



THE WAR PENSIONS REGULATIONS 1945

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 24th day of
October, 1945

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the authority conferred on him by section 82 of the War Pensions Act, 1943, and to all other authorities enabling him in this behalf, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations with respect to the grant of pensions and allowances under the said Act, and also with respect to the several matters specified in the Schedule hereto (being matters for which moneys that may from time to time be appropriated by Parliament from the Consolidated Fund by the vote entitled " War and other Pensions " may lawfully be expended).

REGULATIONS

PART I.—PRELIMINARY

1. These regulations may be cited as the War Pensions Regulations 1945.

2. (1) The War Pensions Regulations 1940* are hereby revoked.

(2) All claims, applications, appeals, decisions, grants, certificates, warrants, and generally all acts of authority that originated under the regulations hereby revoked and are subsisting or in force on the commencement of these regulations shall enure for the purposes of these regulations as if they had originated thereunder.

(3) All matters and proceedings that have been commenced under the regulations hereby revoked and that are pending or in progress on the commencement of these regulations may be continued and completed under these regulations.

* Statutory Regulations 1940, Serial number 1940/308, page 1057.

(4) Notwithstanding anything to the contrary in these regulations, any forms in use under the regulations hereby revoked may be used for the purposes of these regulations until forms in accordance with these regulations are available.

3. (1) In these regulations, unless the context otherwise requires,—

“The said Act” means the War Pensions Act, 1943 :

“Appeal Board” means the War Pensions Appeal Board established under or for the purposes of the said Act :

“Board”, as the context may require, means the War Pensions Board or the War Pensions Appeal Board established under or for the purposes of the said Act :

“Claim”, in relation to a pension or allowance, includes an application for any such pension or allowance :

“Claimant”, where the circumstances require, includes a person to whom a pension under the said Act has been granted :

“Minister” means the Minister of Defence :

“Pension” includes a war veterans’ allowance and any other allowance to which these regulations apply :

“Registrar” means a Registrar appointed under the Social Security Act, 1938, and acting as a Registrar of War Pensions :

“Secretary” means the Secretary for War Pensions.

(2) References in these regulations to the War Pensions Board or to the War Pensions Appeal Board shall, while more than one such Board is in existence, be deemed to apply to any such Board for the time being in existence.

4. (1) When a vacancy has occurred or is about to occur in the membership of the War Pensions Board or the War Pensions Appeal Board and the vacancy is required by the said Act to be filled by a person to be nominated by the New Zealand Returned Services’ Association (Incorporated), the Minister may require the said Association to submit more than one but not more than three nominations.

(2) Where two or more persons have been duly nominated by the said Association, the Minister may appoint such one of the persons so nominated as he thinks fit to fill the vacancy.

5. (1) The members of the Appeal Board who are registered medical practitioners shall in respect of their services be entitled to fees at the following rates, namely :—

(a) In respect of every final decision of the Board, a fee of £1 1s. :

(b) For one (but not more than one) adjournment of any appeal, a fee of 10s. 6d. :

(c) For the non-appearance of an appellant or of an approved representative (not allowable for any day on which at least four other appellants have attended before the Board), a fee of 10s. 6d.

(2) Fees in respect of adjournments or the non-attendance of appellants shall be paid only on the certificate of the Chairman to the effect that the fees are payable in accordance with this regulation.

6. (1) The authority to exercise the powers of a Commission under the Commissions of Inquiry Act, 1908, conferred on the Appeal Board, the War Pensions Board, and the Secretary respectively by section 10 of the War Pensions Act, 1943, shall not be exercised for any purpose that is not directly related to the investigation of claims or to other matters arising under the said Act or these regulations.

(2) Without purporting to exercise the powers of a Commission of Inquiry, the Board, or the Secretary, or any person acting with the authority of the Board or the Secretary, shall, for the purpose of investigating any claim or for any other purpose in relation to the said Act or these regulations, have the right, without payment of any fee, to demand the production of any relevant records, books, or documents in the custody or control of any Department of State or of any corporation or other body or person whomsoever, and may make copies of or extracts from any such records, books, or documents :

Provided that nothing in this subclause shall apply with respect to returns of land or income made to the Commissioner of Taxes.

(3) It shall be the duty of all officers employed in any Government Department, or in any bank, insurance company, or other corporation carrying on business in New Zealand, and of all other persons whomsoever, to furnish all such information as they may be reasonably required to furnish to the Board or the Secretary, or to any other person acting under the authority of the last preceding subclause.

(4) If any person obstructs the Board or the Secretary or any other person in the exercise of its or his powers under this regulation, or refuses or fails to produce any books or documents or to furnish any information required of him or furnishes any information that to his knowledge is false or misleading in any material respect, he shall be guilty of an offence against these regulations and shall be liable accordingly.

(5) All information obtained by the War Pensions Board or the Appeal Board or the Secretary, or by any other person in the course of the administration of the said Act and these regulations shall be treated as confidential, and, except with the concurrence of the person or persons concerned, shall not be divulged or disclosed to any person who is not concerned in the administration of the said Act.

PART II.—APPLICATION OF THESE REGULATIONS

7. These regulations apply with respect to pensions of the following classes, namely :—

- (a) Pensions to or in respect of members of the Forces within the meaning of the said Act :
- (b) Pensions to or in respect of members of the Emergency Reserve Corps :
- (c) Pensions to or in respect of persons referred to in section 46 of the said Act (being persons, other than members of the Forces, who, while domiciled in New Zealand and in receipt of pay from the New Zealand Government, have served beyond New Zealand in connection with any war in which His Majesty has been engaged) :
- (d) Pensions to or in respect of persons referred to in section 47 of the said Act (being persons who have served as members of any of His Majesty's Forces, other than the New Zealand Forces, in any war in which New Zealand Forces have served, and who were *bona fide* residents of New Zealand immediately prior to the commencement of the said war) :
- (e) Allowances under Part V of the said Act to or in respect of war veterans :
- (f) Pensions under the War Pensions and Allowances (Mercantile Marine) Act, 1940 :
- (g) Economic pensions.

PART III.—PROCEDURE IN RESPECT OF CLAIMS FOR PENSIONS

Investigation of Claims

8. (1) All claims for pensions under these regulations shall be made on appropriate forms to be provided for the purpose by the Secretary.

(2) Claims, when completed by the applicant, may be delivered or posted to the Registrar or War Pensions Officer of the district wherein the claimant ordinarily resides.

(3) On receipt of any such claim the Registrar or War Pensions Officer shall forward it to the Secretary for submission to the War Pensions Board in accordance with section 11 of the said Act, or for the exercise by the Secretary of any powers delegated to him pursuant to section 12 of that Act.

9. Where in any claim for a pension under these regulations the claimant or the person on whose behalf the claim is made is stated to be the illegitimate child of the member of the Forces or other person in respect of whose death or disablement the claim is made, and the admissibility of the claim is dependent on the establishment of that relationship, the following provisions shall apply:—

- (a) If the relationship has been already established by judicial or other proceedings in New Zealand or elsewhere, and documentary evidence of those proceedings is produced, the relationship shall be deemed to be established for the purposes of these regulations :
- (b) If the claim is based on the death or disablement of the mother of the child, and the birth of the child as the illegitimate child of the mother has been registered in New Zealand or elsewhere, the production of a birth-certificate shall be sufficient evidence of the relationship :
- (c) If the claim is based on the death or disablement of the father of the child and the name of the father is duly recorded as such in any Register of Births kept in New Zealand, the production of the birth-certificate shall be sufficient evidence of the relationship :
- (d) In any case in which the relationship is not established as aforesaid, the matter shall be submitted by the Secretary to a Stipendiary Magistrate for the determination of the paternity or maternity of the child, as the case may be, and the Magistrate shall have jurisdiction to determine the matter as if the question of paternity or maternity arose in proceedings under the Destitute Persons Act, 1910 :

Provided that, unless the Magistrate specially orders that the proceedings be in open Court, no proceedings before a Magistrate under this paragraph shall be held in public :

Provided also that official notice of the time and place at which any proceedings to which this paragraph relates are to be heard shall be given to the Secretary, and the Secretary or any person authorized in writing in that behalf by the Secretary may be present during the proceedings and shall have the right to call and to examine and cross-examine witnesses.

10. No determination as to the paternity or maternity of any child, given for the purposes of these regulations, shall have any operation or effect except for the purposes of these regulations.

11. If any claim for a pension under these regulations is rejected, the Secretary shall forthwith notify the claimant of the rejection of the claim and of the grounds of rejection.

Pension-certificates

12. (1) On the grant of a pension under these regulations, the Secretary shall issue a pension-certificate on which shall appear:—

- (a) The name of the pensioner :
- (b) Whether the pension is permanent or temporary, and, in the case of a temporary pension, the period covered by the grant :
- (c) The rate of the pension, the place where it is payable, and the day or days on which instalments are payable.

(2) Any pension-certificate issued under this regulation may be at any time amended by direction of the Secretary or to give effect to any decision of the Board.

(3) Except with the authority of the Secretary (which shall be given only in special circumstances), no payment of any pension or instalment of a pension shall be made except on production of the pension-certificate, and the date of every such payment shall be recorded on the certificate.

13. (1) If any pension-certificate is lost, destroyed, or mutilated, the pensioner, or any person having authority to receive payment of the pension, may make application on the appropriate form for the issue of a duplicate pension-certificate.

(2) Every such application shall be delivered in the first place to the Registrar or War Pensions Officer of the District or, where there is no Registrar or War Pensions Officer, to a Postmaster in the district. The Registrar or other person receiving the application shall as soon as possible forward the application to the Secretary, with a report on the circumstances and a recommendation that the application be granted or refused, as the case may be.

(3) If the application is in order, the Secretary may issue a duplicate pension-certificate, clearly enfaced with the word "Duplicate", and no person shall thereafter be entitled to receive payment of any instalment of the pension except on production of the duplicate :

Provided that if in fact the original pension-certificate is produced by a person entitled to receive payment of the pension or any instalment thereof, and payment is made thereon while a duplicate certificate is in force, no payment in respect of the same period shall be made on production of the duplicate pension-certificate.

(4) In any case where, pursuant to the said Act, payment of a pension or of any instalment thereof is directed to be made to a person other than the pensioner, a duplicate pension-certificate may be issued by the Secretary if the pensioner refuses or fails to surrender his pension-certificate when required so to do.

14. If, while a duplicate pension-certificate is in force, the original pension-certificate is presented at any paying-office, it shall be the duty of the paying officer to impound the original certificate and to forward it with a report or explanation of the circumstances to the Registrar of the district or the Secretary.

15. On every pension-certificate and duplicate pension-certificate issued under these regulations there shall be printed a warning in the following terms or to the effect thereof:—

"WARNING.—The right to receive any payment under this certificate cannot be lawfully assigned or charged. Any person who demands or accepts any certificate, acknowledgment, or undertaking in the nature of a charge or assignment is liable to a fine of £50. See section 71 of War Pensions Act, 1943."

Agents' Warrants

16. (1) If it appears to the Secretary, on application in writing made by or on behalf of any pensioner, that the pensioner, by reason of infirmity or for any other sufficient cause, is unable to collect any instalment or instalments of his pension personally or cannot conveniently collect any such instalment or instalments, the Secretary may, in accordance with these regulations, issue an agent's warrant to any person nominated in that behalf in the application.

(2) An agent's warrant may also be issued to any person to whom payment of any pension or instalment of a pension is authorized to be made pursuant to a direction given pursuant to the proviso to subsection (1) of section 71 of the said Act.

(3) Except as provided in the foregoing provisions of this regulation, no pension or instalment of a pension shall be paid to any person other than the pensioner.

17. (1) The Secretary may decline to issue an agent's warrant in any case if in his opinion the person nominated in the application for the issue of an agent's warrant is not, in the circumstances of the case, a suitable person to act as the agent of the pensioner for the purposes of these regulations.

(2) Any agent's warrant issued under these regulations may be at any time revoked by the Secretary.

18. (1) An agent's warrant may be issued in respect of one or more instalments of the pension to which it relates, but no agent's warrant shall have any application to instalments payable after the expiry of the pension-certificate in force when the warrant was issued.

(2) On the expiry or revocation of an agent's warrant it shall be surrendered by the agent to the paying officer, who shall forthwith transmit it to the Secretary.

Payment of Pensions

19. (1) Except as may be otherwise determined by the Secretary in any case, every pension shall be payable by equal monthly instalments:

Provided that where a temporary pension, at a fixed weekly rate, has been granted by the Board in final settlement of a pension claim the Board may authorize or direct the payment of a lump sum in lieu of periodical instalments.

(2) Every such instalment shall be deemed to accrue from day to day during the period for which it is payable and shall be due on the last day of the period.

(3) Payment of any instalment may be made at any time within or after the expiry of the period for which it is payable, in accordance with any general or specific instructions given by the Secretary:

Provided that any instalment which falls due or which will fall due during the absence of the pensioner from New Zealand may be paid in advance on any date or within any period authorized in that behalf by the Secretary.

20. (1) Except with the authority of the Secretary, every instalment shall be payable at the office of the Registrar of the district or at such other paying-office as is specified in the pension-certificate.

(2) On application made by the payee to the Registrar of the district or officer in charge of the paying-office, the Secretary may authorize payment of any instalment or instalments at any other paying-office.

21. (1) On payment of any instalment the payee shall give a receipt therefor in such form as the Secretary may require, and the paying officer shall record the payment on the pension-certificate.

(2) If the paying officer is not satisfied as to the identity of the person claiming payment of any instalment or as to his right to receive payment, he shall withhold payment and report the matter to the Secretary. If he has reason to believe or suspect that the person claiming payment is not entitled to receive payment, he shall impound the pension-certificate and, if the person claiming payment represents himself to be the agent of the pensioner, shall also impound the agent's warrant.

(3) If the payee is not the pensioner, the payee shall, immediately prior to receiving payment, certify or indicate on the form provided for the purpose that the pensioner is then alive.

(4) Whenever any instalment is payable to a person other than the pensioner, pursuant to an agent's warrant given in accordance with these regulations, the paying officer shall require the production by the payee of both the pension-certificate and the agent's warrant, and where the agent's warrant relates to a single instalment or to the last of a series of instalments it shall be retained by the paying officer, who shall, in accordance with any general or special instructions, forward the warrant to the proper officer for transmission to the Secretary.

22. If any instalment of a pension is not collected within one month after the earliest date on which the pensioner or his agent is entitled to collect it, the authority to collect the instalment shall be deemed to have lapsed, but may be at any time renewed by the Secretary if, having regard to the circumstances of the case, he is satisfied that there were good and sufficient reasons for the failure to collect the instalment within the prescribed time.

Review of Pensions

23. (1) Any person in receipt of a pension in respect of his own disablement may at any time be required to submit himself for medical examination by a duly qualified medical practitioner. Any such examination may be for the purpose of determining an application for the renewal or variation of a pension, or may be for the purpose of determining the nature of the medical or other treatment that the pensioner may require.

(2) If any person who is required to submit himself for examination in accordance with the last preceding subclause fails without reasonable excuse to attend for examination at the time and place specified in a notice given to him in that behalf, the Board may forfeit, in whole or in part, any instalment or instalments becoming payable to the pensioner while his default continues.

(3) If the Board after inquiry is satisfied with respect to any person who is in receipt of a pension in respect of his own disablement that, while undergoing treatment as an in-patient or an out-patient of any hospital or other institution, he has wilfully committed a serious breach of the rules of the institution or has wilfully behaved in a manner likely to prejudice his recovery, it may forfeit, in whole or in part, any instalment or instalments of the pension that become payable while the person concerned remains a patient of the institution or that become payable at any time within one month after he has ceased to be a patient of the institution.

24. (1) Any pension in respect of which the Board is required or is authorized by the said Act to take into account the income or property or economic circumstances of the claimant or of any other person may be at any time reduced or terminated by the Board if the pensioner or any other person refuses or fails at any time, when so required by the Board, to furnish returns or particulars as to any or all of such matters or furnishes any returns or particulars that are found by the Board to be false or misleading in any material respect.

(2) Nothing in this regulation shall be construed to affect the power of the Board to terminate or reduce the amount of any pension in accordance with the provisions of the said Act in that behalf.

PART IV.—APPEALS

Appeals to War Pensions Appeal Board

25. (1) Every appeal to the War Pensions Appeal Board from a decision of the War Pensions Board shall be made on the appropriate form provided for the purpose by the Secretary.

(2) Forms of appeal, when completed by the appellant, may be lodged by delivering or posting the same to the Registrar or the War Pensions Officer of the district wherein the appellant ordinarily resides.

(3) The appellant may with his appeal furnish such medical certificates or other written evidence in support thereof as he thinks fit, and all such certificates or other documents shall, if he so requires, be returned to him after the hearing of the appeal.

(4) On receipt of any appeal the Registrar or the War Pensions Officer shall forward it, and all certificates and other documents lodged with the appeal, to the Secretary for submission to the Appeal Board.

(5) The Secretary shall also submit to the Appeal Board all relevant departmental records relating to the appellant or other person in respect of whose death or disablement the decision appealed from was given by the War Pensions Board.

26. The Appeal Board shall sit at such times and places as the Secretary from time to time determines.

27. (1) The appellant shall be given not less than fourteen days' notice in writing of the time and place fixed for the hearing of his appeal and shall be notified that he is required to attend at the time and place so fixed, and that he is entitled, at his own expense, to call evidence or to produce such certificates or other evidence in support of the appeal as he thinks fit.

(2) If the appellant fails to attend at the time and place fixed for the hearing of the appeal and does not within one month thereafter furnish to the Secretary a satisfactory explanation of his absence, the appeal shall be deemed to have lapsed, but may at any time be revived by the Appeal Board on the application of the appellant or a new appeal may be lodged by the appellant unless the time allowed by the said Act for lodging appeals has expired.

28. (1) If any material evidence that has not been submitted to the War Pensions Board is submitted by the appellant with his appeal or at the hearing of the appeal, the Appeal Board may refer the matter back to the War Pensions Board for further consideration.

(2) If the decision of the War Pensions Board, after consideration of the new evidence, is not in favour of the appellant, the appeal shall proceed. In any other case the appellant may withdraw the appeal or may require that the appeal be proceeded with.

29. (1) At the hearing of any appeal the War Pensions Board may be represented by the Secretary or any other person appointed in that behalf by the Secretary.

(2) At any such hearing the appellant may appear in person and, with the consent of the Chairman, but not otherwise, may be represented by counsel or by any other person :

Provided that where the Appeal Board is satisfied that the appellant is unable to be present by reason of his physical disability or for any other sufficient reason the appellant shall be entitled to be represented by any person whom the Board deems suitable in the circumstances.

30. If an appellant dies before his appeal has been determined by the Appeal Board, the appeal may be continued and the personal representative of the appellant or any other suitable person may attend before the Appeal Board and may produce or call evidence in support of the appeal.

31. (1) The decision of the Appeal Board shall be in writing signed by all members of the Board, and, if practicable, shall be communicated to the appellant on completion of the hearing.

(2) The written decision of the Appeal Board shall be forwarded to and recorded by the Secretary, who shall cause written notice thereof to be sent to the appellant, whether or not the decision was communicated to the appellant pursuant to the last preceding sub-clause.

(3) The decision of the Appeal Board on any appeal under these regulations shall be final and conclusive.

(4) In giving its decision on any appeal the Appeal Board may include any recommendations it thinks fit to make with respect to the medical or other treatment of the appellant, but, except by direction of the Appeal Board, it shall not be necessary for the Secretary to communicate any such recommendations to the appellant.

Appeals to Stipendiary Magistrate

32. (1) Where, pursuant to section 75 of the said Act, a claim for a pension is refused or a pension is terminated or the amount of any pension is reduced on grounds relating to the character of the claimant or pensioner, the claimant or pensioner shall be informed in writing that the decision of the Board has been based on grounds specified in that section.

(2) An appeal from any such decision shall be in writing addressed to the Board or to the Secretary, and every such appeal shall be forthwith submitted to a Stipendiary Magistrate for determination in accordance with section 76 of the said Act.

(3) At the hearing of an appeal under this regulation the appellant may attend in person or may be represented by a solicitor or by any other reputable person, who shall have the right to examine and cross-examine witnesses.

PART V.—MISCELLANEOUS PROVISIONS RELATING TO PENSIONS

33. (1) For the purposes of this regulation the term "service patient" means a member of the Forces or other person who is for the time being in receipt of a pension under the said Act in respect of his own disablement, and who for the treatment of that disablement or of any other condition for which he would be entitled to a pension

under the said Act is, with the approval of the Secretary, admitted as a patient to any hospital or other institution under the Hospitals and Charitable Institutions Act, 1926, or the Mental Defectives Act, 1911, or to any other institution approved by the Secretary.

(2) The maximum amount of the pension that may be paid to any service patient in respect of the period of his maintenance in any hospital or other institution as aforesaid shall be 15s. a week :

Provided that no payment shall be made to or in respect of any service patient detained in a mental hospital (otherwise than as a voluntary boarder) without the prior consent of the Public Trustee.

(3) The residue of the pension payable in respect of any period as aforesaid may, in accordance with the general or special direction of the Secretary, be paid in whole or in part to the wife of the service patient or to any other person approved for the purpose by the Secretary, on account of the service patient.

(4) On the discharge of the service patient from the hospital or other institution the residue (if any) of the pension accumulated during the period of his maintenance therein shall be paid to or on account of the pensioner in a lump sum or in such instalments as the Board may determine.

(5) In the event of the death of the pensioner while he is being maintained in any hospital or other institution as aforesaid any accumulation of his pension in accordance with this regulation shall be dealt with in accordance with section 72 of the said Act.

34. Where the rate of the pension payable to any member of the Forces in respect of his disablement, or payable to any other person in respect of the death or disablement of a member of the Forces, is affected by the rank or rating of the member, the rank or rating of the member shall be deemed to be :—

- (a) In the case of a pension payable in respect of the death of a member, his paid rank or rating (whether permanent or temporary) on the date of his reported death or the date of his being reported "missing";
- (b) In the case of a pension payable in respect of the disablement of a member, his paid rank or rating (whether permanent or temporary) immediately prior to his discharge from the Forces.

35. (1) Where any pension payable to a woman is determinable on her marriage or remarriage, the Secretary may at any time, before payment of any instalment of the pension, require her to make a declaration—

- (a) In the case of a widow that she has not remarried ; or
- (b) In the case of any other woman, that she is not married.

(2) Where a pension is payable to any person on account of or in respect of any child, the Secretary may, at any time, before payment of any instalment of the pension, require the person claiming payment of the pension to make a declaration to the effect that the child is still alive and is being maintained by the claimant.

36. Where an allowance is payable to or in respect of the services of an attendant, pursuant to section 40 of the said Act, the Secretary may at any time, before payment of any instalment of the allowance, require the attendant to make a declaration to the effect that he is in fact engaged as an attendant, and to disclose in the declaration his rate of pay and any other relevant terms of his engagement or contract of service.

37. Before granting or renewing an economic pension, or at any time during the currency of an economic pension, the Board may require the claimant or pensioner (not being the widowed mother of a deceased member of the Forces or the widow of a deceased member having the care and control of a child to or in respect of whom a pension is payable) to register for suitable employment with an Employment Bureau or other agency nominated by the Board.

38. Any declaration that may be required for the purposes of the said Act or these regulations may be made before the Secretary or before any member of the Board or any member of the Legislature, or any Justice of the Peace, Solicitor, Notary Public, Clerk of Court, Postmaster, Constable, Minister of Religion, member of the New Zealand Society of Accountants, or officer of the Social Security Department approved for the purpose by the Secretary.

39. (1) It shall be the duty of all Government officers, so far as lies in their power, to assist applicants in the preparation of pension-claims and otherwise in respect of these regulations.

(2) It shall be the duty of every Registrar of the Supreme Court and the Clerk of any other Court, on the conviction in his Court of any person whom he believes to be a pensioner under the said Act, to notify the Secretary in writing of the fact of such conviction, the nature of the offence, and the penalty imposed.

(3) It shall be the duty of every Registrar of Deaths to notify the Secretary in writing of the death of every person whom he believes to have been a pensioner under the said Act.

(4) It shall be the duty of members of the Police Force to render such services as may, with the concurrence of the Commissioner of Police, be required by the Secretary in connection with the investigation of any claim or an inquiry under the said Act. Prior authority to incur expenditure by any such officer on any occasion must be obtained from the Secretary, either direct or through any Registrar.

40. Every person commits an offence and shall be liable on summary conviction to a fine of £5 who refuses or fails, without lawful justification or excuse, to comply with any obligation imposed on him by these regulations or who commits a breach of any of these regulations.

PART VI.—SPECIAL PROVISIONS RELATING TO MATTERS SPECIFIED IN SCHEDULE

41. The rules prescribed in the Schedule hereto shall apply with respect to the provision of surgical and medical supplies and treatment for disabled servicemen and with respect to the several other matters specified in the said Schedule.

SCHEDULE

RULES WITH RESPECT TO THE PROVISION OF SURGICAL AND MEDICAL SUPPLIES AND TREATMENT IN ASSISTANCE OF SERVICEMEN AND TO CERTAIN OTHER MATTERS

Application of these Rules

1. These rules apply with respect to the provision of surgical and medical supplies and treatment for disabled servicemen, and to the several other matters hereinafter specified (being matters for which moneys that may from time to time be appropriated by Parliament from the Consolidated Fund by the vote entitled "War and other Pensions" may lawfully be expended).

2. Treatment and appliances in accordance with the terms of this Schedule will be available only in respect of disabilities that are attributable to or that have been aggravated by war service or other service within the scope of the War Pensions Act, 1943, or that in the opinion of the Secretary are incidental to any such disablement.

Qualified Persons

3. (1) Medical and surgical treatment (including the provision of surgical and other appliances) and other benefits will be available in accordance with the terms of this Schedule to or in respect of any person who is in receipt of or is entitled to claim a pension under the War Pensions Act, 1943, in respect of his own disablement.

(2) Persons entitled to services or other benefits in accordance with the terms of this Schedule are hereinafter referred to as "service patients".

Applications for Treatment or the Provision of Appliances

4. (1) Applications for treatment or otherwise for the purposes of this Schedule should be made in the first instance to the Registrar of War Pensions or the War Pensions Officer in the district in which the applicant resides. On receipt of any such application the Registrar or War Pensions Officer will deal with the same in accordance with instructions to be issued by the Secretary.

(2) Any such application may be made by or on behalf of the service patient concerned, or may be made by any medical practitioner to whom the service patient has applied for medical treatment or from whom he is receiving such treatment, or by the Medical Superintendent or other medical officer of a hospital in which the service patient is receiving or has received treatment.

(3) Payment in accordance with the terms of this Schedule will not be made to any medical practitioner or Hospital Board unless application for treatment has been made to and approved by the Secretary.

Supply of Surgical and other Appliances and Equipment

5. (1) Applications in accordance with the foregoing provisions of this Schedule will be received in respect of the original issue of appliances and equipment of the classes hereinafter specified and (except in cases where replacement or maintenance is expressly excluded by this Schedule) will also be received for the replacement or repair of any such appliances and equipment that have become worn out or have deteriorated through fair wear-and-tear or other cause not attributable to the fault of the patient.

(2) All appliances, equipment, and materials supplied in accordance with the terms of this Schedule remain the property of the Crown and must, on request or by direction of the Secretary for War Pensions, be surrendered when no longer required for the use of the service patient.

Artificial Limbs

6. (1) A service patient who has lost a limb or part of a limb may be supplied with an artificial limb and a duplicate.

(2) A service patient who has lost part of a lower limb may, at his option, be supplied with one peg leg in lieu of a duplicate artificial limb, and a service patient who has lost part of an upper limb may, at his option, be supplied with a working-arm in lieu of a duplicate artificial limb.

(3) In the case of lower limbs, one pair of light boots, and in the case of upper limbs, one pair of gloves, will be supplied with each issue or replacement of limbs.

(4) One wrench will be supplied with each artificial leg for the purpose of tightening bolts.

(5) Stump-socks will be issued to service patients who have been supplied with artificial limbs.

(6) One pair of crutches will be supplied on application to a service patient who has suffered an amputation of a lower limb or part of a lower limb.

Other Appliances and Equipment

7. (1) *Surgical boots* will be supplied, replaced, and repaired if and when necessary. Surgical boots will not be issued in any case where it is considered that adequate relief from the disability complained of would be given by the making

of minor alterations or adjustments to ordinary boots (*e.g.*, the attachment of a caliper or the raising of one side of the sole). The cost of such alterations or adjustments may be paid for by the Department.

Where surgical boots are considered to be essential, two pairs will be issued.

(2) *Trusses*.—Trusses will, where necessary, be supplied in cases of hernia.

(3) *Wheeled Chairs*.—A service patient who has lost both lower limbs as the result of service will be supplied with a wheeled chair, which will be repaired or replaced when necessary by reason of fair wear-and-tear or other cause not attributable to the fault of the patient.

(4) *Spinal carriages* may be supplied where considered necessary.

(5) *Elastic Stockings and Bandages (Suspensory or Other)*.—These articles will be supplied and replaced from time to time where considered necessary.

(6) *Other Aids for relieving or alleviating Disabilities*.—In any case where considered necessary or desirable any surgical appliances or aids not specified above (such as knee-caps, lenses, splints, artificial eyes, hearing aids, and necessary accessories) will be supplied.

Special Accommodation for Members suffering from Pulmonary Tuberculosis

8. (1) Special accommodation may be provided for the use of service patients suffering from pulmonary tuberculosis. Such accommodation will be in the form of a specially constructed tent or a portable hut or of structural alterations or additions to the home in which the service patient permanently resides. In the case of structural alterations or additions to any residence the amount payable by the Department will not exceed in any case the sum of £25.

(2) The Department will not be responsible for the maintenance or replacement of portable huts or for the maintenance of structural alterations or additions, but repairs to or replacement of tents may be allowed, having regard to the circumstances of each case, and provided that the necessity for repairs or replacement is due to fair wear-and-tear or is not attributable to the fault of the patient.

(3) To provide items of furniture for accommodation, a cash grant not exceeding £5 may be made to a service patient, but this shall be deemed to be a final grant. The Department will not be responsible for the maintenance or replacement of articles of furniture.

Medical Fees

9. Fees in respect of the medical examination of service patients and in respect of their treatment in accordance with the terms of this Schedule will be payable in accordance with the following scale :—

(a) For medical examination and completion of forms of application for medical treatment as a service patient (payable only if the disability for which application is made is considered a service disability)	£	s.	d.
	0	10	6
(b) For consultation in surgery (payable only when previously authorized by the Secretary)	0	10	6
(c) For each visit to a patient, within a radius of two miles of the medical practitioner's consulting-rooms, between the hours of 8 a.m. and 8 p.m.	0	10	6
For each visit to a patient, within a radius of two miles of the medical practitioner's consulting-rooms, between the hours of 8 p.m. and 8 a.m. (payable, except in case of urgency, only when previously authorized by the Secretary)	1	1	0
Mileage will be allowed at the rate of 2s. 6d. a mile for each extra mile over two miles from the consulting-rooms of the medical practitioner. This mileage is allowed for one way only.			
(d) For medical examination and completion of form War 11, by a medical practitioner not being a full-time medical officer of a public institution	1	1	0
(e) For medical examination and completion of form War 11 by a full-time senior medical officer of a public institution	0	10	6
(f) For consultation and report by specialist	2	2	0
(g) For any special examinations and reports or any special tests	Such rates as may be approved by the Secretary.		

Travelling Expenses and Allowances and Travelling Concessions to Service Patients and other Members of the Forces

10. (1) A service patient or other member of the Forces who is obliged to travel for the purpose of undergoing medical or surgical treatment, or to be medically examined in connection with any claim for or the renewal of a pension or for the purpose of any appeal to the Appeal Board against the decision of the War Pensions Board, may be granted a refund of the cost of transit reasonably incurred.

(2) Refunds may also be allowed of actual and reasonable out-of-pocket expenses for board and lodging at a rate not exceeding 17s. 6d. a day for the period of necessary absence.

(3) Where a member of the Forces is required to report for medical examination or treatment, or for attendance at the Appeal Board, compensation for loss of wages may, at the discretion of the Secretary, be paid at a rate not exceeding 20s. a day, but not in any case exceeding the amount of wages lost. Any claim in regard to wages must be accompanied by a certificate from the member's employer or, if the member is not an employee, by a certificate from a person employed and paid by him to do his work.

(4) A claim for any item of out-of-pocket expenses in excess of 5s. (other than train fares) must be supported by a receipt furnished by the person to whom payment was made.

(5) No claim for expenses will be recognized unless it is lodged within one month after the date on which the expenses were incurred or within such extended time as the Secretary in any special circumstances may deem reasonable.

(6) Notwithstanding anything in the foregoing provisions of this clause, a claim for the refund of expenses incurred in respect of an appeal to the Appeal Board may be disallowed if the appeal is dismissed as frivolous by the Appeal Board.

11. (1) First-class railway and steamer warrants will be issued to nurses, to staff sergeants, and to all equivalent or higher ranks. Second-class warrants will be issued to all other ranks, except that first-class warrants may be issued where the physical condition of the member warrants it.

(2) For the purpose of enabling service patients in hospitals to visit their homes, a free railway return ticket may, on the recommendation of the Medical Superintendent of the institution, be granted to such patients as have been receiving medical treatment for not less than one month, and thereafter one free railway return ticket may be granted every three months. If travel by railway is not readily available, a free ticket for travel by any other service operated by the New Zealand Railways Department may be issued.

(3) In the event of a service patient in hospital being medically unfit to travel, a free railway return ticket or a free ticket for travel by any other service operated by the New Zealand Railways Department may be issued to permit his next-of-kin or other person nominated by the patient to visit him in hospital.

12. In the case of a service patient who is certified by a medical practitioner or by a senior medical officer of a hospital to be unable or unfit to travel alone, the Secretary may authorize him to be accompanied by an escort, who may be paid the cost of transit incurred, actual and reasonable out-of-pocket expenses for board and lodging, and compensation for loss of wages, at rates not exceeding the rates applicable for the service patient.

Permanent Travelling Concessions

13. (1) Where any person suffers from total blindness or has suffered the amputation of both lower limbs above the knee and is receiving a permanent pension in respect of his total disablement, he may, on application to the Secretary, be provided with a free pass for himself and escort, to enable him and his escort to travel first class on the New Zealand railways.

(2) Any other person who is in receipt of a permanent pension in respect of his total disablement may, on application to the Secretary, be provided with a free pass to enable him to travel first class on the New Zealand railways.

(3) A person in receipt of a permanent pension for a disability which impedes locomotion, at a rate exceeding 50 per cent. of the pension payable for total disablement, may be provided with a pass to enable him to travel on the New Zealand railways first class at second-class rates.

Funeral Expenses

14. (1) The Secretary may authorize payment of a reasonable amount in respect of the funeral of any person whose death has been accepted by the War Pensions Board as attributable to service.

(2) If a service patient dies in hospital and the relatives desire that the burial should take place in the locality from which he was admitted to hospital, the reasonable cost of transport of the body will be borne by the Department. If the relatives desire the burial to take place elsewhere, the Department will pay the reasonable cost of transport of the body to the place desired or an amount equivalent to the reasonable cost of transport to the locality from which the deceased was admitted to hospital, whichever is the less.

W. O. HARVEY,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

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These regulations are administered by the War Pensions Branch of the Social Security Department.