

Reprint
as at 7 December 2014

War Pensions Amendment Act
2005

Public Act 2005 No 24
Date of assent 24 March 2005

War Pensions Amendment Act 2005: repealed, on 7 December 2014, pursuant to section 276 of the Veterans' Support Act 2014 (2014 No 56).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

This Act is administered by the New Zealand Defence Force.

Schedule 2
Amendments to principal Act to come into force on
1 April 2007

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the War Pensions Amendment Act 2005.
- (2) In this Act, the War Pensions Act 1954 is called “the principal Act”.

2 Commencement

- (1) Except as provided in subsection (2), this Act comes into force on 26 April 2005.
- (2) Section 5 comes into force on 1 April 2007.

3 Amendments to principal Act in Schedule 1

The principal Act is amended in the manner set out in Schedule 1.

4 Transitional provision regarding relationships

For the purposes of the principal Act (except Part 6), any person who was, immediately before the commencement of section 3, in a relationship (as that term was defined in section 2(1) of the principal Act immediately before the commencement of section 3) must, on the commencement of section 3, be treated as if he or she is in a de facto relationship.

5 Amendments to principal Act on 1 April 2007 in Schedule 2

The principal Act is amended in the manner set out in Schedule 2.

Schedule 1

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Amendments to principal Act to come into force on 26 April 2005

Section 2(1)

Omit the definition of **partner** and substitute:

“**partner** means civil union partner or de facto partner”.

Repeal the definition of **relationship**.

Section 34

Repeal paragraphs (a) and (b) and substitute:

- “(a) the death of the member occurred within 1 year after the marriage or entry into the civil union or de facto relationship; and
- “(b) at the date of the marriage or entry into the civil union or de facto relationship the member had not, in the opinion of the Secretary, a reasonable expectation of surviving for at least 1 year.”

Section 35

Repeal and substitute:

“**35 Pensions to surviving spouses or surviving partners to cease on remarriage, entry into civil union, or commencement of de facto relationship**

- “(1) A pension payable to the surviving spouse or surviving partner of a member of the forces must cease on his or her remarriage or entry into a civil union or de facto relationship.
- “(2) Despite anything to the contrary in subsection (1), on the surviving spouse’s or surviving partner’s remarriage or entry into a civil union or a de facto relationship while in receipt of a pension under this Part, the Secretary may, in the Secretary’s discretion,—
 - “(a) continue the pension at any rate, not exceeding the maximum rate of pension payable to a surviving spouse or surviving partner, and for any period, not exceeding 2 years, that the Secretary thinks fit:
 - “(b) review, at any time, a pension continued under paragraph (a).

- “(3) In any case to which subsection (2) applies, the Secretary may, in the Secretary’s discretion, instead of continuing the pension, pay to the surviving spouse or surviving partner a lump sum gratuity not exceeding 2 years’ pension.
- “(4) For the purposes of this Act and any other enactment, a pension payable to a person under subsection (2) is deemed to be a pension payable to the surviving spouse or surviving partner of a member of the forces.”

Section 35A(1)

Repeal and substitute:

- “(1) Despite anything in section 35, if a pension payable to the surviving spouse or the surviving partner of a member of the forces has ceased under that section because of remarriage or entry into a civil union or a de facto relationship, and that remarriage or civil union or de facto relationship has subsequently terminated or irreconcilably broken down within 5 years after the date of remarriage or entry into a civil union or a de facto relationship, the Secretary may, in the Secretary’s discretion, reinstate the pension previously payable.”

Section 67

Insert in the definition of **Income Test 3**, after the word “spouse”, the words “or civil union partner”.

Insert in its appropriate alphabetical order:

“**single** means not married or in a civil union”.

Section 70(2)

Insert, after the word “spouse” in both places where it appears, the words “or civil union partner”.

Insert, after the word “spouse’s”, the words “or civil union partner’s”.

Section 74

Omit from subsection (2) the words “married person” and substitute the words “person who is married or in a civil union and”.

Insert in subsection (2), after the word “spouse”, the words “or civil union partner”.

Omit from subsection (3)(a) the words “married person’s”.

Insert in subsection (3)(a), after the word “spouse”, the words “or civil union partner”.

Omit from subsection (3)(b) the words “married person” and substitute the words “person who is married or in a civil union”.

Insert in subsection (3)(b), after the word “spouse”, the words “or civil union partner”.

Section 74A

Insert, after the word “spouse” where it first appears, the words “or civil union partner”.

Insert, after the words “surviving spouse”, the words “, surviving civil union partner,”.

Section 74C(3)

Omit from paragraphs (a), (b), and (c) the words “married couple” and substitute in each case the words “couple who are married or in a civil union and”.

Section 74D(4)

Insert in paragraph (a), after the word “spouse”, the words “or civil union partner”.

Insert in paragraph (b), after the word “spouse”, the words “or civil union partner”.

Section 74G

Insert, after the word “spouse”, the words “, civil union partner”.

Section 74J(2)

Repeal and substitute:

“(2) However, if a person who is married or in a civil union and whose spouse or civil union partner is not entitled to receive a veteran’s pension has made, or is entitled to make, an election under section 74(2), that person who is married or in a civil union is only entitled to be paid, under this section, 50% of the gross rate payable under clause 1(c) of Schedule 11.”

Section 74P(2)(b)

Omit the words “married person” and substitute the words “person who is married or in a civil union”.

Section 74U(1)

Omit the word “unmarried” and substitute the word “single”.

Section 74V(2)

Insert, after the word “spouse”, the words “or civil union partner”.

Section 77(c)

Repeal and substitute:

“(c) regard as a single person any claimant or pensioner who is married or in a civil union and who is living apart from his or her spouse or civil union partner—”.

Section 86(2)

Omit the words “wife, or widow” and substitute the words “spouse, civil union partner, or surviving spouse or surviving civil union partner”.

Schedule 11

Omit from clause 1(a) and (b) the words “an unmarried” and substitute in each case the words “a single”.

Omit from clause 1(c) the words “married person” and substitute the words “person who is married or in a civil union”.

Omit from clause 2 the words “married person” in the first place where they appear, and substitute the words “person who is married or in a civil union, and”.

Insert in clause 2, after the word “spouse”, the words “or civil union partner”.

Omit from clause 2(a) the words “married person” and substitute the words “person who is married or in a civil union and”.

Omit from clause 2(b) the words “married person” and substitute the words “person who is married or in a civil union”.

Schedule 12

Add to the heading the words “or civil union partner”.

Insert in the second column of clause 1(a), after the words “surviving spouse” in both places where they appear, the words “or surviving civil union partner”.

Insert in the second column of clause 1(b), after the words “surviving spouse” in both places where they appear, the words “or surviving civil union partner”.

Insert in clause 1(c), after the word “spouse” in both places where it appears, the words “or civil union partner”.

Schedule 2

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Amendments to principal Act to come into force on 1 April 2007

Section 67(1)

Insert in the definition of **Income Test 3**, after the words “civil union partner”, the words “or de facto partner”.

Repeal the definition of **single** and substitute:

“**single** means not married or in a civil union or a de facto relationship”.

Section 70(2)

Insert, after the words “civil union partner” in both places where they appear, the words “or de facto partner”.

Insert, after the words “civil union partner’s”, the words “or de facto partner’s”.

Section 74

Insert in subsections (2) and (3)(b), after the words “civil union” in the first place where they appear, the words “or in a de facto relationship”.

Insert in subsections (2) and (3)(a) and (b), after the words “civil union partner”, the words “or de facto partner”.

Section 74A

Insert, after the words “civil union partner” in the first place where they appear, the words “or de facto partner”.

Insert, after the words “surviving civil union partner”, the words “or surviving de facto partner”.

Section 74C(3)

Insert in paragraphs (a), (b), and (c), after the word “union”, the words “or in a de facto relationship”.

Section 74D(4)

Insert in paragraphs (a) and (b), after the words “civil union partner”, the words “or de facto partner”.

Section 74G

Insert, after the words “civil union partner”, the words “or de facto partner”.

Section 74J(2)

Insert, after the words “in a civil union” in both places where they appear, the words “or in a de facto relationship”.

Insert, after the words “civil union partner”, the words “or de facto partner”.

Section 74P(2)(b)

Insert, after the word “union”, the words “or in a de facto relationship”.

Section 74V(2)

Insert, after the words “civil union partner”, the words “or de facto partner”.

Schedule 11

Insert in clause 1(c), after the words “a civil union”, the words “or in a de facto relationship”.

Insert in clause 2, after the words “a civil union” wherever they appear, the words “or in a de facto relationship”.

Insert in clause 2, after the words “civil union partner”, the words “or de facto partner”.

Schedule 12

Insert in the second column of clause 1(a), after the words “surviving civil union partner” in both places where they appear, the words “or surviving de facto partner”.

Insert in the second column of clause 1(b), after the words “surviving civil union partner” in both places where they appear, the words “or surviving de facto partner”.

Insert in clause 1(c), after the words “civil union partner” in both places where they appear, the words “or de facto partner”.

Eprint notes**1 *General***

This is an eprint of the War Pensions Amendment Act 2005 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Veterans' Support Act 2014 (2014 No 56): section 276
