

## New Zealand.



### ANALYSIS.

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| <p><b>Title.</b></p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Definition of "widow" extended.</li> <li>3. Section 2 of principal Act amended.</li> <li>4. Section 5 of principal Act modified.</li> <li>5. Section 5 of principal Act amended.</li> </ol> | <ol style="list-style-type: none"> <li>6. "Annual income" defined. Repeal.</li> <li>7. Review of pension-certificate on ground of altered circumstances of pensioner.</li> <li>8. On death of widow, guardian may receive pension on behalf of children.</li> </ol> |
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1912, No. 21.

AN ACT to amend the Widows' Pensions Act, 1911.

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:—

1. This Act may be cited as the Widows' Pensions Amendment Act, 1912, and shall form part of and be read together with the Widows' Pensions Act, 1911 (hereinafter referred to as the principal Act).

Short Title.

2. In the principal Act and this Act, unless a contrary intention appears, the expression "widow" shall be deemed to extend to and include any woman whose husband is detained in an institution under the Mental Defectives Act, 1911, if the Magistrate to whom application for a pension-certificate under the principal Act is made finds, upon the certificate of the Medical Superintendent of the institution, that the husband is incurable or likely to be incurable for the period of at least twelve months after the granting of a pension-certificate.

Definition of  
"widow" extended.

3. Section two of the principal Act is hereby amended by omitting from the definition of "pension-year" the words "made on which that certificate is issued," and substituting the word "established."

Section 2 of  
principal Act  
amended.

4. (1.) Notwithstanding anything in section five of the principal Act, that Act shall apply to—

Section 5 of  
principal Act  
modified.

(a.) Any child born out of New Zealand if its mother was only temporarily absent from New Zealand at the time of its birth; and

(b.) Any child born out of New Zealand if its mother has continuously resided in New Zealand for not less than ten years immediately preceding the date of an application for a pension under the principal Act:

Provided that continuous residence in New Zealand shall not be deemed to have been interrupted by occasional absences therefrom if she establishes the fact that during such absences her family or home was in New Zealand.

(2.) Section five of the principal Act is hereby amended by repealing paragraph (e) thereof.

Section 5 of  
principal Act  
amended.

5. Section five of the principal Act is hereby amended by omitting from paragraph (b) the words "unless legitimated by the subsequent marriage of the parents," and substituting the words "unless after the birth of the child its parents have intermarried."

"Annual income"  
defined.

6. (1.) The term "annual income" as used in the principal Act and this Act means all moneys, valuable consideration, or profits derived or received from any source for the year immediately preceding the pension-year by a widow and any of her children to whom the principal Act as amended by this Act applies, for their own use or benefit, and includes the constructive income computed in accordance with subsection three of this section, but does not include any pension payable under the principal Act, nor any relief received from any charitable institution, nor any capital moneys belonging to a widow or any of her children to whom the principal Act as amended by this Act applies withdrawn from a bank and expended for the benefit of the widow or her children :

Provided that where a widow is at the date of her application entitled to receive from any source during the pension-year periodical payments of money on behalf of herself or of any of her children as aforesaid such money shall be included in the computation of the annual income, although no part thereof was actually received during the year immediately preceding the pension-year.

(2.) There shall be deducted from the annual income any personal earnings of the applicant not exceeding the sum of one hundred pounds.

(3.) If a widow or any of her children to whom the principal Act applies is the owner of any property (other than furniture and personal effects) which produces no income, or which produces an income less than five per centum of the value of that property, the widow or child shall for the purposes of this Act be deemed to be in receipt from that property of an annual income equal to five per centum of the value thereof.

(4.) If a widow or any of her children to whom the principal Act applies is in receipt of any income which is partly derived from property and is partly personal earnings in respect of that property, the Magistrate to whom the application for a pension-certificate is made shall apportion that income in such manner as he thinks just between the income derived from such property and such personal earnings.

(5.) Money received on the sale or exchange of land or other property and money received under an insurance policy on the

destruction or damage by fire or otherwise of a building or other property shall not be included in the computation of the annual income.

(6.) This section is in substitution for section eight of the principal Act, which section is hereby repealed accordingly.

Repeal.

7. (1.) In addition to the powers conferred by section twenty-three of the principal Act, the Magistrate may at any time, on the application of the Commissioner, review any pension-certificate during the currency thereof on the ground of the altered circumstances of the pensioner, and may either cancel the same or vary the same in such manner as he thinks fit, having regard to the provisions of the principal Act and this Act.

Review of pension-certificate on ground of altered circumstances of pensioner.

(2.) Any order so made by the Magistrate shall take effect as from the date of the order, or from such other date as is fixed by the order.

8. Notwithstanding anything in section twenty of the principal Act, if a widow in receipt of a pension dies, the guardian or other person for the time being having the care or control of her children to whom the Act applies shall, subject to the provisions of the said Act and with the approval of the Commissioner, be entitled to receive the pension to which the widow would have been entitled in respect of her children if she had lived.

On death of widow, guardian may receive pension on behalf of children.