

Hon. Mr. Jones

WAR PENSIONS AND ALLOWANCES
(MERCANTILE MARINE)

ANALYSIS

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A BILL INTITULED

AN ACT to make Provision for the Payment of Pensions and Allowances to Members of the New Zealand Mercantile Marine and their Dependants, in respect of Death, Disablement, or Detention suffered by such Members as a Result of the Present War.

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 and Allowances (Mercantile Marine) Act, 1940.

Interpretation.

2. (1) In this Act, unless the context otherwise requires,—

“ Detention ”, in relation to a member of the New Zealand mercantile marine, means the detention of the member consequent on his capture or the capture of his ship effected by reason of war operations during the present war: 5

“ Member of the New Zealand mercantile marine ” or “ member ” means the master or any other officer or any member of the crew of any ship registered in New Zealand in accordance with the provisions of the Shipping and Seamen Act, 1908, and includes the pilot of any such ship. 10

See Reprint of Statutes, Vol. VIII, p. 249

(2) For the purposes of this Act, any child who has been legally adopted by a member at any time before the date of his death or disablement or the commencement of his detention, and any illegitimate child who is born to a member before the expiry of ten months after the date of his death or disablement or the commencement of his detention, but no other adopted child or illegitimate child, shall be deemed to be a child of the member. 15 20

(3) Except as provided in the last preceding subsection or as the context may otherwise require, words and expressions used in this Act have the same meanings respectively as in the War Pensions Act, 1915, and its amendments. 25

Ibid., Vol. VI, p. 796

(4) Unless in any case the context otherwise requires, references in any Act to pensions under the War Pensions Act, 1915, or to persons in receipt of any such pension shall, as the case may require, be deemed to include a reference to a pension or allowance granted under this Act or a reference to a person in receipt of any such pension or allowance. 30 35

Pensions and allowances to members of mercantile marine and their dependants in respect of death, disablement, or detention resulting from present war.

3. (1) Subject to the provisions of this Act, pensions and allowances shall be granted in respect of the death, disablement, or detention of members of the New Zealand mercantile marine in any case where the death, disablement, or detention in respect of which a claim for such pension or allowance is made was suffered by 40

the member (whether before or after the passing of this Act) in the course of his employment or engagement as a member of the New Zealand mercantile marine, and such death, disablement, or detention is directly attributable to the present war:

Provided that no pension shall be granted under this Act in respect of the death or disablement of any person if in respect of his death or of the same disablement any pension is payable under the War Pensions Extension Act, 1940.

(2) Save as expressly provided in this Act, all the provisions of the War Pensions Act, 1915, and its amendments (including the penal provisions thereof) shall, so far as applicable and with any necessary modifications, apply with respect to pensions and allowances payable under this Act, as if members of the New Zealand mercantile marine were members of the Forces.

4. In respect of the death of a member, the rates of the pensions payable under this Act shall not exceed,—

(a) To or on account of his widow or to or on account of any child, the appropriate rate specified in the *First* Schedule to this Act:

(b) To or on account of any other dependant, the value of the benefits actually received by the claimant from the member during the period of twelve months preceding the date of his death.

5. In respect of the total disablement of a member, the rates of the pensions payable under this Act shall not exceed,—

(a) To or on account of the member, the appropriate rate specified in the *Second* Schedule to this Act:

(b) To or on account of his wife or to or on account of any child, the appropriate rate specified in the *Second* Schedule to this Act:

(c) To or on account of any other dependant, the value of the benefits actually received by the claimant from the member during the period of twelve months preceding the date of his disablement.

Maximum rates of pensions payable in respect of death of member.

Maximum rates of pensions payable in respect of total disablement of member.

Rates of pensions payable in respect of partial disablement of member.

6. In respect of the partial disablement of a member, the rates of the pensions payable under this Act shall be such less rates than the maximum rates prescribed by the *last preceding* section in respect of total disablement as are in each case determined by the War Pensions Board, having regard to the nature and probable duration of the disablement. 5

Maximum rates of allowances payable in respect of detention of member.

7. In respect of the detention of a member, the rates of the allowances payable under this Act shall not exceed,— 10

- (a) To or on account of the member, the appropriate rate specified in the *Third* Schedule to this Act: 10
- (b) To or on account of his wife or to or on account of any child, the appropriate rate specified in the *Third* Schedule to this Act: 15
- (c) To or on account of any other dependant, the value of the benefits actually received by the claimant from the member during the period of twelve months preceding the date of the commencement of his detention. 20

Date of commencement of pensions and allowances.

8. (1) Except as provided in the *next succeeding* subsection, pensions under this Act in respect of the death of a member shall be payable as from the date of his death, pensions in respect of the disablement of a member shall be payable as from a date to be fixed in that behalf by the War Pensions Board, and allowances in respect of the detention of a member shall be payable as from the date of the cessation of his pay. 25 30

(2) Where application for a pension or allowance in respect of the death or detention of a member is made after the expiration of *six* months from the date of the death or the commencement of the detention in respect of which it is claimed, any pension or allowance granted in respect thereof shall commence on a date to be fixed in that behalf by the Board. 35

Special provisions as to allowances payable in cases of detention.

9. (1) Every allowance granted to or on behalf of a member in respect of his detention shall be divided by the Board (in proportions fixed in accordance with the *Third* Schedule hereto) into two parts, to be called respectively:— 40

- (a) The available portion; and
- (b) The reserved portion.

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(2) The available portion of any such allowance may, as circumstances permit, be paid to or for the benefit of the member or may, in the discretion of the Board, be applied in relief of any dependant of the member.

(3) The reserved portion shall be retained by the Board or otherwise in trust for the member until the end of his detention, and shall then be payable to the member or his personal representatives or in accordance with the directions of the member.

10 **10.** No person shall be entitled to claim any compensation or damages in respect of the death or disablement of any member if in respect of such death or disablement he is entitled to claim a pension under
15 this Act.

11. (1) The Governor-General may from time to time by Order in Council, make all such regulations as in his opinion are necessary for the purposes of this Act.

20 (2) All regulations made under the authority of this section shall be laid before Parliament within fourteen days after the making thereof if Parliament is then in session, and if not, shall be laid before Parliament within fourteen days after the commencement of the
25 next ensuing session.

No person entitled to compensation or damages for death or disablement of member if pension payable under this Act.

Regulations.

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SECOND SCHEDULE.
WEEKLY RATES OF PENSIONS FOR TOTAL DISABILITY.

	Member.				Wife.				Child.
	Ship not over 500 Tons gross.	Ship over 500 Tons and not over 1,000 Tons gross.	Ship over 1,000 Tons and not over 5,000 Tons gross.	Ship over 5,000 Tons gross.	Ship not over 500 Tons gross.	Ship over 500 Tons and not over 1,000 Tons gross.	Ship over 1,000 Tons and not over 5,000 Tons gross.	Ship over 5,000 Tons gross.	
All officers and other ratings	40/-	..	..	..	20/-	..	..	..	10/-
Master	42/6	..	..	..	21/3	..	..	10/-
All other officers and other ratings	40/-	..	..	..	20/-	..	..	10/-
Master	45/-	..	..	..	22/6	..	10/-
All other certificated officers and certificated engineers, radio officers, ship's surgeon, and chief purser; chief steward in passenger ships	42/6	..	..	..	21/3	..	10/-
All other ratings	40/-	..	..	..	20/-	..	10/-
Master	52/-	..	..	..	26/-	10/-
Chief officer, chief engineer	45/-	..	..	..	22/6	10/-
All other certificated officers and certificated engineers, radio officers, ship's surgeon, and chief purser; chief steward in passenger ships	42/6	..	..	..	21/3	10/-
All other ratings	40/-	..	..	..	20/-	10/-

THIRD SCHEDULE.
WEEKLY RATES OF ALLOWANCES FOR DETENTION.

	Member.			Wife.	Each Child.	Member.			Wife.	Each Child.
	Total Allowance.	Reserved Portion.	Available Portion.			Total Allowance.	Reserved Portion.	Available Portion.		
	<i>Ship not over 500 Tons gross.</i>					<i>Ship over 500 Tons and not over 1,000 Tons gross.</i>				
All officers and other ratings	35/-	10/-	25/-	20/-	10/-	..	..	..	..	..
Master .. .. .	..	..	..	..	..	37/6	11/3	26/3	21/3	10/-
All other officers and other ratings	..	..	..	..	..	35/-	10/-	25/-	20/-	10/-
	<i>Ship over 1,000 Tons and not over 5,000 Tons gross.</i>					<i>Ship over 5,000 Tons gross.</i>				
Master	40/-	12/6	27/6	22/6	10/-	..	..	..	..	..
All other certificated officers and certificated engineers, radio officers, ship's surgeon, and chief purser; chief steward in passenger ships	37/6	11/3	26/3	21/3	10/-	..	..	..	..	..
All other ratings	35/-	10/-	25/-	20/-	10/-	..	..	..	..	..
Master .. .. .	..	..	..	..	..	47/-	16/-	31/-	26/-	10/-
Chief officer, chief engineer .. .. .	..	..	..	..	..	40/-	12/6	27/6	22/6	10/-
All other certificated officers and certificated engineers, radio officers, ship's surgeon, and chief purser; chief steward in passenger ships	..	..	..	..	..	37/6	11/3	26/3	21/3	10/-
All other ratings .. .. .	..	..	..	..	..	35/-	10/-	25/-	20/-	10/-