence, etc.—Section 14 of the principal Act is hereby amended by adding the following subsection:

“(3) If a claimant whose right of appeal under section 16 of this Act against a decision made under subsection (2) of this section has not been exercised and has lapsed satisfies the Secretary that, because of additional evidence becoming available or for any other reason, it is desirable in the interests of justice that the claim should be reconsidered, the Secretary shall accept from the claimant a fresh claim; and any such claim shall be submitted to a War Pensions Board and dealt with in all respects as if it were an original application for a pension or allowance.”

3. Additional pension for severely disabled pensioners over 60 years of age—Section 23 of the principal Act is hereby amended by adding the following subsections:

“(3) Notwithstanding anything in this Part of this Act but subject to subsection (4) of this section, if a person receiving an additional pension under this section is of or over the age of 60 years, that person shall be entitled to be paid, in addition to the total amount payable under section 19 of this Act and subsection (2) of this section, a further amount equal to 10 percent of that total amount.

“(4) In each case entitlement to the further amount provided for in subsection (3) of this section shall commence on the earliest date that the Secretary considers practicable, being a date not earlier than the date of commencement of the pay period during which this subsection came into force or during which the pensioner attained the age of 60 years, whichever is the later.”

4. War service pensioners may elect to receive national superannuation—The principal Act is hereby amended by inserting in Part VA (as inserted by section 10 (1) of the War Pensions Amendment Act (No. 2) 1970), after section 66L, the following section:

“66M. (1) Any person who receives or is entitled to receive a war service pension, and who is not entitled to receive national superannuation under Part I of the Social Security Act 1964 because the person has not attained the age of 60 years, may send to the Secretary a written request to be paid national superannuation.

“(2) Notwithstanding anything in the Social Security Act 1964, if the Secretary receives a request under subsection (1) of this section and the person who made the request satisfies the residential qualification for national superannuation, that person shall be deemed to have attained the age of 60 years and to be entitled to receive national superannuation on and after the earliest date that the Secretary considers practicable.

“(3) Subject to subsection (4) of this section, every request made under subsection (1) of this section shall be irrevocable.

“(4) Any person receiving national superannuation by virtue of this section, on attaining the age of 60 years, may at any time send to the Secretary a written request to forgo national superannuation and receive a war service pension instead.

“(5) Notwithstanding the provisions of section 82 of this Act, on receipt by the Secretary of a request under subsection (4) of this section, the person who made the request shall be entitled to receive a war service pension on and after the earliest date that the Secretary considers practicable.”