

# PENSIONS BILL.

## EXPLANATORY MEMORANDUM.

THIS is a Bill to consolidate the Pensions Act, 1913, and its amending Acts—1914, No. 55; 1915, No. 50; 1924, No. 34; 1925, No. 17; together with various other amending provisions. In all, eight separate enactments have been included in this Consolidation Bill.

The tables annexed show the correspondence between the clauses of this Bill and the sections of the Act of 1913 and the several amending Acts embodied in the Bill.

The general scheme of the Bill is to embody the law as it stands, omitting repealed sections and sections such as the introductory sections of amending Acts the effect of which is spent. Occasionally the language of a section has had to be slightly altered, either to give effect to the result of an amendment or to make an expression clearer without altering its effect.

In clause 35 the amount of the pension to widows of miners has been altered to 17s. 6d. per week, as this is the amount that has been continued to be paid since the passing of the Finance Act, 1920. A clause is being inserted in the Finance Bill to validate payments already made.

Except as stated above, the law has not been altered.

E. Y. REDWARD,  
Compiler of Statutes.

## HISTORICAL TABLES SHOWING DISPOSITION IN THE BILL OF SECTIONS OF CONSOLIDATED ENACTMENTS.

### 1913, No. 10.—THE PENSIONS ACT, 1913.

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1	1	26	44	51	71
2	2	27	46	52	72
3	3	28	47	53	73
4	4	29	48	54	74
5	5	30	49	55	75
6	6	31	50	56	76
7	7	32	51	57	77
8	8	33	52	58	78
9	9	34	53	59	79
10	10	35	54	60	80
11	11	36	55	61	81
12	12	37	56	62	82
13	13	38	57	63	83
14	15	39	58	64	84
15	17	40	59	65	85
16	18	41	61	66	86
17	19	42	62	67	87
18	20	43	63	68	88
19	( <sup>1</sup> )	44	64	69	89
20	23	45	65	70	90
21	24	46	66	71	91
22	25	47	67	72	92
23	41	48	68	73	93
24	42	49	69	74	94
25	43	50	70	75	95

(<sup>1</sup>) Repealed by 1919, No. 52, section 10.

## 1914, No. 55.—THE PENSIONS AMENDMENT ACT, 1914.

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1 ..	( <sup>1</sup> )	4 ..	( <sup>2</sup> )	6 ..	41
2 ..	2	5 ..	( <sup>3</sup> )	7 ..	91
3 ..	8				

(<sup>1</sup>) Omitted as being no longer necessary.  
by 1919, No. 52, section 10.

(<sup>2</sup>) Repealed by 1924, No. 34, section 8.

(<sup>3</sup>) Repealed

## 1915, No. 50.—THE MINER'S PHTHISIS ACT, 1915.

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1 ..	( <sup>1</sup> )	6 ..	36	9 ..	( <sup>2</sup> )
2 ..	32	7 ..	37	10 ..	94
3 ..	33	8( <sup>1</sup> ) ..	38	11 ..	88, 89
4 ..	34	8( <sup>2</sup> ) ..	39	12 ..	( <sup>2</sup> )
5 ..	35				

(<sup>1</sup>) Omitted as being no longer necessary.

(<sup>2</sup>) Omitted as spent.

## 1917, No. 9.—THE FINANCE ACT, 1917.

Section of Act.	Clause of Bill.
84 ..	47

## 1919, No. 52.—THE FINANCE ACT, 1919.

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
7 ..	33	8 ..	35	11 ..	19

## 1920, No. 83.—THE FINANCE ACT, 1920.

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
9 ..	43	11 ..	47	13 ..	39
10 ..	68	12 ..	33	14 ..	40

## 1924, No. 34.—THE PENSIONS AMENDMENT ACT, 1924.

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1 ..	( <sup>1</sup> )	8 ..	14	14 ..	27
2 ..	2	9 ..	( <sup>2</sup> )	15 ..	28
3 ..	2	10 ..	45	16 ..	29
4 ..	8	10( <sup>3</sup> ) ..	88	17 ..	30
5 ..	9	11 ..	21	18 ..	31
6 ..	10	12 ..	( <sup>3</sup> )	19 ..	76
7 ..	16	13 ..	26	20 ..	95(4)

(<sup>1</sup>) Omitted as being no longer necessary.  
by 1925, No. 17, section 6.

(<sup>2</sup>) Repealed by 1925, No. 17, section 3.

(<sup>3</sup>) Repealed

## 1925, No. 17.—THE PENSIONS AMENDMENT ACT, 1925.

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1 ..	( <sup>1</sup> )	5 ..	2	9 ..	27
2 ..	8	6 ..	10, 23	10 ..	28
3 ..	9, 13, 16, 45	7 ..	7, 8, 19, 25	11 ..	60, 61
4 ..	12, 22	8 ..	84		

(<sup>1</sup>) Omitted as being no longer necessary.

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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES,  
and, having this day passed as now printed, is transmitted to  
the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,*

*6th September, 1926.*

*Hon. Mr. Anderson.*

## PENSIONS.

### ANALYSIS.

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*Pensions for Service in South African War.*

45. Special provisions in respect of service in a New Zealand contingent in South African War.

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47. Pension, when to commence. Pension payable monthly.

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51. Witnesses and evidence on oath. Duty to answer questions respecting applications.  
52. Evidence to be corroborated.  
53. How pension-claim is to be dealt with.  
54. Magistrate may postpone claim. Mode of rejecting claim.  
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56. Strict rules of evidence not to be binding. Matters to be distinguished. As to matters disproved. As to matters unproved.  
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68. Forfeiture of instalments in certain cases.  
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84. No person entitled to more than one pension. Exceptions.  
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86. Registrar, &c., may take declarations.  
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88. Payment of imprest moneys into Post Office Account.  
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## A BILL INTITULED

Title.

AN ACT to consolidate certain Enactments relating to Old-age and other Pensions.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 5

Short Title and commencement.

1. This Act may be cited as the Pensions Act, 1926, and it shall come into force on the *first* day of *January*, nineteen hundred and twenty-seven.

*Preliminary.*

Interpretation.

1913, No. 10, sec. 2  
1914, No. 55, sec. 2  
1924, No. 34,  
secs. 2, 3  
1925, No. 17, sec. 5

2. In this Act, if not inconsistent with the context,— 10

“Commissioner” means the Commissioner of Pensions appointed under this Act:

“Income” means any moneys, valuable consideration, or profits derived or received by any person for his own use or benefit in any year, by any means or from any source, and shall be deemed to include personal earnings and the reasonable 15

cost of board and lodgings estimated at a rate not exceeding twenty-six pounds per year, but shall not include :—

- 5 (a.) Any pension payable under this Act in respect of the Part of this Act under which the pension is payable; nor
- (b.) Any payment by way of sick-allowance or funeral benefit from any registered friendly society; nor
- (c.) Any money received on the sale or exchange of land or property; nor
- 10 (d.) Any money received under an insurance policy on the destruction or damage by fire or otherwise of a building or other property; nor
- (e.) Any capital moneys expended for the benefit of the applicant, or for the benefit of his or her wife or husband or dependent children; nor
- 15 (f.) Any principal or capital sum received by an applicant on the intestacy or under the will of the deceased husband or wife of the applicant; nor
- (g.) Any moneys raised by public subscription for the benefit of the applicant, or for the benefit of his or her wife or husband or dependent children; nor
- 20 (h.) Any moneys received by way of compensation or damages in respect of the death of any person, in so far as such moneys do not exceed one hundred pounds:
- 25 “Income-year” means the period of twelve months ending on the first day of the month immediately preceding the month in which a pension-claim is admitted, and on the same date in each year thereafter:
- “Minister” means the Minister for the time being administering this Act:
- 30 “Prescribed” means prescribed by this Act or by regulations thereunder:
- “Pension-year” means in respect of an original pension-certificate a period of twelve months commencing on the first day of the month in which the pension-claim is established, and in respect of a renewed pension-certificate means a period of
- 35 twelve months commencing on the corresponding day of any subsequent year:
- “Registrar” means a Registrar appointed under this Act:
- “Widow” includes a woman whose husband is detained in an
- 40 institution under the Mental Defectives Act, 1911.

#### *Districts and Officers.*

3. (1.) For the purposes of this Act the Governor-General may from time to time divide New Zealand into such districts, with such names and boundaries, as he thinks fit. Districts,  
1913, No. 10, sec. 3
- 45 (2.) If any such district is constituted by reference to the boundaries of any other portion of New Zealand as defined by any other Act, then any alteration in such boundaries shall take effect in respect of such district without any further proceedings, unless the Governor-General otherwise determines. Alteration of  
boundaries.
- 50 4. There may from time to time be appointed a Commissioner of Pensions who, subject to the control of the Minister, shall have the general administration of this Act. Commissioner.  
Ibid., sec. 4  
1912, No. 23,  
sec. 60 (3)

Registrars and other officers.

1913, No. 10, sec. 5

Their powers and duties.

Ibid., sec. 6

5. There may also from time to time be appointed in and for every such district a Registrar and such other persons as are deemed necessary.

6. Subject to the provisions of this Act, the Commissioner and every Registrar and other person appointed as aforesaid shall have such powers and duties as may from time to time be determined.

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## PART II.

### OLD-AGE PENSIONS.

Persons entitled to old-age pensions.

Ibid., sec. 7

1925, No. 17, sec. 7

7. Subject to the provisions of this Part of this Act,—

(a.) Every male person of the full age of sixty-five years or upwards and every female person of the full age of sixty years or upwards; and

(b.) Every person who, if a male, has attained the age of sixty years, or, if a female, has attained the age of fifty-five years, and is the parent of two or more children under the age of fifteen years who are dependent on him or her,—

shall, while in New Zealand, be entitled to a pension as hereinafter specified.

Necessary qualifications.

1913, No. 10, sec. 8

1914, No. 55, sec. 3

1924, No. 34, sec. 4

1925, No. 17,

secs. 2, 7

8. No such person shall be entitled to a pension under this Part of this Act unless he fulfils the following conditions, that is to say:—

(a.) That he is residing in New Zealand on the date when he establishes his claim to the pension: and also

(b.) That he has so resided continuously for not less than twenty-five years immediately preceding such date:

Provided that continuous residence in New Zealand shall not be deemed to have been interrupted by absence therefrom in the following cases:—

(i.) Where the total period of all such absence does not exceed two years; or

(ii.) Where the total period of all such absence exceeds two years but does not exceed that period by more than a period of six months for every year of residence in New Zealand in excess of a period of twenty-five years, computed in accordance with the provisions of the *last preceding* subparagraph, if the applicant has been actually resident in New Zealand for the twelve months immediately preceding the date of the establishment of his claim; or

(iii.) In the case of a seaman, by absence therefrom while serving on board a vessel trading to and from New Zealand, and either registered or owned in New Zealand, if he establishes the fact that during such absence his family or home was in New Zealand: and also

(c.) That during the period of twelve years immediately preceding such date he has not been imprisoned for four months, or on four occasions, for any offence punishable by imprisonment for twelve months or upwards, and dishonouring him in the public estimation: and also

(d.) That during the period of twenty-five years immediately preceding such date he has not been imprisoned for a term of five years, with or without hard labour, for any offence dishonouring him in the public estimation: and also

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(e.) That the claimant has not during the period of twelve years immediately preceding such date, for a period of six months or upwards, if a husband, deserted his wife, or without just cause failed to provide her with adequate means of maintenance, or neglected to maintain such of his children as were under the age of fifteen years; or, if a wife, deserted her husband or such of her children as were under that age:

Provided that if the pension-certificate is issued the pensioner's rights thereunder shall not be affected by any disqualification contained in this paragraph unless the fact of such disqualification is established at any time to the satisfaction of a Magistrate: and also

(f.) That he is of good moral character, and is, and has for one year immediately preceding such date been, leading a sober and reputable life: and also

(g.) That he has not directly or indirectly deprived himself of property or income in order to qualify for a pension: and also

(h.) That he is the holder of a pension-certificate as hereinafter provided.

9. (1.) Except as hereinafter provided, the amount of the pension shall be forty-five pounds ten shillings per year, diminished by—

Amount of pension.  
1913, No. 10, sec. 9  
1924, No. 34, sec. 5  
1925, No. 17, sec. 3

(a.) One pound for every complete pound of income in excess of fifty-two pounds; and also by

(b.) One pound for every complete ten pounds of the net capital value of all accumulated property, computed and assessed as next hereinafter provided:

Provided that no pension shall be diminished in respect both of the net capital value of a property and the actual income derived from that property:

Provided further that no pension shall be granted in excess of the sum allowed by computing the amount thereof either under paragraph (a) or paragraph (b) hereof, whichever provides for the greater deduction.

(2.) Where the applicant for a pension (other than an applicant to whom the provisions of paragraph (b) of section *seven* hereof apply) is a woman whose age is less than sixty-five years, the amount of the pension shall be further diminished by one pound for every year or part of a year by which the age of the applicant is less than sixty-five years.

(3.) In addition to the pension hereinbefore prescribed there shall be payable annually to pensioners to whom the provisions of paragraph (b) of section *seven* hereof apply an additional pension of such amount, not exceeding thirteen pounds per annum, as the Magistrate in his discretion, having regard to the circumstances of the case, from time to time determines.

Increased pension where young children are dependent on pensioner.

10. (1.) For the purposes of this Part of this Act all real and personal property owned by any person (not being furniture or other personal effects owned by him and in his possession) shall, to the extent of his beneficial interest therein, be deemed to be his accumulated property, except that his interest in any property upon which he permanently resides, or in any life-assurance policy, or in any annuity or

Assessment of value of accumulated property.  
1913, No. 10, sec. 10  
1924, No. 34, sec. 6  
1925, No. 17, sec. 6

other sum derived from real or personal property in the principal or capital sum of which he has no interest either reversionary or in possession further or other than such annuity or other sum, shall not be deemed to be accumulated property within the meaning of this section.

(2.) There shall be deducted from the value of his interest in any property the sum of fifty pounds, and the residue then remaining shall be deemed to be the net capital value of all his accumulated property. 5

Provisions where  
applicant is owner  
of his residence.  
1913, No. 10, sec. 11

11. (1.) Where any person who otherwise would be entitled to a pension under this Part of this Act is the owner of the property on which he resides, he may convey or transfer the same to the Public Trustee, who shall deal therewith as directed by the Public Trust Office Act, 1908, the provisions of which Act shall, where applicable, and subject to the provisions of this section, apply to such property. 10

(2.) The property so conveyed or transferred shall not be deemed to form part of the accumulated property of the pensioner for the purposes of this Act. 15

(3.) The Public Trustee shall permit the pensioner to reside on the property rent free during life, and if the pensioner dies leaving a wife or husband who is also entitled to a pension, the survivor shall be entitled so to reside on the said property for life. 20

(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 Act, 1908) 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 entitled thereto: 25 30

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 thereafter 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. 35 40

(6.) Notwithstanding anything in the *last preceding* subsection, on the death of a pensioner or of the survivor as aforesaid the Public Trustee shall, on the application of the person who would have been entitled to the said property if it had not been so conveyed or transferred as aforesaid, and on payment by the applicant to the Public Trustee of the amount of the pension so paid in excess of the amount which would have been payable had no such conveyance or transfer been made, and also on payment of the amount of interest and commission as aforesaid, convey or transfer that property to the said applicant. 45 50



(7.) Upon the receipt of any moneys under the *last preceding* subsection the Public Trustee shall forthwith pay the same into the Consolidated Fund, with the exception of the amounts received by him by way of commission as aforesaid.

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

(9.) This section shall be read subject to the provisions of the *last preceding* section.

10 12. (1.) For the purpose of ascertaining whether the claimant for a pension is entitled thereto, and also of fixing the rate of the first year's pension, his income for the last preceding income-year shall be deemed to be his yearly income, and the property owned by him at the end of that income-year shall be deemed to be his accumulated property :

15 Provided that if, on application for a pension or for a renewal thereof, it is shown to the satisfaction of the Magistrate that owing to loss of employment or any other cause any part of the applicant's income, or of the income of the husband or wife of the applicant, for the last preceding income-year which was derived from personal earnings has ceased, the Magistrate may exclude from the computation the whole  
20 or any part of such personal earnings.

(2.) For the purpose of fixing the rate of the pension for the second and each subsequent year the pensioner's income for the income-year last preceding each such year shall be deemed to be his income for that  
25 year, and the property owned by him at the end of that income-year shall be deemed to be his accumulated property.

13. (1.) If the applicant for a pension or the renewal of a pension is married the following provisions shall apply :—

(a.) In computing the amount of the pension of husband or wife,  
30 the net capital value of all the accumulated property of each shall be deemed to be half the total net capital value of all the accumulated property of both.

(b.) The yearly income of each shall be deemed to be half the total yearly incomes of both :

35 Provided that 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 one hundred and forty-three pounds for the year.

40 (2.) This section does not apply in cases where husband and wife are living apart pursuant to decree, order, or deed of separation.

14. (1.) The accumulated property or yearly income of any person in receipt of an old-age pension whose accumulated property and  
45 yearly income have been computed in accordance with the *last preceding* section shall not on the death of the husband or wife of the pensioner be deemed to be increased so as to affect the pension of the survivor in the same pension-year.

15. (1.) When a pensioner becomes an inmate of a mental hospital the amount of his pension shall be paid to the Super-  
50 intendent of the mental hospital in which the pensioner is an inmate.

(2.) The income and property statements required by this Act in order to secure a continuance of pensions shall in the case of any

Mode of computing annual income.

1913, No. 10, sec. 12  
1925, No. 17, sec. 4

Where applicant is married.

1913, No. 10, sec. 13  
1925, No. 17, sec. 3

Death of husband or wife of pensioner not to affect pension of survivor before next pension-year.

1924, No. 34, sec. 8

Pensioners becoming inmates of mental hospitals.

1913, No. 10, sec. 14

such pensioner be made in the manner and by the persons prescribed by regulations.

Special provision as to computation of pensions in cases where applicant is in receipt of war pension.

1924, No. 34, sec. 7  
1925, No. 17, sec. 3

16. In any case where an applicant for an old-age pension is in receipt of a pension under the War Pensions Act, 1915, in excess of fifty-two pounds a year, then, notwithstanding anything to the contrary in section *nine* or in section *thirteen* hereof, the annual amount of the war pension shall be deemed to be substituted for the amount of fifty-two pounds specified in paragraph (a) of subsection *one* of the said section *nine*, and the amount specified in the proviso to paragraph (b) of subsection *one* of the said section *thirteen* shall be deemed to be increased by an amount equal to the excess over fifty-two pounds of the annual amount of the war pension.

## PART II.

### WIDOWS' PENSIONS.

Pensions to widows.  
1913, No. 10, sec. 15

17. Subject to the provisions of this Part of this Act, every widow who at the commencement of any pension-year conforms to the requirements hereinafter set forth shall be entitled to receive during that year a pension at the rate hereinafter provided.

Qualifications of applicant for pension.  
Ibid., sec. 16

18. No widow shall be entitled to a pension unless she is resident in New Zealand, and has a child or children to whom this Part of this Act is applicable. For the purposes of this Part of this Act the term "child" includes a stepchild or a child legally adopted during the lifetime of the husband of the applicant.

Children to whom this Part of Act does not apply.  
Ibid., sec. 17  
1919, No. 52, sec. 11  
1925, No. 17, sec. 7

19. This Part of this Act shall not apply to—

- (a.) Any child over the age of fifteen years;
- (b.) Any illegitimate child, unless after the birth of the child its parents have intermarried;
- (c.) Any child born out of New Zealand, unless its mother was only temporarily absent from New Zealand at the time of its birth, or unless both parents were resident in New Zealand for three years immediately preceding the date of the father's death.

Restrictions on grant of pensions.  
1913, No. 10, sec. 18

20. No widow shall be entitled to a pension under this Part of this Act—

- (a.) If she has at any time, whether before or after the coming into operation of this Act, deprived herself directly or indirectly of property or income in order to qualify for a pension, or in order to increase the pension to which she would otherwise be entitled; nor
- (b.) Unless the Magistrate to whom the application for a pension-certificate is made is satisfied that she is of sober habits and of good moral character, and that the pension will be properly used for the support of her children.

Rates of pensions to widows in respect of children.  
1924, No. 34, sec. 11

21. (1.) Subject to the provisions of this section, pensions payable to widows under this Part of this Act shall in every case be payable at the rate of ten shillings a week for each child in respect of whom such pension is payable, with an additional amount of ten shillings a week, but not exceeding four pounds a week in any case.

(2.) Notwithstanding anything to the contrary in this or any other Act, a pension shall not be granted under this Part of this Act of such an amount that the total incomes of a widow and her children together with the pension will exceed a rate of two pounds a week together with ten shillings a week in respect of any such child, or exceed a rate of five pounds ten shillings a week, whichever rate is the less.

22. The provisions of section *twelve* hereof shall, with the necessary modifications, apply with respect to the computation of the income of an applicant for a widow's pension.

Mode of computing annual income.

1925, No. 17, sec. 4 (2)

23. (1.) If a widow or any of her children to whom this Part of this Act applies is the owner of any property which produces no income, or which produces an income less than five per centum per annum of the value of that property, the widow or child shall for the purposes of this Part of this Act be deemed to be in receipt from that property of an annual income equal to five per centum of the value thereof after deducting the value of any property upon which the widow and her children permanently reside, and also the value of any furniture and other personal effects in their possession.

Income from property.

1913, No. 10, sec. 20  
1925, No. 17, sec. 6

(2.) If a widow or any of her children to whom this Part of this Act applies is in receipt of any income which is partly derived from property and is partly personal earnings in respect of that property, the Magistrate to whom the application for a pension-certificate is made shall apportion that income in such manner as he thinks just between the income derived from such property and such personal earnings.

24. In case of the death of the pensioner, the guardian or other person for the time being having the care or control of her children to whom this Part of this Act applies shall, with the approval of the Commissioner, be entitled to receive the pension to which the widow would have been entitled in respect of her children if she had lived.

On death of widow guardian may receive pension on behalf of children.

1913, No. 10, sec. 21

25. The right to a pension or the amount of a pension shall not be affected during any pension-year by reason merely of the fact that any child of the pensioner has within that year attained the age of fifteen years, or by reason merely of the death of any child of the pensioner.

Amount of pension not affected by death of child within pension-year.

Ibid., sec. 22  
1925, No. 17, sec. 7

26. (1.) Notwithstanding anything to the contrary in this Act, if the Magistrate who investigates any claim for a pension under this Part of this Act made by the mother of any child or children whose father is dead, and who are under her care and dependent on her, is of opinion that the applicant, though not entitled to a pension, is in need of and is deserving of the relief for which provision is made by this section, and gives his certificate to that effect, the Minister may, in his discretion, and without further authority than this section, grant to the applicant a pension of an amount not exceeding the maximum amount that could be paid to a widow with the same number of children dependent on her as the applicant has.

Minister may, on certificate of Magistrate, grant pension to mother having care of children, though not qualified to receive a widow's pension.

1924, No. 34, sec. 13

(2.) Every pension granted by the Minister under this section shall be deemed to be a widow's pension, and the provisions of this Act relating to such pensions, in so far as they may be applicable or in so far as they are not inconsistent with this section, shall apply thereto accordingly.

## PART III.

## PENSIONS TO BLIND.

Pensions to persons suffering from total and permanent blindness.

1924, No. 34, sec. 14  
1925, No. 17, sec. 9

27. (1.) Subject to the provisions of this Part of this Act every person of the full age of twenty years or upwards who is totally blind shall, while such condition continues, be entitled to a pension as herein- 5  
after provided.

(2.) No person shall be entitled to a pension in respect of blindness who would be disqualified from obtaining an old-age pension on any of the grounds specified in section ninety-one hereof, or who does not fulfil the conditions following, that is to say:— 10

(a.) That he has resided continuously in New Zealand for not less than ten years immediately preceding the date of his application:

Provided that continuous residence in New Zealand shall not be deemed to have been interrupted by occasional 15  
absences therefrom, not exceeding three months in the aggregate, or by any period of absence for purposes of vocational training:

(b.) That he was born blind in New Zealand; or that he became blind while permanently resident in New Zealand; or that, 20  
in any other case, he has been permanently resident in New Zealand for not less than ten years before the twentieth day of October, nineteen hundred and twenty-four (being the date of the passing of the Pensions Amendment Act, 1924), or for not less than twenty-five years before the 25  
date of his application:

(c.) That his relatives are not in a position, either jointly or severally, to maintain him:

(d.) That within the period of five years immediately prior to his application for a pension he has not been convicted of any 30  
offence punishable by imprisonment for two years or upwards:

(e.) That he is of good moral character and sober habits.

(3.) For the purposes of this section the term "relative" means father, mother, husband, wife, son, daughter, or any brother or sister 35  
(whether of the whole or of half blood).

Computation of pensions.

1924, No. 34, sec. 15  
1925, No. 17, sec. 10

23. (1.) The amount of pension payable under this Part of this Act to any person in respect of his blindness shall, save as hereinafter provided, be computed at the rate of forty-five pounds ten shillings per annum, diminished in respect of the annual income or accumulated property of the applicant in the same manner in all respects as if the 40  
applicant were an applicant for an old-age pension under Part I of this Act:

Provided that for the purpose of computing the rate of pension to which any applicant may be entitled as aforesaid no account shall be taken of any personal earnings up to but not exceeding two pounds 45  
fifteen shillings a week.

(2.) In addition to the pension computed as provided in the *last preceding* subsection, there shall be payable to every person for the time being in receipt of such pension who may be employed in any occupation an additional weekly allowance equal to twenty-five per centum of his average weekly earnings for the year, but so that in no case shall the total receipts of the pensioner, whether derived from pension or personal earnings or from any other source exceed a rate of three pounds twelve shillings and sixpence a week.

29. Every application for a pension in respect of blindness shall be determined by the Commissioner, whose decision shall be final.

30. (1.) No person shall be entitled to receive a pension, or any instalment of a pension, in respect of blindness in respect of any period during which he is an inmate of an institution controlled by any Department of State.

(2.) Every instalment of any such pension which falls due while the pensioner is resident out of New Zealand shall be absolutely forfeited:

Provided that this subsection shall not apply in respect of any period, not exceeding two years, during which a pensioner may be out of New Zealand for purposes of vocational training.

31. The provisions of this Act (not being provisions limited in their application to any particular class of pensions that may be granted thereunder) shall, with the necessary modifications and in so far as they are not inconsistent with the express provisions of this Part of this Act, apply in relation to pensions in respect of blindness, to applications for such pensions, and to matters incidental thereto.

#### PART IV.

##### MINERS' PENSIONS.

32. In this Part of this Act "medical practitioner" means a registered medical practitioner appointed by the Commissioner for the purposes of this Part of this Act.

33. Subject to the provisions of this Part of this Act, any miner who is or hereafter becomes totally incapacitated for work owing to miner's phthisis (pneumoconiosis) contracted while working as a miner in New Zealand, and who conforms to the requirements hereinafter set forth, shall during such incapacity be entitled to a pension at the rate of thirty-five shillings per week in the case of a married man or a widower with children under fourteen years of age, and twenty-five shillings per week in the case of an unmarried man.

34. No such miner shall be entitled to a pension under this Part of this Act unless he fulfils the following conditions, that is to say:—

- (a.) That he is a British subject by birth, or has been a British subject by naturalization for at least one year;
- (b.) That he has resided continuously in New Zealand for not less than five years immediately preceding the date of his application;

Personal earnings of pensioner to be subsidized.

Commissioner to determine applications.

1924, No. 34, sec. 16

Pension not payable while pensioner maintained in State institution or resident out of New Zealand.

Ibid., sec. 17

Application of other provisions of Act to pensions in respect of blindness.

Ibid., sec. 18

Interpretation.

1915, No. 50, sec. 2

Pensions to miners incapacitated by pneumoconiosis.

Ibid., sec. 3

1919, No. 52, sec. 7

1920, No. 83, sec. 12

Conditions precedent to grant of pension.

1915, No. 50, sec. 4

(c.) That he has been employed in New Zealand as a miner for a period of not less than two years and a half prior to the date of his application ;

(d.) That during the said period of five years he has not been convicted of any offence punishable by imprisonment for two years or upwards, and has not deserted or failed to provide for his wife or children ; and

(e.) That he is of good moral character and sober habits.

Pension to widow of deceased miner.

1915, No. 50, sec. 5  
1919, No. 52, sec. 8

Funeral expenses.

Applications for pension.

1915, No. 50, sec. 6

Certificates to accompany applications for pensions.

Ibid., sec. 7

Medical examination of pensioners.

Application of other provisions of Act to miners' pensions.

Ibid., sec. 8 (1)

When pension not payable.

Ibid, sec. 8 (2)  
1920, No. 83, sec. 13

35. (1.) If any miner entitled to a pension under this Part of this Act dies of miner's phthisis, leaving a widow, his widow shall be entitled to a pension during widowhood at the rate of seventeen shillings and sixpence per week.

(2.) On the death of a miner entitled to a pension under this Part of this Act there shall be payable the actual reasonable expenses of his funeral, not exceeding twenty pounds. Payments under this subsection may be made to the widow (if any) of the deceased, or to any person by whom the expenses were incurred, or to any person entitled to receive payment in respect of such funeral :

Provided that no payment shall be made under this subsection unless application for the same is made in the prescribed manner within twelve months after the date of the death.

36. (1.) Every application for a pension under this Part of this Act shall be made in writing in the prescribed form to the Registrar of the pensions district wherein the claimant resides.

(2.) Every such application shall be investigated and determined by the Commissioner, whose decision shall be final and conclusive.

37. (1.) Every application for a pension under this Part of this Act shall be accompanied by a certificate in the prescribed form from a medical practitioner that the applicant is suffering from miner's phthisis and is totally incapacitated for work by reason thereof, and by such evidence as the Commissioner requires that the disease was contracted in New Zealand.

(2.) The Commissioner may from time to time ask for the re-examination of a pensioner by a medical practitioner, and if the Commissioner is satisfied as the result of such re-examination that the incapacity of the miner from miner's phthisis no longer exists he may terminate the pension. Such termination shall not bar the applicant from applying for a fresh pension should the incapacity recur.

38. The provisions of this Act (other than provisions relating to the property or income of an applicant for a pension) which are not inconsistent with this Part of this Act, together with the forms and regulations thereunder, shall extend and apply, with all necessary modifications, to every application made under this Part of this Act and to every pension granted thereunder.

39. A pension shall not be payable under this Part of this Act to any person while out of New Zealand :

Provided that no instalments of pension shall be forfeited in respect of any period of absence from New Zealand which does not exceed two years.

40. Notwithstanding anything to the contrary in this Part of this Act, no pension shall be paid under this Part of this Act to any person who is in receipt of a pension under the War Pensions Act, 1915, in respect of the death or disablement of a member of the Expeditionary Forces due to miner's phthisis.

Limitation of right to receive miner's pension.  
1920, No. 83, sec. 14

## PART V.

## MILITARY PENSIONS.

*Pensions for Service in Maori Wars.*

41. (1.) Subject to the provisions of this Part of this Act, any person who served under the Crown in any of the Maori wars, and has been awarded a medal for active service in any such war, shall, while in New Zealand, be entitled to a pension as hereinafter specified.

Military pensions.  
1913, No. 10, sec. 23  
1914, No. 55, sec. 6

(2.) For the purposes of this and the next succeeding section New Zealand includes the Cook Islands.

42. No such person shall be entitled to a pension under this Part of this Act unless he fulfils the following conditions, that is to say:—

Qualifications of applicants for pensions.  
1913, No. 10, sec. 24

(a.) That he has resided continuously in New Zealand for not less than ten years immediately preceding the date of his application:

Provided that continuous residence in New Zealand shall not be deemed to have been interrupted by occasional absences therefrom if he establishes the fact that during such absences his family or home was in New Zealand:

(b.) That during the said period of ten years he has not been imprisoned for any offence punishable by imprisonment for two years or upwards:

(c.) That during the said period of ten years he has not deserted or failed to provide for his wife or children:

(d.) That he is of good moral character and sober habits.

43. The amount of a pension under this Part of this Act shall be forty-nine pounds per annum.

Amount of pension.  
Ibid., sec. 25  
1920, No. 83, sec. 9

44. (1.) Every application for a pension under this Part of this Act shall be made in writing, in the prescribed form, to the Examining Officer of the district in which the applicant resides, and the applicant shall therein affirm by statutory declaration that the contents thereof are true and correct in every material point.

Form of application.  
1913, No. 10, sec. 26

(2.) Every such application shall be investigated and determined by the Commissioner, whose decision shall be final and conclusive.

*Pensions for Service in South African War.*

45. (1.) Every person who, while domiciled in New Zealand, served in South Africa as a member of a New Zealand contingent raised for service in connection with the South African War, and who is qualified to receive an old-age pension under Part I of this Act, shall be entitled to receive, in addition to his old-age pension, a pension under this section at a rate not exceeding thirteen pounds a year, but so that his aggregate receipts from all sources shall not exceed the sum of ninety-seven pounds ten shillings in any year.

Special pensions in respect of service in a New Zealand contingent in South African War.  
1924, No. 34, sec. 10  
1925, No. 17, sec. 3

(2.) The Commissioner shall investigate all claims for pensions under this section, and the decision of the Commissioner shall be final.

## PART VI.

## GENERAL.

Periodical payments to which applicant is entitled to be computed as income.  
1913, No. 10, sec. 27

46. Where an applicant, or the wife or husband of an applicant, for a pension or for the renewal of a pension under Part I hereof is at the date of application entitled to receive from any source periodical payments, by way of personal earnings or otherwise, for his or her own use or benefit, or where an applicant for a pension or for the renewal of a pension under Part II hereof is at the date of application entitled to receive from any source any such payments for her own use or benefit, or for the use or benefit of any of her children to whom the said Part II applies, such moneys shall be included in the computation of the income of the applicant, although no part thereof have been actually received by the applicant or by the wife or husband of the applicant, as the case may be.

Pension, when to commence.  
Ibid., sec. 28  
1917, No. 9, sec. 84  
1920, No. 83, sec. 11

47. With respect to every pension under this Act the following provisions shall apply:—

(a.) The pension shall be deemed to commence on the date named in that behalf in the certificate of the Magistrate or of the Commissioner, as the case may be, issued in respect of the first year's pension, being in every case the first day of the month within which that certificate is issued:

Provided that no old-age pension shall be deemed to commence on a date prior to that on which the applicant reached the age of fifty-five, sixty, or sixty-five years, as the case may be.

(b.) Each year's pension shall be payable pursuant to a pension-certificate issued in respect of such year, and not otherwise.

Pension payable monthly.

(c.) Such certificate shall in every case specify the amount of the year's pension, and the instalments by which it is payable, being twelve equal monthly instalments. The first such instalment shall be payable on the first day of the month next after the commencement of the year, and subsequent instalments shall be payable on the first day of each succeeding month thereafter:

Provided that instalments may be paid at any time not earlier than the twenty-third day of the month preceding the due date of payment.

(d.) Except as hereinafter provided, the rate of each year's pension shall not vary during the year.

*Pension-claims and Pension-certificates.*

Pension-claim.  
1913, No. 10, sec. 29

48. (1.) Every person claiming to be entitled to a pension under Part I or Part II of this Act shall, in the prescribed manner and form, deliver a claim therefor (elsewhere throughout this Act called



a "pension-claim") to the Registrar of the district wherein the claimant resides.

(2.) The pension-claim shall affirm all the requirements and negative all the disqualifications under this Act.

6 (3.) Every claimant shall, by statutory declaration, affirm that the contents of his pension-claim are true and correct in every material point.

49. (1.) The Registrar shall, in the prescribed manner, transmit the claim to a Magistrate exercising jurisdiction in the district.

Magistrate to investigate.

10 (2.) The Registrar shall thereupon ascertain on what date the claim may be investigated, and shall notify the claimant of a date on which he may attend to support his claim.

1913, No. 10, sec. 30

15 (3.) The Magistrate shall on the date so fixed, or on the first convenient day thereafter, proceed in Chambers to fully investigate the claim for the purpose of ascertaining whether the claimant is entitled to a pension, and, if so, for what amount in respect of the first year.

(4.) The Registrar, or some person appointed by him, shall have the right to appear at the hearing and to examine or cross-examine the applicant and the witnesses.

20 (5.) The hearing may from time to time be adjourned by the Magistrate at the request of the Registrar.

25 50. Where the Magistrate is satisfied that the documentary evidence in support of the claim is sufficient to establish it, and also that by reason of physical disability or other sufficient cause the attendance of the applicant should be dispensed with, he shall not require the personal attendance of the applicant, who shall be notified accordingly.

When personal attendance may be dispensed with.

Ibid., sec. 31

30 51. (1.) For the purposes of such investigation all the powers under the Magistrates' Courts Act, 1908, shall be available for the purpose of compelling the attendance of witnesses, and every witness shall be examined on oath.

Witnesses and evidence on oath.

Ibid., sec. 32

35 (2.) It shall be the duty of every person to make true answers to all questions concerning any applicant for a pension, or any of the statements contained in any application for a pension, put to him by the Registrar or any officer authorized in that behalf by the Registrar.

Duty to answer questions respecting applications.

(3.) Every person commits an offence who—

(a.) Refuses to answer any such question; or

(b.) Makes any answer knowing the same to be untrue.

40 (4.) This section shall apply to any officer of any bank or other corporation carrying on business in New Zealand, and to any officer of the Post Office Savings-bank or of any other Government Department which receives investments of money from the public.

45 52. No pension-claim shall be admitted unless the evidence of the claimant is corroborated on all material points, except that in respect of the age of the claimant the Magistrate, if otherwise satisfied, may dispense with corroborative evidence.

Evidence to be corroborated.

Ibid., sec. 33

50 53. The Magistrate may admit the pension-claim as originally made, or as modified by the result of his investigations, or may postpone it for further evidence, or reject it, as he deems equitable; and his decision shall be notified to the claimant by the Registrar.

How pension-claim is to be dealt with.

Ibid., sec. 34

Magistrate may  
postpone claim.  
1913, No. 10, sec. 35

54. (1.) If the Magistrate is of opinion that, although the claim is not completely established, further evidence may be adduced in support thereof, or it may be mended by lapse of time, he shall postpone the claim if the claimant so desires, and in such case all matters as to which the Magistrate is satisfied shall be recorded as proved: **5**

Provided that this shall not be a bar to further evidence being adduced in respect of the matter recorded as proved.

Mode of rejecting  
claim.

(2.) If the Magistrate decides that the pension-claim is not established, and cannot be mended by postponement for a reasonable **10** time, he shall reject it, and when doing so shall specify in writing all the material points which he finds to be respectively proved, disproved, unproved, or insufficiently proved.

Fraudulent  
misrepresentation  
by applicant.  
Ibid., sec. 36

55. (1.) If the Magistrate is of opinion that any fraudulent misrepresentation has been made by the applicant for a pension with **15** 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 this Act by the applicant, the Magistrate shall refuse the application, and may by order declare that the applicant shall not be entitled to make **20** a fresh application for such period, not exceeding twelve months, as the Magistrate thinks fit.

Transfer of  
property.

(2.) If the Magistrate finds that any real or personal property has been transferred to any other person by the applicant, or by the wife or husband of the applicant, he may inquire into such transfer, **25** and refuse the application or grant a reduced pension. A disposition by will of any real or personal property shall be deemed to be a transfer of such property for the purposes of this section.

Strict rules of  
evidence not to be  
binding.  
Ibid., sec. 37

56. (1.) In investigating any claim for a pension, the Magistrate shall not be bound by the strict rules of evidence, but shall investigate **30** and determine the matter by such means and in such manner as in equity and good conscience he thinks fit.

Matters to be  
distinguished.

(2.) In disposing of material points against the claimant, the Magistrate shall distinguish between what he finds to be disproved and what he finds to be simply unproved or insufficiently proved. **35**

As to matters  
disproved.

(3.) In respect of what is found to be disproved, the Magistrate's decision shall be final and conclusive for all purposes.

As to matters  
unproved.

(4.) In respect of what is found to be simply unproved or insufficiently proved, the claimant may at any time thereafter adduce fresh evidence on those points before the Magistrate, and in such case **40** all material points previously found by the Magistrate to be proved shall be deemed to be established, and he shall dispose of all other points as in the case of a new pension-claim.

Pension-claims  
may be amended.  
Ibid., sec. 38

57. The pension-claim may be amended from time to time on any point which has not been finally disposed of. **45**

Issue of pension-  
certificate when  
claim is established.  
Ibid., sec. 39

58. As soon as the pension-claim is established, and the rate of the first year's pension is fixed by the Magistrate, he shall, in the prescribed manner, certify the same to the Commissioner, who shall, in the prescribed manner and form, issue to the claimant a certificate (elsewhere throughout this Act called a "pension-certificate") in respect of the **50** first year's pension.

59. In respect of the pension for each year after the first, a fresh pension-certificate shall be issued as hereinafter provided.

60. (1.) Applications for the renewal of pensions under this Act shall be investigated and determined by the Commissioner, whose decision shall be final.

(2.) References in this Act or elsewhere to a Magistrate shall, so far as may be necessary to give effect to this section, be construed as references to the Commissioner.

Annual pension-certificate.

1913, No. 10, sec. 40

Applications for renewals of pensions to be determined by Commissioner.

1925, No. 17, sec. 11

#### *Income and Property Statements.*

61. For the purpose of ascertaining in respect of the second and each subsequent year, computed from the date of the commencement of the pension, whether a pensioner under Part I or Part II hereof is entitled to any payment in respect of his pension for such year, and, if so, for what amount, the following provisions shall apply:—

(a.) Within the prescribed period before the commencement of each such year the pensioner, whether claiming any payment in respect of his pension for that year or not, shall furnish to the Registrar a statement in the prescribed form setting forth full particulars of his income for such year (being the income for the last preceding income-year), and also the net capital value of all his accumulated property.

(b.) If the pensioner has received no income for the year and has no accumulated property, the statement shall contain the word "Nil."

(c.) The Commissioner shall investigate the statement, and ascertain whether the pensioner is entitled to a renewal of his pension, and the decision of the Commissioner shall be final.

(d.) The Commissioner, when satisfied as to the amount of the pensioner's income, and the net capital value of his accumulated property, and that the pensioner is entitled to a renewal of his pension, shall issue a pension-certificate in the prescribed form in respect of the year's pension (if any) to which the pensioner is entitled.

Statement of income for preceding pension-year to be furnished to Registrar.

1913, No. 10, sec. 41

1925, No. 17, sec. 11

Issue of pension-certificate for year.

#### *Payment of Pensions and Forfeiture of Instalments.*

62. Each monthly instalment of the pension shall be payable at the post-office money-order office named in the pension-certificate.

63. On application in the prescribed manner, the name of such office may be changed from time to time, and every change of office shall be recorded by the Registrar on the pension-certificate and in the District Pension Register.

64. (1.) Subject to the provisions of this Act, each monthly instalment shall be payable at any time within one month after its due date on the personal application of the pensioner and the production of his pension-certificate to the Postmaster of the post-office money-order office named therein:

Provided that the Minister may at any time further extend such period in any case where the provisions of this section are not strictly complied with owing to the pensioner's illness or temporary absence from home (but not from New Zealand), or other sufficient cause, and notwithstanding that such period has then elapsed or that the instalment has then been paid.

Place of payment of pensions.

1913, No. 10, sec. 42

Change of place of payment.

Ibid., sec. 43

Instalment to be applied for within one month.

Ibid., sec. 44

Power to delegate certain powers.

(2.) The Minister may from time to time, as he thinks fit, by writing under his hand, delegate to the Commissioner all powers vested in him by this section.

When instalment is deemed to be forfeited.

(3.) In default of strict compliance with all the provisions of this section, and subject to any extension of time as therein mentioned, such instalment shall be deemed to be forfeited. **6**

Charitable institution not to refuse to admit pensioner.

65. 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 or to refuse to grant him relief on the ground only that he is a pensioner under this Act. **10**

1913, No. 10, sec. 45

Provision where pensioner is in receipt of charitable aid.

66. The following provisions shall apply in every case where a pensioner under Part I, Part III, Part IV, or Part V hereof is for the time being maintained in any charitable institution or receives relief therefrom:—

Ibid. sec. 46

1915, No. 50, sec. 8

1924, No. 34, sec. 18

(a.) The reasonable cost of such maintenance or relief shall be payable out of the pension. **15**

(b.) For the purpose of procuring such payment, instalments of the pension shall, to such extent as is necessary, be payable to the governing body of such institution in such manner as is prescribed, and on production to the Postmaster of a warrant in the prescribed form. **20**

(c.) Any surplus pension-moneys remaining in the hands of such governing body after defraying such cost shall be paid to the pensioner.

(d.) For the purpose of computing the amount of any subsidy or contribution payable by the Government to such governing body under any Act, all instalments so paid shall be excluded. **25**

Payment to other than pensioner.

Ibid., sec. 47

67. (1.) Subject to regulations, and on production to the Postmaster of a warrant in the prescribed form, signed by the Commissioner, the instalments may be paid to any clergyman, Justice, or other reputable person named in the warrant for the benefit of the pensioner. **30**

(2.) Such warrant may be issued by the Commissioner whenever he is satisfied that it is expedient so to do, having regard to the age, infirmity, or improvidence of the pensioner, or any other special circumstances. **35**

Forfeiture of instalments in certain cases.

Ibid., sec. 48

1920, No. 83, sec. 10

68. Every instalment shall be absolutely forfeited—

(a.) In the case of an old-age pension, during any period while the pensioner is in prison or is out of New Zealand;

(b.) In the case of a widow's pension, during any period while the pensioner is out of New Zealand, or if she marries; and **40**

(c.) In the case of a military pension, during any period while the pensioner is in prison, or is an inmate of an institution under the Mental Defectives Act, 1911, or is out of New Zealand: **45**

Provided that no instalments of pension shall be forfeited in respect of any period of absence from New Zealand which does not exceed two years.

Procedure as to payments of instalments by Postmasters.

1913, No. 10, sec. 49

69. With respect to the payment of instalments of pension by the Postmaster the following provisions shall apply:— **50**

- 5 (a.) The Postmaster may, if he thinks fit, require the applicant for payment to prove his identity, but shall not be bound so to do, and may accept the production of the pension-certificate or warrant to which the instalment relates as sufficient evidence that the person producing the same is the person entitled to payment.
- 10 (b.) When making the payment the Postmaster shall endorse on the pension-certificate the date and fact of the payment, and shall also require the person receiving the payment to give a receipt therefor in the prescribed form.
- (c.) Such receipt shall be sufficient evidence that the payment to which the receipt purports to relate has been duly made, and no claim against His Majesty or the Postmaster shall thereafter arise or be made in respect thereof.
- 15 (d.) Where the warrant produced as aforesaid relates to a single instalment, or to the last of a series of instalments, it shall be delivered up to and retained by the Postmaster on payment of such instalment.

20 70. (1.) If at any time the Commissioner 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.

25 (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 the prescribed manner.

30 71. Irrespective of any such inquiry, the Magistrate may at any time himself review any pension-certificate, and may either cancel the same, or vary the same, whether by increasing or diminishing the amount of the pension or otherwise, in such manner as he thinks fit, having regard to the provisions of this Act.

35 72. 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 coming into operation of this Act) may be recovered by the Commissioner as a debt due to the Crown, and if in the opinion  
40 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 *seventy-six* hereof, be liable, at the discretion of the Magistrate, to a fine not exceeding double the amount so paid in excess.

45 73. If at any time during the currency of a pension the pensioner, or the wife or husband of a pensioner, becomes possessed of any property or income in excess of what is allowed by law in respect of the amount of pension granted, the Registrar may apply to the Magistrate, who may on inquiry either confirm or cancel the pension, or vary the amount thereof:

50 Provided that should the excess of property or income as mentioned in this section cease, the pension shall be immediately restored to the original amount.

Inquiry by  
Commissioner.  
1913, No. 10, sec. 50

Magistrate may  
review his decision.  
*Ibid.*, sec. 51

Payments in excess  
may be recovered.  
*Ibid.*, sec. 52

After-acquired  
property.  
*Ibid.*, sec. 53

Apportionment of instalment on death of pensioner.

1913, No. 10, sec. 54  
1915, No. 50, sec. 8  
1924, No. 34, sec. 18

74. (1.) On the death of a pensioner under Part I, Part III, Part IV, or Part V hereof 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 Minister directs, and shall be applied in or towards defraying the burial expenses of the deceased pensioner : 5

Provided that if on the death of the pensioner any money is owing to a charitable institution in respect of his maintenance or relief the Minister may, if he thinks fit, direct that the said apportioned amount and previous instalments, or any part thereof, shall be paid to the said institution in satisfaction or on account of the money so owing. 10

(2.) This section shall not apply to any instalment which at the date of the death had become absolutely forfeited. 15

(3.) The Minister may from time to time, as he thinks fit, by writing under his hand, delegate to the Commissioner all powers vested in him by this section.

Property disclosed on death of pensioner.  
Ibid., sec. 55

75. If on the death of any pensioner, or of the wife or husband of any pensioner, it is found that he, or either of them, was possessed of property in excess of what is allowed by law in respect of the amount of the pension granted, double the amount of pension at any time paid in excess of that to which the pensioner was by law entitled may be recovered as a debt due to the Crown from the estate so found in excess : 20 25

Provided that where the husband and wife were at the time of such death living apart pursuant to decree, order, or deed of separation this section shall only apply in the case of the pensioner.

#### Offences.

30

Penalties.

Ibid., sec. 56  
1924, No. 34, sec. 19

76. (1.) Every person is liable to a fine not exceeding fifty pounds, or to imprisonment for not more than three months with or without hard labour,—

(a.) If by means of any wilfully false statement or representation he obtains or attempts to obtain a pension-certificate, not being justly entitled thereto, or a pension of a larger amount than he is justly entitled to ; or 35

(b.) If by any means he obtains or attempts to obtain payment of any absolutely forfeited instalment of pension ; or

(c.) If by means of personation or any other fraudulent device whatsoever he obtains or attempts to obtain payment of any instalment of pension ; or 40

(d.) If he makes any wilfully false statement or representation, or uses any fraudulent device or other improper means, with intent that any other person may obtain a pension-certificate, or any instalment of a pension payable under a pension-certificate, whether or not such last-mentioned person is entitled to receive such pension-certificate or instalment. 45

Certificate to be cancelled on conviction.

(2.) Where any person is convicted of an offence under this section the Magistrate shall cancel the pension-certificate in respect to the issue of which the offence was committed. 50

77. If any pensioner under this Act is convicted of drunkenness or of any offence punishable by imprisonment for one month or any longer period and dishonouring him in the public estimation, or if he misspends, wastes, or lessens his estate, or greatly injures his health, or endangers or interrupts the peace and happiness of his family, the Commissioner may direct that the instalments of his pension be paid to any clergyman, Justice of the Peace, or other reputable person, or may suspend the pension-certificate for such period as he deems fit.

Commissioner may suspend pension-certificate in certain cases. 1913, No. 10, sec. 57

78. (1.) In any case where a pension-certificate is cancelled the pension shall be deemed to be absolutely forfeited.

Forfeiture of pension on cancellation of certificate.

Ibid., sec. 58

(2.) In every such case the person whose pension is so forfeited is disqualified to make any application for a new pension until the expiration of twelve months from the date of the forfeiture.

(3.) Every application made by any such person for a new pension shall be subject in all respects to the same provisions as if no former pension had been granted to that person.

(4.) This section shall extend and apply to all persons whose pensions have been forfeited before the coming into force of this Act.

79. (1.) So long as an order is in force suspending a pension-certificate all instalments which would otherwise become due and payable during that period shall be forfeited.

Instalments of pension forfeited during currency of suspension order.

Ibid., sec. 59

(2.) If any period of suspension is such as to extend beyond the expiration of the year in which the order of suspension is made, the order shall apply so far as regards the residue of that period to any pension-certificate issued for the next succeeding year.

80. In every case in which a pension-certificate is suspended or cancelled, the Magistrate so suspending or cancelling the same shall forthwith send to the Commissioner a notice under the hand of the Magistrate setting forth the terms of the order so made by him and the grounds thereof.

Magistrate to notify Registrar of suspension or cancellation of certificates.

Ibid., sec. 60

81. Every person commits an offence who receives any money in consideration of or in respect of the procuring of any pension or pension-certificate, and in the case of any licensed Maori interpreter so committing an offence his license as such interpreter shall be cancelled.

Payment for procuring pension illegal.

Ibid., sec. 61

82. Every person who commits an offence under this Act for which no penalty is elsewhere provided is liable to a fine not exceeding ten pounds.

General penalty for offences.

Ibid., sec. 62

83. (1.) All proceedings under this Act, whether in respect of an offence heretofore or hereafter committed, or of moneys recoverable under section seventy-two or section seventy-five hereof, shall be taken before a 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 Commissioner.

Proceedings, how and when to be taken.

Ibid., sec. 63

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

#### Miscellaneous.

84. Notwithstanding anything in the foregoing provisions of this Act, a person who is in receipt of a pension under any Part thereof shall not be entitled to receive a pension under any other Part thereof:

No person entitled to more than one pension.

Ibid., sec. 64

1925, No. 17, sec. 8

Exceptions.

Provided that a person in receipt of a military pension granted under Part V hereof shall not thereby be debarred from applying for and receiving an old-age pension in addition to his military pension :

Provided also that this section shall not apply with respect to pensions granted under Part IV hereof.

Pensions absolutely inalienable.  
1913, No. 10, sec. 65

85. A pension under this Act shall be inalienable, whether by way of assignment, charge, execution, bankruptcy, or otherwise howsoever.

Registrar, &c., may take declarations.  
Ibid., sec. 66

86. Every statutory declaration required by this Act, or adduced in proof of any particular required to be proved on the investigation of any claim or income and property statement, may be made before any Justice, solicitor, constable, Registrar, or Clerk of Court, or Postmaster, or the Commissioner.

Exemption from stamp duty.  
Ibid., sec. 67

87. No stamp duty shall be payable on any statutory declaration, receipt, or other document made or given for the purposes of this Act.

Payment of imprest moneys into Post Office Account.

88. The Minister of Finance shall from time to time, without further appropriation than this Act, pay out of the Consolidated Fund into the Post Office Account, by way of imprest, whatever moneys are necessary in order to enable the instalments of pensions granted under this Act to be paid out of such account, and the Postmaster-General shall thereupon pay such instalments accordingly.

Ibid., sec. 68  
1915, No. 50,  
sec. 11 (1)  
1924, No. 34,  
sec. 10 (3)

89. All expenses incurred in administering this Act (other than the payment of pensions) shall be payable out of moneys to be from time to time appropriated by Parliament.

Expenses of administration.  
1913, No. 10, sec. 69  
1915, No. 50,  
sec. 11 (2)

90. The Minister shall, within thirty days after the close of each financial year ending the thirty-first day of March, prepare and lay before Parliament if sitting, or if not sitting, then within fourteen days after the commencement of the next session, a statement showing for such year—

Annual statement to be laid before Parliament.  
1913, No. 10, sec. 70

- (a.) The total amount paid under this Act in respect of old-age pensions, widows' pensions, pensions to the blind, miners' pensions, and military pensions separately ;
- (b.) The total amount so paid in respect of other than pensions ;
- (c.) The total number of pensioners ;
- (d.) The total amount of absolutely forfeited instalments ; and
- (e.) Such other particulars as are prescribed.

To whom Act is not to apply.

91. (1.) This Act, in so far as it provides for the grant of pensions shall not apply—

Ibid., sec. 71  
1914, No. 55, sec. 7

- (a.) In the case of pensions under Part I or Part II hereof, to aboriginal Maoris of New Zealand to whom moneys other than pensions are paid out of the sums appropriated for Native purposes by the Civil List Act, 1920 ; nor
- (b.) To aliens ; nor
- (c.) In the case of pensions under Part I hereof, to naturalized subjects, except such as have been naturalized for the period of one year next preceding the date on which they establish their pension-claims ; nor
- (d.) To Chinese or other Asiatics, whether naturalized or not, and whether British subjects by birth or not.

Act applies to Maoris.

(2.) Subject to the provisions of paragraph (a) of the *last preceding* subsection, this Act applies to aboriginal Maoris of New Zealand :

Provided that on the investigation of any such Maori's pension-claim for an old-age pension his evidence as to his age shall be required to be corroborated to the satisfaction of the Magistrate.



(3.) For the purposes of this section a woman who ceased to be a British subject by reason merely of her marriage with an alien since deceased or from whom she is legally separated shall not be deemed to be an alien.

5 92. In determining the claim of any aboriginal Maori to a pension under Part I or Part II hereof, in so far as the same may be affected by rights or property held or enjoyed otherwise than under defined legal title, the Magistrate shall be guided by the following rules:—

Rules for assessment of undetermined Maori interests.

1913, No. 10, sec. 72

10 (a.) In respect of "income," any customary rights used or capable of being used in respect of land the title to which has not been ascertained, but which is enjoyed or is capable of enjoyment, shall be assessed and determined by such evidence and in such manner as the Magistrate in his discretion considers proper:

15 (b.) In respect of "accumulated property," the interest in land or other property held or enjoyed under Native custom, or in any way other than by defined legal title, shall be assessed and determined by the Magistrate in manner aforesaid, with the view of arriving as nearly as may be at a decision as to the net capital value thereof for the purposes of this Act; and the decision of the Magistrate thereon shall be final.

20 93. (1.) Every pension granted under this Act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no pensioner under

Pensions granted subject to any amending Act.

Ibid., sec. 73

25 this Act shall have any claim for compensation or otherwise by reason of his pension being affected by any such amending or repealing Act.

(2.) A notification of the *last preceding* subsection shall be printed on every pension-certificate.

30 94. (1.) The Governor-General in Council may from time to time make regulations under this Act relating to any of the following purposes or matters:—

Regulations.

Ibid., sec. 74

1915, No. 50, sec. 10

(a.) The procedure in all judicial proceedings (other than criminal proceedings) under this Act:

35 (b.) The recording or registration of pension-claims, pension-certificates, and all other matters and proceedings in relation to pensions under this Act:

(c.) The duties of the Commissioner, Registrars, Postmasters, and Magistrates under this Act:

40 (d.) The transfer of pension-certificates from the register of one district to the register of another district:

(e.) The issue of duplicate pension-certificates in lieu of certificates lost or destroyed:

(f.) The forms of instruments required or authorized by this Act:

45 (g.) The mode of payment of pensions:

(h.) The remuneration and terms of employment of medical practitioners appointed under Part IV hereof:

(i.) All other matters in respect of which regulations are contemplated or required by this Act, or which the Governor-General deems necessary or admissible for the proper administration of this Act.

50 (2.) Such regulations shall be laid on the table of the House of Representatives within ten days after the commencement of each session, and referred to such sessional Committee for report as the House directs.

To be laid before Parliament.

Repeals.  
1913, No. 10, sec. 75  
Savings.

95. (1.) The enactments mentioned in the Schedule hereto are hereby repealed.

(2.) All districts, appointments, regulations, decisions, pensions, certificates, warrants, registers, records, instruments, and generally all acts of authority which originated under any of the said enactments and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. 5

(3.) All applications, matters, and proceedings commenced under any of the said enactments and pending or in progress on the coming into operation of this Act may be continued, completed, and enforced under this Act. 10

Saving of pensions  
existing on 29th  
October, 1924.  
1924, No. 34, sec. 20

(4.) Nothing in this Act relative to old-age pensions or widows' pensions shall operate to reduce the amount of any such pension of which any person may have been in receipt on the twenty-ninth day of October, nineteen hundred and twenty-four (being the date of the commencement of the Pensions Amendment Act, 1924). On any renewal of any such pension, such pension shall not by virtue of any amendment of the law effected by that Act or this Act be so reduced that the aggregate receipts of the pensioner in the pension-year for which the renewal is granted shall be less than his aggregate receipts in the pension-year current at the said date. 15 20

Schedule.

## SCHEDULE.

### ENACTMENTS REPEALED.

- 1913, No. 10.—The Pensions Act, 1913.
- 1914, No. 55.—The Pensions Amendment Act, 1914.
- 1915, No. 50.—The Miner's Phthisis Act, 1915.
- 1917, No. 9.—The Finance Act, 1917 : Section 84.
- 1919, No. 52.—The Finance Act, 1919 : Sections 7, 8, and 11.
- 1920, No. 83.—The Finance Act, 1920 : Sections 9, 10, 11, 12, 13, and 14.
- 1924, No. 34.—The Pensions Amendment Act, 1924.
- 1925, No. 17.—The Pensions Amendment Act, 1925.