

Refer to the Schedule of this Act.



#### ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Increasing rates of war pensions and allowances</p>	<p>3. Allowable income of persons who have attained sixty-five years of age</p> <p>4. Refusal or reduction of pension in certain cases</p> <p>Schedule</p>
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1958, No. 45

### An Act to amend the War Pensions Act 1954

[26 September 1958]

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

**1. Short Title and commencement**—(1) This Act may be cited as the War Pensions Amendment Act 1958, and shall be read together with and deemed part of the War Pensions Act 1954 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of October, nineteen hundred and fifty-eight.

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**2. Increasing rates of war pensions and allowances**—The principal Act is hereby amended by repealing the Third, Fifth, Sixth, and Seventh Schedules (as substituted by section two of the War Pensions Amendment Act 1957), and substituting therefor respectively the Third, Fifth, Sixth, and Seventh Schedules set out in the Schedule to this Act.

**3. Allowable income of persons who have attained sixty-five years of age—**(1) The principal Act is hereby amended by repealing section seventy-nine A (as inserted by section five of the War Pensions Amendment Act (No. 2) 1955), and substituting the following section:

“79A. For the purpose of assessing any pension or allowance under this Act, a War Pensions Board shall take no account of any income up to fifty-two pounds a year received—

“(a) By any unmarried claimant who has attained the age of sixty-five years; or

“(b) In the case of a married claimant, by the claimant and by the wife or husband of the claimant where either or both of them have attained the age of sixty-five years:

“Provided that, in computing the total income of a claimant and his wife or her husband where each of them has attained the age of sixty-five years, the income of which no account shall be taken under this section shall not exceed fifty-two pounds a year.”

(2) Section five of the War Pensions Amendment Act (No. 2) 1955 is hereby repealed.

**4. Refusal or reduction of pension in certain cases—**The principal Act is hereby amended by inserting, after section eighty-seven, the following section:

“87A. Where a War Pensions Board, in determining any claim for a pension or allowance under this Act is required to take into account the income or property of the claimant or the husband or wife of the claimant, the Board in its discretion may refuse to grant a pension or allowance, or may grant a pension or allowance of a reduced amount, in any case where, in the opinion of the Board, the claimant for a pension or allowance, or the husband or wife of the claimant, has directly or indirectly deprived himself or herself of any property or income for the purpose of obtaining the grant of a pension or allowance under this Act or an increased rate of a pension or allowance under this Act.”

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## SCHEDULE

NEW THIRD, FIFTH, SIXTH, AND SEVENTH SCHEDULES TO PRINCIPAL ACT

## THIRD SCHEDULE

Sections 30, 62, 65

MAXIMUM RATES OF PENSION FOR WIFE OF TOTALLY DISABLED MEMBER

*Part I—Members of Forces*

1. Under section 30—

In every case, per week ..... £4

*Part II—Members of Mercantile Marine*

2. Under section 62—

The same rate as that specified in Part I of this Schedule.

*Part III—Members of Emergency Reserve Corps*

3. Under section 65—

The same rate as that specified in Part I of this Schedule.

## FIFTH SCHEDULE

Sections 36, 40, 62, 65

MAXIMUM RATES OF PENSIONS FOR CHILDREN OF DISABLED AND  
DECEASED MEMBERS*Part I—Members of Forces*

1. Under section 36—

In ordinary cases, per week ..... 15s.

2. Under section 40—

In certain cases where parents dead, or child not  
under control of its mother, per week ..... £2 15s.*Part II—Members of Mercantile Marine*

3. Under section 62—

The same rates as those specified in Part I of this Schedule.

*Part III—Members of Emergency Reserve Corps*

4. Under section 65—

The same rates as those specified in Part I of this Schedule.

SCHEDULE—*continued*

Sections 59, 60, 62, 65

## SIXTH SCHEDULE

## MAXIMUM RATES OF ECONOMIC PENSIONS AND ALLOWABLE INCOME

*Part I—Members of Forces*

## 1. Under section 59—

Allowable income of claimant  
and husband or wife, per  
week ..... £2

## 2. Under section 60—

Economic pension, as follows—

(a) To any member of the  
forces, per week ..... £4

(b) To the widow of a de-  
ceased member of  
the forces, per week ..... £4

(c) To the widowed mother  
of a deceased mem-  
ber of the forces—  
(i) Where the  
claimant was wholly  
dependent on the  
member or was the  
mother of two or  
more sons, being  
deceased members of  
the forces, per week ..... £4

(ii) In any other  
case, per week ..... £2 17s. 6d.

(d) To any person in re-  
ceipt of a pension  
under section 55 or  
section 56 in respect  
of his own disable-  
ment, per week ..... £4

(e) To any widow in re-  
ceipt of a pension  
under section 55 or  
section 56 in respect  
of the death of her  
husband or son ..... The rate of the pension that  
would be payable to her under  
paragraph (b) or paragraph (c)  
of this clause if her husband  
or son, as the case may be, had  
been a member of the forces.

(f) To any person who is  
disqualified from re-  
ceiving a pension  
under section 56 by  
reason only that the  
pension received by  
him from an over-  
seas Government is  
not less than the  
pension that would  
be payable under  
Part II of this Act  
in respect of a mem-  
ber of the New Zea-  
land forces ..... The difference between the  
rate of the pension paid to  
the claimant by an overseas  
Government and the aggregate  
rate of the pensions that would  
be payable to the claimant  
under Parts II and III of this  
Act if the person in respect of  
whose disablement or death  
the overseas pension is paid  
had been a member of the  
New Zealand forces.

SCHEDULE—*continued*SIXTH SCHEDULE—*continued**Part II—Members of Mercantile Marine*

## 3. Under section 62—

The same rates as those specified in Part I of this Schedule.

*Part III—Members of Emergency Reserve Corps*

## 4. Under section 65—

The same rates as those specified in Part I of this Schedule.

*Part IV—General*

5. The rates specified in clauses 2, 3, and 4 of this Schedule shall be increased by 10s. per week in any case where the claimant or pensioner is an unmarried person, or, being married, is, in the opinion of a War Pensions Board, living apart from his wife or her husband, as the case may be:

Provided that a War Pensions Board may in its discretion refuse to increase any economic pension under this clause in any case where in the opinion of the Board the claimant or pensioner is sharing household expenses with any other person.

## SEVENTH SCHEDULE

Sections 69, 70, 74

## RATES OF WAR VETERANS' ALLOWANCES

## 1. Under section 69—

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|---|---|
| (a) To a married male veteran who is qualified to receive an allowance on account of his wife, in respect of himself and his wife | £416 per annum, diminished by £1 for every complete £1 of the total annual income of the veteran and his wife (exclusive of any allowance under Part VI of this Act) in excess of £104 per annum.   |
| (b) To a married female veteran   | £208 per annum, diminished by £1 for every complete £1 of the total annual income of the veteran and her husband (exclusive of any allowance under Part VI of this Act received by the female veteran) in excess of £312 per annum.   |
| (c) In any other case   | ..... £208 per annum, diminished by £1 for every complete £1 of the total annual income (exclusive of any allowance under Part VI of this Act) of the veteran and his wife (if any) in excess of £312 per annum in the case of a married veteran and in excess of £104 per annum in the case of an unmarried veteran. |

SCHEDULE—*continued*  
SEVENTH SCHEDULE—*continued*

## 2. Under section 70—

## Age supplement—

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| (a) Where a married male veteran and his wife have both attained the age of sixty-five years                   | £78 per annum, diminished by £1 for every complete £1 of the total annual income of the veteran and his wife (exclusive of any allowance under Part VI of this Act) in excess of £26 per annum.                                    |
| (b) Where a married female veteran has attained the age of sixty-five years                                    | £39 per annum, diminished by £1 for every complete £1 of the total annual income of the veteran and her husband (exclusive of any allowance under Part VI of this Act received by the female veteran) in excess of £273 per annum. |
| (c) In any other case where the veteran or the wife of a male veteran has attained the age of sixty-five years | £39 per annum, diminished by £1 for every complete £1 of the total annual income of the veteran and his wife (if any) (exclusive of any allowance under Part VI of this Act) in excess of £65 per annum.                           |

## 3. Under section 74—

Special allowance where veteran dies leaving widow or dependent child	Not exceeding £409 10s. per annum.
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## 4. General—

The rates specified in clause 1 of this Schedule shall be increased by £26 per annum in any case where the person claiming or in receipt of the allowance is an unmarried person:

Provided that a War Pensions Board may in its discretion refuse to increase any allowance under this clause in any case where in the opinion of the Board the person claiming or in receipt of the allowance is sharing household expenses with any other person.

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