

## New Zealand



### ANALYSIS

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. No notice to be taken of date of marriage of a member of the Forces in considering claims for pensions by wife or children.</p> | <p>3. Amended definition of term "dependant" in relation to members of the Forces. Consequential amendments and repeals.</p> <p>4. War Pensions Board may apportion war veterans' allowances in certain cases. Consequential repeal.</p> <p>5. Section 68 of Statutes Amendment Act, 1939, amended. Repeal.</p> |
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1940, No. 8

AN ACT to amend the War Pensions Act, 1915. Title.

*[1st August, 1940]*

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

1. This Act may be cited as the War Pensions Short Title.  
Amendment Act, 1940, and shall be read together with  
and deemed part of the War Pensions Act, 1915  
(hereinafter referred to as the principal Act).

See Reprint  
of Statutes,  
Vol. VI, p. 796

No notice to be taken of date of marriage of a member of the Forces in considering claims for pensions by wife or children.  
1935, No. 6

Amended definition of term "dependant" in relation to members of the Forces.

2. In considering the admissibility of any claim for a pension under the principal Act made by or on account of the wife or any child of a member of the Forces, the War Pensions Board shall not, except for the purposes of section three of the War Pensions Amendment Act, 1935, take notice of the date of the marriage of the member.

3. (1) For the purposes of the principal Act the term "dependant", in relation to a member of the Forces, includes—

(a) The wife of the member:

(b) Any child of the member, not being a child adopted by the member after the thirty-first day of May, nineteen hundred and forty, or an illegitimate child born to the member after the expiry of ten months from the date of his departure from New Zealand as a member of the Forces:

(c) Any other member of his family who was in fact wholly or in part dependent upon his earnings at any time within the period of twelve months immediately preceding the date upon which he became a member of the Forces—

but does not include any other person.

(2) Any pension that is hereafter granted to or on account of the wife or any child of a member of the Forces, by virtue of the extension by the last preceding subsection of the definition of the term "dependant", shall commence on the first day of the month in which the application therefor is received by the Board, or on the date on which the applicant became a dependant of the member, whichever is the later, but not earlier in any case than the date of the passing of this Act.

(3) Section two of the principal Act is hereby amended by omitting from the definition of the term "child" the words "before he became a member of the Forces".

(4) Section two of the War Pensions Amendment Act, 1935, section five of the War Pensions Amendment Act, 1936, and section twenty-two of the Finance Act, 1938, are hereby repealed.

(5) Section three of the War Pensions Amendment Act, 1935, is hereby amended by omitting from subsection one and also from subsection two the words "within the meaning of the last preceding section".

Consequential amendments and repeals.

1935, No. 6  
1936, No. 27  
1938, No. 13

4. (1) In any case where the rate of an allowance payable under the War Veterans' Allowances Act, 1935, is computed in accordance with the provisions of paragraph (b) of subsection one of section twenty-five of the Finance Act, 1938, the allowance so computed shall, as the War Pensions Board may determine, be paid to the veteran personally or be allocated in such proportions as the Board determines among the veteran and all or any of his dependants.

War Pensions Board may apportion war veterans' allowances in certain cases. 1935, No. 4 1938, No. 13

(2) Any allocation under the last preceding subsection may be made by the Board on the grant of the allowance or at any time thereafter. In particular, if at any time the provisions of section nine of the War Veterans' Allowances Act, 1935, become applicable to any person to or in respect of whom an allowance under that Act has been granted, an allocation, if not theretofore made, shall then be made so that only so much of the allowance shall be forfeited as is deemed by the Board to be for the personal benefit of that person.

(3) Nothing in this section shall be construed to affect the provisions of section twenty-six of the Finance Act, 1938. The said section is hereby consequentially amended by omitting therefrom all words after the words "pursuant to the said section".

1938, No. 13

(4) Any allocation made under this section or any allocation heretofore made under section six of the War Pensions Amendment Act, 1936, may be at any time varied by the Board.

1936, No. 27

(5) A certificate under the hand of the Secretary for War Pensions shall be conclusive evidence of any allocation made by the Board under the authority of this section, or of the variation of any such allocation.

(6) Section six of the War Pensions Amendment Act, 1936, is hereby repealed.

Consequential repeal.

5. (1) Section sixty-eight of the Statutes Amendment Act, 1939, is hereby amended, as from the passing of that Act, by inserting the words "and section eight" after the words "section four" in paragraph (b) of subsection three thereof.

Section 68 of Statutes Amendment Act, 1939, amended. 1939, No. 39

(2) The said section is hereby further amended by repealing subsection four thereof.

Repeal.