

New Zealand.



REPEALED: See Act, 19 13 No. 10

ANALYSIS.

Title.

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1912, No. 36.

AN ACT to provide for the Grant of Pensions to Persons who have served under the Crown in any of the Maori Wars. Title.

[7th November, 1912.]

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

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| <ol style="list-style-type: none"> 1. This Act may be cited as the Military Pensions Act, 1912. 2. In this Act, unless a contrary intention appears,— <ul style="list-style-type: none"> “Commissioner” means the Commissioner of Military Pensions appointed under this Act: “District” means a district constituted by the Governor for the purposes of this Act: “Examining Officer” means an Examining Officer appointed under this Act: “Pension-year” means the year commencing on the first day of the month in which the pension is granted, and the corresponding period in each year thereafter: | <p>Short Title.</p> <p>Interpretation.</p> |
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“Income” means any moneys, valuable consideration, or profits derived or received by an applicant for a pension under this Act by any means or from any source, and shall be deemed to include the reasonable cost of board and lodgings of the applicant, estimated at a rate not exceeding twenty-six pounds a year, but shall not include any pension under this Act, nor any payment from a registered friendly society, nor money withdrawn from a bank and expended for the benefit of the applicant or his family.

Constitution of districts.

3. (1.) For the purposes of this Act the Governor may from time to time divide New Zealand into such districts, with such names and boundaries, as he thinks fit.

Alteration of boundaries.

(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 otherwise determines.

Appointment of Commissioner, &c.

4. (1.) The Governor may from time to time appoint a Commissioner of Military Pensions, who shall have the general administration of this Act.

(2.) The Minister for the time being administering this Act may from time to time appoint for each district an Examining Officer for the purposes of this Act, who shall have such powers and duties as are assigned to him by the Commissioner.

Military pensions.

5. Subject to the provisions 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, whilst in New Zealand, be entitled to a pension as hereinafter specified.

Qualifications of applicants for pensions.

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

(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 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;

(e.) That his income for the year immediately preceding the date of his application for a pension or for a renewal of a pension, as the case may be, did not amount to seventy pounds or upwards:

Provided that, if at any time during the said year the applicant was in receipt of personal earnings but has ceased to be in receipt of such earnings at the date of his application, the Commissioner may deduct from the

amount of income received by the applicant during that year such proportion of those earnings as he thinks fit, not exceeding three pounds for every week in respect of which such personal earnings were payable, and the balance shall be deemed to be the amount of income for the purposes of this Act.

- (f.) That he has not at any time, directly or indirectly, deprived himself of income or property in order to qualify for a pension under this Act.

7. Notwithstanding anything in the last preceding section, no person shall be entitled to a pension who is, at the date of his application, in receipt of personal earnings or other moneys at a rate sufficient to produce an income of seventy pounds a year.

Further limitation with respect to income of applicant.

8. The amount of pension shall be thirty-six pounds per annum, diminished by—

Amount of pension.

- (a.) One pound for every complete pound of income in excess of thirty-four pounds ;
- (b.) One pound for every complete ten pounds of the value of any property used by the applicant as a home, including furniture and personal effects, in excess of three hundred and forty pounds ; and
- (c.) One pound for every complete ten pounds of the value of any other property in excess of fifty pounds.

9. If the applicant for a pension is married and living with his wife, the following provisions shall apply :—

Special provisions where applicant is married.

- (a.) The value of his property shall be deemed to be half the total value of the property of husband and wife.
- (b.) The amount of the pension shall in no case exceed such sum as, with the total actual incomes of husband and wife, will amount to one hundred pounds for the year.

10. (1.) Every application for a pension 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.

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

11. (1.) Every pension shall be granted for a single pension-year, but may be renewed from time to time by the Commissioner subject to the same conditions as apply to the original grant of a pension under this Act.

Pension to be granted for one year, but may be renewed

(2.) Every such pension shall be payable pursuant to a pension-certificate by twelve equal monthly instalments, of which the first shall be payable on the first day of the month next after the commencement of the pension-year.

12. For the purpose of ascertaining whether a pensioner is entitled to a renewal of his pension, the Commissioner may, before granting a renewal, require the pensioner to supply a statement of his income and property, but if otherwise satisfied as to the eligibility of the pensioner for a continuance of his pension he may dispense with such statement and issue a fresh pension-certificate accordingly.

Renewal of pensions.

Person in receipt of pension under this Act not entitled to old-age pension.

13. Any person who is in receipt of a pension under this Act shall not be entitled to receive a pension under the Old-age Pensions Act, 1908.

Commissioner may authorize payments to be made to persons other than pensioner on his behalf.

14. (1.) On production to the Postmaster of a warrant in the prescribed form, signed by the Commissioner, the instalments of a pension, or any of them, may be paid to any clergyman, Justice of the Peace, or other reputable person named in the warrant for the benefit of the pensioner.

(2.) Such a warrant may be issued by the Commissioner, either with or without the consent of the pensioner, 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.

Pensions to be inalienable.

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

Forfeiture of pension in certain cases.

16. Every instalment which falls due during any period whilst the pensioner is in prison, or is an inmate of an institution under the Mental Defectives Act, 1911, or is out of New Zealand, shall be deemed to be absolutely forfeited.

Commissioner may review and vary pension-certificate.

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

Imprisonment for certain offences.

18. Every person is liable on summary conviction to a fine not exceeding fifty pounds, or to six months' imprisonment, who—

- (a.) By means of any wilfully false statement obtains or attempts to obtain a pension under this Act not being lawfully entitled thereto, or a pension of a larger amount than that person is lawfully entitled to ; or
- (b.) Knowingly obtains or attempts to obtain payment of any instalment of a pension which has ceased to be payable ; or
- (c.) By means of personation or any other fraudulent device obtains or attempts to obtain payment of any instalment of a pension ; or
- (d.) Wilfully aids, abets, counsels, procures, or incites any person to obtain or attempt to obtain without right a pension or the payment of any instalment of a pension.

Fine for certain offences.

19. Every person commits an offence and is liable on summary conviction to a fine of fifty pounds who receives, demands, or offers or agrees to receive any money or other reward or remuneration in consideration of procuring or attempting to procure for any other person a pension under this Act ; but nothing in this section shall extend or apply to any proper payment for legal services rendered by any solicitor of the Supreme Court.

Statutory declarations for purposes of Act.

20. A statutory declaration required or authorized by this Act, or by any regulation made thereunder, may be made before the Commissioner, any Justice of the Peace, Solicitor of the Supreme Court, Examining Officer, Postmaster, or Constable.

Expenses of Act.

21. (1.) 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 for the payment of pensions under this Act.

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

22. The Governor may from time to time, by Order in Council, make regulations relating to all matters in respect of which regulations are contemplated or required by this Act, or relating to all matters which the Governor deems necessary or admissible for the proper administration of this Act. Regulations.

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

24. The Military Pensions Act, 1911, is hereby repealed. Repeal.