

WAR PENSIONS AMENDMENT BILL (NO. 2)

EXPLANATORY NOTE

THIS Bill, except *clause 5*, makes provision for a new type of pension to be known as the war service pension.

The new pension will be available for servicemen who served overseas in the Second World War or any later war or emergency in which members of the New Zealand forces have served. It will replace the existing war veteran's allowance which was primarily designed to apply to the conditions of service of the First World War. The new war service pension will also replace the economic pension and wife's pension. Provision has been made for any person in receipt of such an allowance or pension on the commencement of the Bill, who does not qualify for any reason for a war service pension, to continue to receive their existing allowance or pension.

The provisions relating to the war service pension are contained in a new Part VA of the principal Act, inserted by *clause 10* of this Bill.

Clause 1 relates to the Short Title and commencement. The Bill, except *clause 5*, is to come into force on 1 April 1971.

Clause 2 amends section 2 of the principal Act by inserting a definition of the term "war service pension".

Clause 3 amends section 3 of the principal Act, which sets out the Parts into which the Act is divided, by inserting a reference to the proposed new Part VA and also to the new Part IA which was inserted by the War Pensions Amendment Act 1968.

Clause 4 adds 2 new subsections to section 19 of the principal Act.

The proposed new subsection (3) provides that, in future, a wife's pension shall not be granted to the wife of a member of the forces who is in receipt of a disablement pension in respect of service which commenced on or after 3 September 1939. However, a wife's pension being paid on the commencement of the Bill may be continued if the member or the wife, as the case may be, is entitled to elect to receive the new war service pension under the new section 66L and does not do so.

The proposed new subsection (4) provides that any person in receipt of a wife's pension on the commencement of the Bill may continue to receive that pension notwithstanding that the member or the wife, as the case may be, is not entitled to elect to receive the new war service pension.

Clause 5 repeals section 41 of the principal Act, and substitutes a new section.

At present, section 41 restricts the payment of pensions in respect of certain classes of illegitimate children of members of the forces. The passing of the Status of Children Act 1969 has made it necessary to rewrite the section. Although the proposed new section has been substantially rewritten, its effect will be exactly the same.

The clause is deemed to have come into force on 1 January 1970, being the date of commencement of the Status of Children Act 1969.

Clause 6 adds 2 new subsections to section 58 of the principal Act.

The proposed new subsection (3) provides that, in future, an economic pension shall not be granted to any person in respect of service which commenced on or after 3 September 1939. However, an economic pension being paid on the commencement of the Bill may be continued if the person receiving it is entitled to elect to receive the new war service pension under the new section 66L and does not do so.

The proposed new subsection (4) provides that any person in receipt of an economic pension on the commencement of the Bill may continue to receive that pension notwithstanding that that person is not entitled to elect to receive the new war service pension.

Clause 7 adds 2 new subsections to section 62 of the principal Act.

The proposed new subsection (3) provides that, in future, a wife's pension shall not be granted to the wife of a member of the mercantile marine who is in receipt of a disablement pension in respect of service which commenced on or after 3 September 1939. However, a wife's pension being paid on the commencement of the Bill may be continued if the member or the wife, as the case may be, is entitled to elect to receive the new war service pension under the new section 66L and does not do so.

The proposed new subsection (4) provides that if the wife of a member of the mercantile marine is in receipt of a wife's pension on the commencement of the Bill, she may continue to receive that pension notwithstanding the fact that the member or the wife, as the case may be, is not entitled to elect to receive the new war service pension.

Clause 8 amends section 63 of the principal Act and makes the same provision for members of the Commonwealth mercantile marine as is contained in *clause 7*.

Clause 9 amends section 65 of the principal Act.

Subclause (1) excludes members of the Emergency Reserve Corps from the provisions of the proposed new Part VA relating to the new war service pension, except as otherwise provided in the proposed new section 66L (a).

Subclause (2) adds 2 new subsections to section 65 of the principal Act.

The proposed new subsection (3) provides that, in future, a wife's pension shall not be granted to the wife of a member of the Emergency Reserve Corps who is in receipt of a disablement pension in respect of service which commenced on or after 3 September 1939. However, if on the commencement of the Bill a woman is in receipt of a pension as the wife of a member pensioned for total blindness, the pension may be continued if she does not elect to receive the new war service pension under the new section 66L.

The proposed new subsection (4) provides that any person in receipt of a wife's pension, as the wife of a member of the Emergency Reserve Corps, on the commencement of the Bill may continue to receive that pension notwithstanding that she is not entitled to elect to receive the new war service pension.

Clause 10, subclause (1) inserts a new Part VA in the principal Act to provide for the new war service pension. The new Part contains proposed new sections 66A to 66L.

Proposed new section 66A: This section defines the term "serviceman" for the purpose of specifying who will be entitled to receive a war service pension.

Only those persons who have served in the Second World War, or any subsequent war or emergency, will qualify on service grounds for the war service pension.

Essentially, service overseas for both New Zealand and Commonwealth servicemen is a prerequisite, except for Commonwealth servicemen who earned a campaign star in respect of service against the enemy from within their own country in a war or emergency in which New Zealand forces served.

Proposed new section 66B, subsection (1) provides for the grant of war service pensions to—

- (a) Servicemen in receipt of a disablement pension at a rate of not less than 70 percent of the rate for total disablement:
- (b) Servicemen in receipt of a disablement pension at a rate of less than 70 percent who are unfit for permanent employment:
- (c) Other servicemen under 65 years of age who are unfit for permanent employment:
- (d) The wife of any such serviceman:
- (e) The wife of any member of the forces who is in receipt of a pension for total blindness under Part II, Part IV, or Part V of the Act in respect of service which commenced on or after 3 September 1939.

Subsection (2) provides for a new pension to be granted under paragraph (c) above to a serviceman who has had his previous pension cancelled, notwithstanding that he has reached 65 years of age, if he reapplies within 5 years of the cancellation.

Subsection (3) provides that a war service pension may not be paid concurrently with an economic pension, a wife's pension, or a war veteran's allowance, or in respect of a wife who is receiving a war service pension in her own right.

Subsection (4) provides that, except as provided in the proposed new section 66c, the decisions of a War Pensions Board under this section shall be final.

Proposed new section 66c: This section provides for a right of appeal to the War Pensions Appeal Board from any decision of a War Pensions Board relating to whether or not a serviceman is unfit for permanent employment.

Proposed new section 66d: This section sets out the residential qualifications for the grant of war service pensions.

Proposed new section 66e, subsection (1) provides for the rates of war service pensions. The rates will be set out in a new Twelfth Schedule to the principal Act. (See Schedule to this Bill.)

Subsection (2) permits a War Pensions Board to regard as unmarried a serviceman who is living apart from his wife.

Subsection (3) provides that, in determining the income of any person, no account is to be taken of any war disablement pension or war widow's pension.

Subsection (4) provides that, in respect of a claim for a war service pension by the wife of a member of the forces who is in receipt of a disablement pension for total blindness, no account is to be taken of any income or property of either the husband or wife.

Proposed new section 66f: This section provides for the payment of an age supplement where a serviceman or his wife has attained the age of 65 years.

The rate of the supplement, which is not affected by income, is set out in the new Twelfth Schedule to the principal Act. (See Schedule to this Bill.)

Proposed new section 66g: This section empowers a War Pensions Board to apportion a war service pension between husband and wife.

Proposed new section 66h: This section provides for the forfeiture of a war service pension while the pensioner is being maintained in an institution at Government expense. However, a War Pensions Board may in any such case pay all or part of the pension to the pensioner's dependants.

Proposed new section 66i: This section empowers a War Pensions Board to review a war service pension, if the pensioner's circumstances have changed, or for any other sufficient reason.

Proposed new section 66j, subsection (1) provides for the continuation of a war service pension for up to 6 months where a pensioner dies leaving a widow or dependent children.

Subsection (2) provides that, instead of so continuing a pension, a lump sum payment of up to one-quarter of the yearly rate of pension may be made.

Proposed new section 66k, subsection (1) provides that where the wife of a war service pensioner dies, the pension may be continued at the married rate for up to 6 months.

Subsection (2) provides that, instead of so continuing a pension at the married rate, a lump sum payment of up to one-quarter of the yearly rate of pension to which the wife was entitled before her death may be made.

Proposed new section 66l: This section provides that any person who, at the commencement of the Bill, is in receipt of—

(a) A pension as the wife of a war disablement pensioner who is in receipt of a pension for total blindness; or

(b) An economic pension; or

(c) A war veteran's allowance—

and who qualifies for a war service pension, may elect, before 1 April 1972, to receive a war service pension instead.

Clause 10, subclause (2) adds a new Twelfth Schedule to the principal Act. The new Schedule sets out the rates of war service pensions. (See Schedule to this Bill.)

Clause 11 adds 2 new subsections to section 68 of the principal Act.

The proposed new subsection (5) provides that, in future, a war veteran's allowance shall not be granted to any person in respect of service which commenced on or after 3 September 1939. However, a war veteran's allowance being paid on the commencement of the Bill may be continued if the person receiving it is entitled to elect to receive the new war service pension under the new section 66L and does not do so.

The proposed new subsection (6) provides that any person in receipt of a war veteran's allowance on the commencement of the Bill may continue to receive the allowance notwithstanding that that person is not entitled to elect to receive the new war service pension.

Clause 12 amends section 75A of the principal Act to provide for war servicemen's dependants' allowances to be paid in conjunction with war service pensions.

Clause 13 amends section 75B of the principal Act to provide for family maintenance allowances to be paid in conjunction with war service pensions.

Clause 14 amends section 82 of the principal Act to provide that a war service pension may not be paid concurrently with a superannuation benefit under the Social Security Act 1964.

Clause 15 inserts new subsections (2A) to (2C) in section 86 of the principal Act to provide for the payment of war service pensions outside New Zealand in certain circumstances.

The proposed new subsection (2A) provides for the payment of war service pensions outside New Zealand on the grounds of hardship.

The proposed new subsection (2B) permits the payment of a supplementary pension equivalent to a war service pension, on the grounds of hardship, to any person who is in receipt of a war widow's pension and who is resident outside New Zealand.

The proposed new subsection (2C) provides for the payment of a war service pension in respect of any temporary absence from New Zealand.

Clause 16 amends section 72 of the Social Security Act 1964. The amendment will provide that no person may receive both a social security benefit and a war service pension in his own right.

Hon. Mr Thomson

WAR PENSIONS AMENDMENT (NO. 2)

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A BILL INTITULED

An Act to amend the War Pensions Act 1954

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

No. 119—1

1. Short Title and commencement—(1) This Act may be cited as the War Pensions Amendment Act (No. 2) 1970, and shall be read together with and deemed part of the War Pensions Act 1954* (hereinafter referred to as the principal Act).

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(2) Except as provided in subsection (2) of section 5 of this Act, this Act shall come into force on the 1st day of April 1971.

2. Interpretation—Section 2 of the principal Act is hereby amended by adding to subsection (1) the following definition: 10
 “‘War service pension’ means a pension granted under section 66B of this Act.”

3. Act divided into Parts—Section 3 of the principal Act is hereby amended—

(a) By inserting, after the words “Part I—Administration. 15
 (Sections 4 to 18.)”, the words “Part IA—War Pensions Medical Research Trust. (Sections 18A to 18s.)”:

(b) By inserting after the words “Part V—Emergency Reserve Corps Pensions. (Sections 65 and 66.)”, the 20
 words “Part VA—War Service Pensions. (Sections 66A to 66L.)”.

4. Grounds for payment of pensions—Section 19 of the principal Act is hereby amended by adding the following subsections: 25

“(3) Nothing in this section shall apply to a wife of a member of the forces who is in receipt of a disablement pension payable under this Part of this Act in respect of any period of service which commenced on or after the 3rd day of September 1939, unless the member or the wife of the 30
 member, as the case may be, is entitled to make an election under section 66L of this Act to receive a war service pension and has not made such an election.

“(4) Notwithstanding anything in subsection (3) of this section, if any person is, on the 1st day of April 1971, in 35
 receipt of a pension payable under subsection (1) of this section as the wife of a disabled person, and is not entitled

*1957 Reprint, Vol. 16, p. 475

Amendments: 1958, No. 45; 1960, No. 14; 1961, No. 7; 1962, No. 21; 1963, No. 125; 1964, No. 49; 1965, No. 27; 1966, No. 41; 1967, No. 5; 1968, No. 56; 1969, No. 48; 1970, No. 10

to make an election under section 66L of this Act, the pension may, so long as the person remains otherwise qualified, continue to be paid to that person."

5. Children whose parents are not married—(1) The principal Act is hereby further amended by repealing section 41, and substituting the following section:

“41. (1) Notwithstanding anything to the contrary in this Act, a pension shall not be payable in respect of any child whose parents were not married to each other at the time the child was conceived, or subsequently, if—

“(a) The child is a child of a member of the forces and was born more than 10 months after the date of commencement of the member’s service as a member of the forces; or

“(b) The child is not actually residing in New Zealand: “Provided that a War Pensions Board may, in its discretion, grant a pension in any such case as aforesaid.

“(2) For the purposes of subsection (1) of this section, a child’s parents shall be deemed to be married to each other notwithstanding that their marriage to each other is void unless, at the time of the conception of the child or at the time of the marriage (whichever was later), both parties knew that the marriage was void.”

(2) This section shall be deemed to have come into force on the 1st day of January 1970.

6. Economic pensions—Section 58 of the principal Act is hereby amended by adding the following subsections:

“(3) Nothing in this section shall apply to any person who is in receipt of a pension on account of the disablement or death of a member of the forces in respect of any period of service which commenced on or after the 3rd day of September 1939, unless that person is entitled to make an election under section 66L of this Act to receive a war service pension and has not made such an election.

“(4) Notwithstanding anything in subsection (3) of this section, if any person is, on the 1st day of April 1971, in receipt of an economic pension payable under subsection (1) of this section and is not entitled to make an election under section 66L of this Act, the economic pension may, so long as the person remains otherwise qualified, continue to be paid to that person.”

7. Pensions for mercantile marine—Section 62 of the principal Act is hereby amended by adding the following subsections:

“(3) Nothing in this section shall apply to the wife of a member of the mercantile marine who is in receipt of a pension payable under subsection (1) of this section in respect of any period of employment or engagement with the mercantile marine which commenced on or after the 3rd day of September 1939, unless the member or the wife of the member, as the case may be, is entitled to make an election under section 66L of this Act to receive a war service pension and has not made such an election. 5 10

“(4) Notwithstanding anything in subsection (3) of this section, if any person is, on the 1st day of April 1971, in receipt of a pension under subsection (1) of this section as the wife of a disabled person, and is not entitled to make an election under section 66L of this Act, the pension may, as long as the person remains otherwise qualified, continue to be paid to that person.” 15

8. Pensions for Commonwealth mercantile marine—Section 63 of the principal Act is hereby amended by adding the following subsections: 20

“(5) Nothing in this section shall apply to the wife of any person who is in receipt of a pension payable under subsection (1) of this section in respect of any period of employment or engagement with the mercantile marine of any country of the Commonwealth (other than New Zealand) which commenced on or after the 3rd day of September 1939, unless the member or the wife of the member, as the case may be, is entitled to make an election under section 66L of this Act to receive a war service pension and has not made such an election. 25 30

“(6) Notwithstanding anything in subsection (5) of this section, if any person is, on the 1st day of April 1971, in receipt of a pension under subsection (1) of this section as the wife of a disabled person, and is not entitled to make an election under section 66L of this Act, the pension may, as long as the person remains otherwise qualified, continue to be paid to that person.” 35

9. Pensions for Emergency Reserve Corps—(1) Section 65 of the principal Act is hereby amended by omitting from subsection (2) the words “(except Parts IV and VI)”, and substituting the words “(except Parts IV, VA, and VI)”.

5 (2) The said section 65 is hereby further amended by adding the following subsections:

“(3) Nothing in this section shall apply to the wife of a member of the Emergency Reserve Corps who is in receipt of a pension under subsection (1) of this section in respect of
10 any period of service with the Emergency Reserve Corps which commenced on or after the 3rd day of September 1939, unless the wife of the member is entitled to make an election under section 66L of this Act to receive a war service pension and has not made such an election.

15 “(4) Notwithstanding anything in subsection (3) of this section, if the wife of any member of the Emergency Reserve Corps is, on the 1st day of April 1971, in receipt of a pension in respect of his disablement, and is not entitled to make an election under section 66L of this Act, the pension may, so
20 long as she remains otherwise qualified, continue to be paid to the wife.”

10. New Part inserted—(1) The principal Act is hereby further amended by inserting, after Part V, the following new Part:

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“PART VA

“WAR SERVICE PENSIONS

“66A. ‘**Serviceman**’ defined—For the purposes of this Act, the term ‘serviceman’ means—

30 “(a) Any person who, having been a member of the forces within the meaning of this Act, has served overseas as such in connection with the Second World War or any subsequent war or emergency:

“(b) Any person who, having been a member of the forces of any country of the Commonwealth (other than
35 New Zealand), has served—

“(i) Outside that country of the Commonwealth;
or

40 “(ii) Within that country of the Commonwealth, and who, by the nature of his service, is or was entitled to the award of a campaign star in respect of his service against the enemy,—

in connection with the Second World War or any subsequent war or emergency in which members of the New Zealand forces have served as such:

- “(c) Any person who, being a bona fide resident of New Zealand at the commencement of the Second World War, or any subsequent war or emergency in which members of the New Zealand forces have served as such, has served in that war or emergency as a member of the forces of any other country of the Commonwealth: 5
10
- “(d) Any male person who, in respect of his employment or engagement as a member of the mercantile marine during the Second World War, has been granted a pension in respect of disablement under Part IV of this Act. 15

“66B. War service pensions—(1) Subject to the provisions of this Part of this Act, war service pensions shall be granted to or on account of—

- “(a) Any serviceman who is in receipt of a pension under Part II of this Act at a rate of not less than 70 percent of the maximum rate of pension that would be payable in respect of total disablement: 20
- “(b) Any serviceman who is in receipt of a pension under Part II of this Act at a rate of less than 70 percent of the maximum rate of pension that would be payable in respect of total disablement, and who satisfies a War Pensions Board that he is unable, by reason of physical or mental infirmity, to undertake permanent employment: 25
- “(c) Any serviceman not in receipt of a pension under Part II of this Act who has not attained the age of 65 years and who satisfies a War Pensions Board that he is unable, by reason of physical or mental infirmity, to undertake permanent employment: 30
35
- “(d) The wife of any such serviceman:
- “(e) The wife of any member of the forces who is in receipt of a pension for total blindness under Part II, Part IV, or Part V of this Act, in respect of any period of service which commenced on or after the 3rd day of September 1939. 40

“(2) Where any serviceman has been in receipt of a pension granted under paragraph (c) of subsection (1) of this section and that pension has, under this Act, been cancelled for any reason, he may be granted a new pension under the said paragraph (c) if he applies for it within 5 years after the date of the cancellation of the previous pension, and if he is otherwise eligible, notwithstanding that he may have attained the age of 65 years.

“(3) Notwithstanding anything in subsection (1) of this section, no pension shall be payable under this Part of this Act—

“(a) To or on account of any person who is in receipt of an economic pension under Part III of this Act; or

“(b) To or on account of any person who is in receipt of a pension under Part II, Part IV, or Part V of this Act, as the wife of a disabled person; or

“(c) To or on account of any person who is in receipt of an allowance under Part VI of this Act; or

“(d) To or on account of the wife of a serviceman, if the wife is in receipt of a pension under this Part of this Act in her own right.

“(4) Except as provided in section 66c of this Act every decision of a War Pensions Board under this section shall be final.

“66c. **Appeal from decisions of War Pensions Board—**

(1) Whether or not any claimant for a war service pension is unable by reason of physical or mental infirmity to undertake permanent employment shall be a question of fact to be determined in the first instance by a War Pensions Board.

“(2) Within 6 months after the date on which any decision of a Board under subsection (1) of this section has been communicated to him, the claimant shall have a right of appeal to a War Pensions Appeal Board, and, in the event of an appeal, the decision of the Appeal Board shall be final.

“66d. **Residential qualifications for war service pension—**

(1) No serviceman shall be granted a war service pension unless—

“(a) In the case of a serviceman who has served—

“(i) As a member of the New Zealand forces or mercantile marine; or

“(ii) As a member of the forces or mercantile marine of any country of the Commonwealth in any war or emergency in which members of the

New Zealand forces have served as such, and who was a bona fide resident of New Zealand at the commencement of the war or emergency— he has resided continuously in New Zealand during the 5 years immediately preceding the date of his application for a pension or, if he has not so resided in New Zealand, that his absences from New Zealand during the 5 years immediately preceding the date of his application have not in the aggregate exceeded 6 months increased by 1 month for every year of his actual residence in New Zealand in excess of 5 years: 5 10

“(b) In any other case, he was resident in New Zealand on a date not later than 20 years before the date of his application for a pension and that his absences from New Zealand since the first-mentioned date have not in the aggregate exceeded 2 years increased by 6 months for every year in excess of 20 years which has elapsed since the first-mentioned date. 15

“(2) In determining, for the purposes of subsection (1) of this section, the period a serviceman has been absent from New Zealand no account shall be taken of— 20

“(a) Any period of absence while the serviceman was serving on board any ship registered or owned in New Zealand and engaged in trading to and from New Zealand, if he satisfies a War Pensions Board that during such absences his family or home was in New Zealand: 25

“(b) Any period of absence to which paragraph (a) of subsection (1) of this section applies while the serviceman was serving as a member of any forces established in any country of the Commonwealth: 30

“(c) Any period of absence to which paragraph (b) of subsection (1) of this section applies while the serviceman was serving as a member of any forces established in any country of the Commonwealth in connection with any war or emergency in which members of the New Zealand forces have served as such. 35

“(3) If any serviceman leaves New Zealand while in receipt of a pension under this Part of this Act, and returns to New Zealand within 5 years he shall not, on any subsequent application for a pension under this Part of this Act, be required to comply with the residential qualifications prescribed by subsection (1) of this section. 40 45

“66E. Rates of war service pension—(1) Except as otherwise expressly provided in this Part of this Act, the rate of the pension payable to any person under this Part of this Act shall be the appropriate rate specified in the Twelfth Schedule to this Act.

“(2) For the purpose of computing any pension under this section, a serviceman who is living apart from his wife or her husband, as the case may be, may, in the discretion of a War Pensions Board, be regarded as an unmarried person.

“(3) In determining for the purposes of this section the income of any person, a War Pensions Board shall take no account of any pension under this Act received by any person in respect of his own disablement, or of any pension (other than a mother’s allowance) under Part II, Part IV, or Part V of this Act received by any woman in respect of the death of her husband.

“(4) In respect of a claim for a pension under this Part of this Act made by the wife of a member of the forces who is in receipt of a pension for total blindness, no account shall be taken of the income or property of the claimant or of any other person in determining any such claim.

“66F. Age supplement where war service pensioner or wife has attained age of 65 years—In addition to the amount of pension payable to a serviceman, or to the wife of a serviceman, granted under paragraph (a), paragraph (b), paragraph (c), or paragraph (d) of subsection (1) of section 66B of this Act, a supplementary allowance shall be payable at the appropriate rate specified in the Twelfth Schedule to this Act, where the serviceman or the wife of any such person has attained the age of 65 years.

“66G. Apportionment of pensions in certain cases—(1) In any case where the rate of a pension under section 66E or section 66F of this Act is computed with reference to the wife of the serviceman, the pension so computed shall, as a War Pensions Board may determine, be paid to the serviceman personally or be allocated in such proportions as the Board determines between the serviceman and his wife.

“(2) Any allocation under this section may be made by a Board on the grant of the pension or at any time thereafter. In particular, if at any time the provisions of section 66H or section 87 of this Act become applicable to any person to or

in respect of whom a pension under this Part of this Act has been granted, an allocation, if not previously made, shall then be made so that only so much of the pension shall be forfeited as is deemed by the Board to be for the personal benefit of that person. 5

“(3) Nothing in this section shall be construed to affect the provisions of sections 66H and 87 of this Act.

“(4) Any allocation made under this section may be at any time varied by a War Pensions Board.

“66H. **Forfeiture of pensions of inmates of institutions**—A war service pension granted under this Part of this Act shall be forfeited in respect of any period during which the person to whom it has been granted is being maintained at the expense of the Government as an inmate of any institution: 10

“Provided that there may, in the discretion of a War Pensions Board, be paid to or on behalf of the serviceman, or his wife, or his or her dependants, or any of them, the whole of the pension or such part of it as the Board thinks fit. 15

“66I. **Review of pensions**—In the event of the circumstances of any serviceman to whom a pension has been granted under this Part of this Act being altered, or for any other sufficient reason, the War Pensions Board, from such date as it thinks fit, may terminate the pension, or, within the limits prescribed by the provisions of this Part of this Act, may increase or reduce the rate of the pension. 20 25

“66J. **Continuation of payment after death of serviceman**—
 (1) Notwithstanding anything to the contrary in this Act, on the death of any serviceman while in receipt of a war service pension under this Part of this Act leaving a widow in respect of whom a war service pension has been paid under this Part, or leaving any child or children dependent on him, a War Pensions Board may, in its discretion, continue the pension at such rate, not exceeding the appropriate rate specified in the Twelfth Schedule to this Act, and until such date, being a date not later than 6 months after the date of death of the serviceman, as the Board may determine. 30 35

“(2) In any case to which this section applies the Board may, instead of continuing the pension, pay to or on behalf of the widow or any dependent child or children of the serviceman a lump sum gratuity not exceeding one-quarter of the yearly rate of war service pension, excluding any family maintenance allowance, to which the serviceman and his wife were entitled immediately before his death. 40

“66K. **Continuation of payment after death of wife—**(1)
Notwithstanding anything to the contrary in this Act, on the
death of the wife of a serviceman while the serviceman is in
receipt of a war service pension as a married serviceman, a
5 War Pensions Board may, in its discretion, continue the
pension at the rate payable to a married serviceman until
such date, being a date not later than 6 months after the
date of death of the wife, as the Board may determine; and
in any such case the rate of the pension shall thereafter be
10 reduced to the appropriate rate specified in the Twelfth
Schedule to this Act for an unmarried pensioner.

“(2) In any case to which this section applies the Board
may, instead of continuing the pension, pay to the serviceman
a lump sum gratuity not exceeding one-quarter of the yearly
15 rate of war service pension, excluding any family maintenance
allowance, to which the wife was entitled in respect of herself
immediately before her death; and in any such case the
pension shall be reduced to the appropriate rate specified in
the Twelfth Schedule to this Act for an unmarried pensioner
20 from the day following the date of death of the wife.

“66L. **Election to receive war service pension in certain
cases—**Any person who, at the commencement of this Part
of this Act is in receipt of—

25 “(a) A pension payable to the wife of a member of the
forces who is in receipt of a disablement pension in
respect of total blindness under Part II, Part IV,
or Part V of this Act; or

“(b) An economic pension payable under Part III of this
Act; or

30 “(c) A war veteran’s allowance payable under Part VI of
this Act—

and who qualifies for a war service pension under this Part
of this Act, may, at any time before the 1st day of April
1972, elect to surrender that pension or allowance and receive
35 a war service pension instead.”

(2) The principal Act is hereby further amended by adding
the Twelfth Schedule set out in the Schedule to this Act.

11. Allowances for war veterans—Section 68 of the princi-
pal Act is hereby amended by adding the following subsections:

40 “(5) Nothing in this section shall apply to any veteran in
respect of service as a member of the forces, or as a member
of the forces established in any country of the Commonwealth

(other than New Zealand), which commenced on or after the 3rd day of September 1939, unless he is entitled to make an election under section 66L of this Act to receive a war service pension and has not made such an election.

“(6) Notwithstanding anything in subsection (5) of this section, if any person is, on the 1st day of April 1971, in receipt of a war veterans allowance and is not entitled to make an election under section 66L of this Act the allowance may, so long as the person remains otherwise qualified, continue to be paid to that person.”

12. War servicemen’s dependants’ allowances—(1) Section 75A of the principal Act (as inserted by section 4 of the War Pensions Amendment Act 1963) is hereby amended by omitting from subparagraph (ii) of paragraph (b) of subsection (1) the word “Act”, and substituting the words “Act; and”.

(2) The said section 75A (as so inserted) is hereby further amended by adding to subsection (1) the following paragraph:

“(c) To or on account of—

“(i) Any serviceman who is in receipt of a war service pension; and also

“(ii) The wife of any such serviceman in any case where the serviceman is entitled to receive a war service pension in respect of his wife.”

(3) The said section 75A (as so inserted) is hereby further amended by inserting in subsection (2), after the words “paragraph (b)”, the words “or paragraph (c)”.

(4) The said section 75A (as so inserted) is hereby further amended by inserting in subsection (3), after the words “paragraph (b)”, the words “or paragraph (c)”.

13. Family maintenance allowances—Section 75B of the principal Act (as inserted by section 3 (1) of the War Pensions Amendment Act 1968) is hereby amended by repealing paragraph (d) of subsection (1), and substituting the following paragraphs:

“(d) The wife of any such person in any case where she is in receipt of a pension under this Act; or

“(e) Any serviceman who is in receipt of a war service pension; or

“(f) The wife of any such serviceman in any case where the serviceman is qualified to receive a war service pension in respect of his wife—”.

14. Persons receiving superannuation benefit under Social Security Act not to receive certain pensions or allowances—

Section 82 of the principal Act is hereby amended by inserting, after the words “economic pension”, the words “or a war
5 service pension”.

15. Payment of pensions outside New Zealand—(1) Section 86 of the principal Act is hereby amended by inserting, after subsection (2), the following subsections:

“(2A) Any war service pension may, in the discretion of a
10 War Pensions Board, be paid on the grounds of hardship to the claimant or to the person to or on account of whom the pension has been granted, notwithstanding that the claimant or the person to or on account of whom the pension has been granted, as the case may be, may be out of New Zealand.

15 “(2B) Nothing in this Act shall prevent a War Pensions Board, in its discretion, from granting on the grounds of hardship a supplementary pension equivalent to a war service pension to any person who is in receipt of a pension under Part II of this Act on account of the death of a member of
20 the forces in respect of any period of service which commenced on or after the 3rd day of September 1939, notwithstanding that the claimant for such supplementary pension or the person to whom such supplementary pension has been granted, as the case may be, may be out of New Zealand.

25 “(2C) Any war service pension may, in the discretion of a War Pensions Board, be paid in respect of any period during which the person to whom the pension has been granted is temporarily absent from New Zealand.”

16. Amendments to Social Security Act 1964—Section 72
30 of the Social Security Act 1964 is hereby amended—

(a) By inserting in subparagraph (i) of paragraph (b), after the words “economic pension”, the words “or a war service pension”;

35 (b) By inserting in the proviso, after the words “economic pension”, the words “or a war service pension”.

Section 10 (2)

SCHEDULE

NEW TWELFTH SCHEDULE TO PRINCIPAL ACT

"TWELFTH SCHEDULE

Sections 66E,
66F, 66J

RATES OF WAR SERVICE PENSIONS

1. Under section 66E—

- (a) To a married male serviceman who is qualified to receive a pension on account of his wife, in respect of himself and his wife \$1,300 a year, diminished by \$2 for every complete \$2 of the total annual income of the serviceman and his wife (exclusive of any pension under Part VA of this Act) in excess of \$572 a year.
- (b) To a married female 'serviceman' \$650 a year, diminished by \$2 for every complete \$2 of the total annual income of the 'serviceman' and her husband (exclusive of any pension under Part VA of this Act received by her) in excess of \$1,222 a year.
- (c) In any other case \$650 a year, diminished by \$2 for every complete \$2 of the total annual income (exclusive of any allowance under Part VA of this Act) of the serviceman and his wife (if any) in excess of \$1,222 a year in the case of a married serviceman, and in excess of \$572 a year in the case of an unmarried serviceman.

2. Under section 66F—

Age supplement—

- (a) Where a married male serviceman and his wife have both attained the age of 65 years \$156 a year.
- (b) Where a married female 'serviceman' has attained the age of 65 years \$78 a year.
- (c) In any other case where the serviceman or the wife of a male serviceman has attained the age of 65 years \$78 a year.

SCHEDULE—*continued*

3. Under section 66j—

Continuation of pension A rate not exceeding \$1,456 a
where serviceman dies year, plus family maintenance
leaving widow or depend- allowance (if any).
ent child

4. General—

The rates specified in clause 1 of this Schedule shall be increased by \$65 a year in any case where the person claiming or in receipt of the allowance is an unmarried person:

Provided that a War Pensions Board may in its discretion refuse to increase any pension under this clause in any case where in the opinion of the Board the person claiming or in receipt of the pension is sharing household expenses with any other person."