

Serial Number 1942/326



**THE SOCIAL SECURITY AND PENSIONS EMERGENCY  
REGULATIONS 1942, AMENDMENT NO. 1**

C. L. N. NEWALL, Governor-General.

**ORDER IN COUNCIL.**

At the Government House at Wellington, this 25th day of  
November, 1942.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS.**

1. These regulations may be cited as the Social Security and Pensions Emergency Regulations 1942, Amendment No. 1, and shall be read together with and deemed part of the Social Security and Pensions Emergency Regulations 1942.\*

2. In these regulations the expression "member of the Forces" means, as the case may require, a member of the Forces within the meaning of the War Pensions Act, 1915, or a member of the Forces within the meaning of the War Pensions Extension Act, 1940.

**MODIFICATION OF WAR PENSIONS ACTS.**

3. (1) Where any member of the Forces, while in receipt of a permanent pension in respect of his total disablement, has died, whether before or after the coming into force of these regulations, from any cause not attributable to his service as a member of the Forces, the War Pensions Board may in its discretion grant a pension to or on behalf of the widow or of any dependent child or dependent children of the member, in all respects as if his death were attributable to his war service :

\* Statutory Regulations 1942, Serial number 1942/145, page 335.

Provided that a pension shall not be granted under this regulation if the marriage of the member took place after the date on which he was granted a permanent pension in respect of his total disablement.

(2) Every pension granted under this regulation shall commence on a date to be determined by the War Pensions Board.

4. (1) Notwithstanding anything to the contrary in the War Pensions Act, 1915, or in the War Pensions Extension Act, 1940, the War Pensions Board may in its discretion continue for a period not exceeding twenty-eight days after the death of a member of the Forces any pension or allowance, in respect of his disablement, theretofore granted to or on behalf of any dependant of the member and current at the date of his death.

(2) If any pension, allowance, or benefit payable out of public moneys is granted to the dependant, to take effect during the aforesaid period of twenty-eight days, the amount of any pension or allowance payable under this regulation may, notwithstanding anything to the contrary in any Act, be taken into account in determining the amount of such other pension, allowance, or benefit to be paid in respect of the same period.

#### MODIFICATION OF WAR VETERANS' ALLOWANCES ACT.

5. While this regulation continues in force, section 25 of the Finance Act, 1938, shall be read as if it had been amended :—

- (a) By omitting the words " sixty-five pounds " from paragraph (a) of subsection (1) and also from subparagraph (i) of paragraph (b) of the same subsection, and by substituting in each case the words " seventy-eight pounds " :
- (b) By omitting from subparagraph (ii) of paragraph (b) of subsection (1) the words " thirty-nine pounds ", and substituting the words " fifty-two pounds " :
- (c) By omitting from the proviso to the said paragraph (b), as amended by paragraph (b) of subsection (1) of section 17 of the Finance Act, 1941, the words " two hundred and eight pounds ", and substituting the words " two hundred and thirty-four pounds " :
- (d) By repealing subsection (2).

6. (1) If any applicant for an allowance under the War Veterans' Allowances Act, 1935, has heretofore died or hereafter dies before the completion by the War Pensions Board of its investigation of the applicant's claim, the Board may in its discretion authorize the payment to or on behalf of the widow or any dependent child or dependent children of the applicant of an amount not exceeding the sum of the following amounts, namely :—

- (a) The amount of the allowance that would have been payable for the period preceding the date of the applicant's death, if his application had been disposed of by the Board and an allowance had been granted before his death :
- (b) The amount that could have been paid under section 11 of the said Act if, at the time of his death, the applicant had been in receipt of an allowance of the amount that would have been granted to him if he had not died.

(2) The provisions of subsection (2) of section 11 of the said Act shall apply with respect to payments made under the authority of this regulation as if such payments had been made under the said section.

MODIFICATION OF SOCIAL SECURITY ACT.

7. (1) Notwithstanding anything to the contrary in the Social Security Act, 1938, the Social Security Commission may, in its discretion, increase by an amount not exceeding £26 a year the rate of the age-benefit payable under that Act to any beneficiary who satisfies the Commission :—

(a) That the beneficiary was the parent of a deceased member of the Forces whose death was attributable to his service as a member of the Forces; and

(b) That the beneficiary was wholly or partially dependent on the member during the period of twelve months immediately preceding the date on which he became a member of the Forces.

(2) For the purposes of this regulation a beneficiary shall be deemed to have been the parent of a member of the Forces if, irrespective of his age, the member would have been regarded as a child of the beneficiary for the purposes of section 18 of the Social Security Act, 1938.

C. A. JEFFERY,  
Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 26th day of November, 1942.  
These regulations are administered in the Social Security Department.