

Serial Number 1939/55.



**THE SOCIAL SECURITY (MONETARY BENEFITS)
REGULATIONS 1939.**

GALWAY, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 10th day of May, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred on him by the Social Security Act, 1938, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the regulations hereinafter set forth, and doth hereby declare that the said regulations shall be deemed to have come into force on the 1st day of April, 1939.

REGULATIONS.

1. These regulations may be cited as the Social Security (Monetary Benefits) Regulations 1939.

DEFINITIONS.

2. In these regulations, unless the context otherwise requires,—
- “ The Act ” means the Social Security Act, 1938 :
 - “ Application,” in relation to a claim for any monetary benefit, means an original application or an application for the renewal of the benefit, as the case may require :
 - “ Benefit ” or “ monetary benefit ” means a benefit under Part II of the Act :
 - “ Benefit-year,” in relation to an original benefit, means the period of twelve months commencing on the first day of the first month for which the benefit is payable and, in relation to a renewed benefit, means the period of twelve months commencing on the date on which the renewal takes effect :
 - “ Commission ” means the Social Security Commission appointed under the Act :
 - “ Commissioner ” means a member of the Social Security Commission, and includes an Acting-Commissioner :
 - “ Department ” means the Social Security Department :

- “District” means a district under the charge of a Registrar in accordance with these regulations :
- “Income-year” means the period of twelve months ended on the last day of the last month but one preceding the commencement of the benefit-year :
- “Registrar” means an officer of the Department appointed to the charge of a district in accordance with these regulations.

REGISTRARS' DISTRICTS.

3. (1) To every Registrar appointed under the Act the Commission shall allot a district, of which, for the purposes of the Act, the Registrar shall be deemed to be in charge.

(2) The boundaries of every such district shall be fixed by the Commission, and the boundaries of any such district may from time to time be altered by the Commission.

(3) If any application or other document or any information which is intended for or should have been sent to the Registrar of any district is received by the Registrar of any other district, the Registrar by whom it is received shall forthwith transmit it to the appropriate Registrar.

POWERS AND FUNCTIONS OF COMMISSION AND REGISTRARS.

4. (1) Any of the powers, functions, or duties of a Registrar may be at any time exercised or performed by any of the Commissioners appointed under the Act.

(2) With the authority of the Commission, any officer of the Department, though not holding office as a Registrar, may exercise or perform any of the powers, functions, or duties of a Registrar (except the powers under the Commissions of Inquiry Act, 1908, conferred on Registrars by subsection (2) of section 7 of the Act).

5. (1) It shall be the function of the Registrar in charge of a district to receive and investigate, on behalf of the Commission, all applications for monetary benefits under the Act made in respect of persons resident within his district, and to deal with all matters arising out of such applications and the administration of benefits that may be required by the Commission or by these regulations to be dealt with locally.

(2) In the course of any investigation undertaken for the purposes of the Act or these regulations the Commission or any Registrar may exercise all or any of the powers conferred by the Commissions of Inquiry Act, 1908, as applied by section 7 of the Act. Any such powers (except the power of summoning witnesses or of administering oaths) may also be exercised by any other officer of the Department acting with the authority of the Commission or a Registrar.

(3) It shall be the duty of every person to make true answers to all questions put to him by any of the Commissioners or by a Registrar or any other authorized officer in respect of any application or other matter arising in relation to the Act or these regulations and, without requiring the payment of any fee, to furnish in writing such certificates or information as may be required for the purposes of these regulations.

DECLARATIONS.

6. Any declaration required to be made for the purposes of Part II of the Act, or these regulations, may be made before any member of the Legislature, or before any Justice of the Peace, Notary Public, Solicitor, Minister of Religion, Clerk of Court, Postmaster, or Constable, or before any of the Commissioners or any Registrar, or before any other officer of the Department approved for the purpose by the Commission.

APPLICATIONS FOR MONETARY BENEFITS.

7. (1) Every applicant for a monetary benefit under Part II of the Act shall furnish, in such form as the Commission may require, such personal and other particulars and (where applicable) such particulars of income and property as the Commission may require to enable it to determine whether or not the applicant is qualified to receive a benefit of the class applied for.

(2) Every applicant shall declare that the contents of his application are true and correct in every material point.

(3) In the case of an application for an orphan's benefit the particulars and declaration aforesaid shall be furnished and made by the person for the time being having the care and control of the child, and, in the case of any person who by reason of mental or bodily infirmity is incapable of furnishing particulars or making a declaration, such particulars and declaration may, with the approval of the Commission, be furnished and made by some responsible person on behalf of the applicant.

(4) At the request of any Native it shall be the duty of every Government officer having the requisite knowledge of the Maori language to render, without fee or other consideration, all reasonable assistance in connection with an application by the Native for a monetary benefit under the Act or for the renewal of any such benefit.

(5) Every application for a monetary benefit shall be posted to the Registrar of the district or shall be delivered at the nearest office of the Department in the district in which the applicant resides, and shall be recorded in such manner as may be determined by the Commission. The application shall be deemed to be received by the Commission when it has been received at an office of the Department.

RENEWAL AND REVIEW OF MONETARY BENEFITS.

8. (1) For the purpose of enabling the Commission to renew or to review benefits from time to time, every beneficiary shall, whenever required by the Commission or a Registrar so to do, furnish in such manner and in such form as may be required, a statement setting forth full particulars of his income and of all property owned by him.

(2) Any such statement by a beneficiary as to his income shall be in respect of such period as the Commission determines, and, if the Commission so requires, shall include particulars as to any income that the beneficiary expects to receive as well as to income that has actually been received.

(3) Any such statement as to property owned by the beneficiary shall, if the Commission so requires, include particulars as to any property disposed of by the beneficiary within the period to which the statement relates.

(4) Similar particulars in respect of the income and property of the wife or husband of the beneficiary, or in respect of the income and property of any child in respect of whom any benefit is payable, shall, as and when the Commission or a Registrar requires, be given by the beneficiary or by any other person required to furnish such particulars.

(5) Notwithstanding anything in the foregoing provisions of this clause, returns of income or property shall not be required from persons in receipt of benefits of any of the following classes :—

- (a) Superannuation benefits under section 11 of the Act :
- (b) Miners' benefits in any case where the rate of the benefit has not been increased in respect of children :
- (c) Benefits granted under section 44 of the Act to the widows of deceased miners :
- (d) Maori War benefits.

9. If and whenever a beneficiary or the wife or husband or a dependent child of a beneficiary acquires any property or receives any income that may affect the right of the beneficiary to receive the benefit or the rate of the benefit, or if the wife or any child of a beneficiary dies or ceases to be maintained by him, the beneficiary shall immediately forward notice in writing of the fact to the Registrar of the district and shall return ~~the benefit certificate~~ to the Registrar for cancellation or for amendment, as the case may require.

10. (1) The person for the time being authorized to collect instalments of an orphan's benefit shall, forthwith after the happening of any of the events herein referred to, forward notice in writing to the Registrar of the facts in any of the following cases, namely :—

- (a) If the orphan acquires any property or receives or becomes entitled to receive any income that may affect his right to receive the benefit or the rate of the benefit ; or
- (b) If the orphan is legally adopted by any person or becomes an inmate of any State institution ; or
- (c) If the orphan dies.

(2) ~~In any such case as aforesaid the person giving such notice shall forward the benefit certificate~~ to the Registrar for cancellation or for amendment, as the case may require.

BENEFIT-CERTIFICATES.

11. (1) In respect of every monetary benefit the Commission shall issue a certificate (hereinafter referred to as a benefit-certificate) setting forth particulars of the grant. For the purposes of identification the beneficiary shall be required to sign the benefit-certificate with his usual signature.

(2) All payments from time to time made to or on behalf of the beneficiary during the period covered by the benefit-certificate shall be recorded on the benefit-certificate.

(3) The benefit-certificate may be amended at any time during its currency in accordance with the decision of the Commission, and on the expiration or cancellation of the benefit it shall be surrendered to the Department.

(4) In the event of a benefit-certificate being lost, destroyed, or mutilated, the beneficiary or his duly authorized agent may make application to the Registrar of the district, either direct or through a Postmaster, for a duplicate benefit-certificate. Every such application shall be in writing, and the circumstances under which it is made shall be declared by the applicant. After satisfying himself that the application is in order, the Registrar may issue a new benefit-certificate (which shall be clearly enfacéd to indicate that it is a duplicate and not an original benefit-certificate) and shall instruct the paying officer to pay future instalments of the benefit only on production of the duplicate benefit-certificate.

(5) If after the issue of a duplicate benefit-certificate the original benefit-certificate is presented at the paying-office it shall be the duty of the paying officer to impound the benefit-certificate and forward it to the Registrar for the district.

PAYMENT OF MONETARY BENEFITS.

12. (1) Every monetary benefit other than a superannuation, unemployment, sickness, or emergency benefit shall be paid by monthly instalments. Superannuation, unemployment, sickness, and emergency benefits shall be paid by such periodical instalments as the Commission may direct.

(2) Every instalment of a monetary benefit shall be deemed to accrue from day to day during the period for which it is payable, and shall be due on the last day of that period.

(3) Payment of any instalment may be made at any time within or after the expiry of the period for which it is payable, in accordance with the general or special directions of the Commission.

(4) No instalment shall be paid before the commencement of the period for which it is payable, except with the special authority of the Commission.

(5) Where in terms of section 70 of the Act any benefit is payable in respect of any period during which the beneficiary is absent from New Zealand, the Commission may make such arrangements for payment as may be expedient having regard to the circumstances of the case.

13. Except in cases where special arrangements approved by the Commission apply, every instalment of a benefit shall be payable at the Social Security Office or other paying-office named in the benefit-certificate, and no payment shall be made except on production of such benefit-certificate. On application made by the payee through the Registrar of the district, the paying-office may at any time be changed to suit the convenience of the payee.

14. (1) When receiving payment of any instalment the payee shall give a receipt in such manner and in such form as the Commission may require, and on making payment the paying officer shall record the payment in the space provided for the purpose on the benefit-certificate

(2) If the paying officer is not satisfied as to the identity of the person claiming payment of any instalment or as to his right to receive payment he shall withhold payment and report the facts to the Registrar. If he has good reason for believing or supposing that the person claiming payment is not the person entitled to receive payment, he shall impound the benefit-certificate and the agent's warrant (if any) produced to him.

(3) If the payee is not the beneficiary, the payee shall certify at the time of payment that the beneficiary is alive and that the instalment applied for is properly payable in terms of the conditions subject to which the agent's warrant has been issued.

(4) The paying officer shall, in every case where the last instalment covered by the benefit-certificate has been paid, retain the benefit-certificate and any agent's warrant issued in connection therewith. Where the benefit-certificate does not indicate that all instalments payable thereon have been duly paid, or where there are special circumstances necessitating such action, he shall, in accordance with any general or special instructions, forward the benefit-certificate and the agent's warrant (if any) with his accounts to the proper officer for transmission to the Commission. In any other case, in the absence of a direction to the contrary by the Commission, he may dispose of the benefit-certificate and the agent's warrant (if any) in accordance with the general instructions of the Commission.

(5) Whenever any instalment is payable to a person other than the beneficiary, pursuant to an agent's warrant given in accordance with these regulations, the paying officer shall require the production by the payee of both the benefit-certificate and the warrant, and where the warrant relates to a single instalment, or to the last of a series of instalments, it shall be retained by the paying officer, who shall, in accordance with any general or special instructions, forward the warrant with his accounts to the proper officer for transmission to the Commission.

15. (1) Subject to the provisions of the next succeeding subclause, every instalment of a benefit which is not collected during the period allowed by section 68 (3) of the Act shall be deemed to have lapsed.

(2) Where the instalment has not been collected within the prescribed period, the beneficiary or his duly authorized agent may make application to the Commission through the paying officer for renewal of the authority for payment, and shall state in his application the reason for his failure to collect the instalment within the prescribed time. The paying officer, after satisfying himself by examining the benefit-certificate that the instalment has not already been paid, shall forward the application to the Commission, together with his recommendation as to payment, and the decision of the Commission will be notified direct to the applicant.

PAYMENT TO PERSONS OTHER THAN BENEFICIARIES.

16. (1) Except as provided in the Act or in these regulations, no payment in respect of any benefit shall be made to any person other than the beneficiary.

(2) If any beneficiary, by reason of infirmity or for any other sufficient cause, is unable to collect any instalment or instalments of his benefit personally or cannot conveniently collect any such instalment or instalments, he may make application to the Commission, through the Registrar of the district, for the appointment of an agent to receive payment on his behalf, and if approved by the Commission payment shall be made to the agent accordingly.

(3) Whenever, having regard to any special circumstances, the Commission is satisfied that it is desirable that the whole or any portion of a benefit should, in accordance with section 69 of the Act, be paid to any other person for the use of the beneficiary or in satisfaction to the extent thereof of any of his just debts or liabilities, it may direct accordingly.

(4) In every case where payment to a person other than the beneficiary has been ~~approved or~~ directed by the Commission the authority for such payment shall be in the form of an agent's warrant issued by the Commission, and such warrant shall be produced to the paying officer, together with the ~~benefit certificate~~, whenever payment of any instalment of the benefit is claimed.

(5) Unless otherwise determined by the Commission in any case, the issue of an agent's warrant shall be subject to the following general conditions:—

- (a) A warrant shall be issued only to a person of good repute who is not less than twenty-one years of age :
- (b) A warrant may provide for payment of one or more instalments, but its currency shall not extend beyond the date of expiry of the ~~benefit certificate~~ to which it is expressed to relate, and it may be cancelled at any time for good cause :
- (c) On the cancellation or expiry of a warrant it shall be surrendered by the agent to the paying officer :
- (d) In any case where an agent is appointed by the Commission without the consent of the beneficiary and the beneficiary refuses to surrender the ~~benefit certificate~~ a duplicate ~~benefit certificate~~ may be issued. ~~In respect of every such duplicate benefit certificate the provisions of clause 11 of these regulations as to duplicate certificates shall apply.~~

INMATES OF INSTITUTIONS.

17. (1) Unless in any case the Commission otherwise determines, the following provisions shall apply in every case where a benefit is payable in respect of a period during which the beneficiary is maintained as an inmate of, and wholly or partly at the expense of, any institution:—

- (a) Instalments of the benefit shall be payable in the first instance to the governing body of the institution ~~pursuant to a warrant issued by the Commission :~~
- (b) The Commission shall fix the proportion of each instalment that may be retained by the governing body of the institution in respect of the maintenance of the beneficiary, and the balance shall be payable by the governing body to the beneficiary :

- (c) The proportion so payable to the governing body of the institution shall in no case exceed the reasonable cost of the maintenance of the beneficiary in the institution :
 - (d) The decision of the Commission as to the apportionment between the governing body of the institution and the beneficiary shall be final and binding on both parties.
- (2) Where any portion of a benefit is payable in respect of the wife or of any child or children of the inmate the provisions of this regulation shall apply only to the portion payable in respect of the inmate.
- (3) The procedure with respect to the payment of instalments to governing bodies of institutions shall be as follows :—
- (a) Every application for payment shall be made by the governing body to the Registrar of the district in such form as may be required by the Commission, and shall specify—
 - (i) The name of each beneficiary to whom the application relates :
 - (ii) In respect of each beneficiary to whom the application relates, the class of the benefit and the number of the benefit-certificate :
 - (iii) The amount of each instalment applied for :
 - (iv) The cost and period of maintenance of each beneficiary (such period in no case commencing earlier than one calendar month before the due date of any instalment applied for) :
 - (v) The total amount of the instalments applied for.
 - (b) The benefit-certificate shall be produced in every case.
 - (c) If the Registrar is satisfied that the application is in order he shall issue a warrant authorizing payment to or on account of the governing body, and shall record on the application his approval and the total amount to be paid.
 - (d) The warrant shall be delivered up to the paying officer by the payee when receiving payment of the instalments to which it relates, and shall be forwarded by the paying officer with his accounts to the proper officer, for transmission to the Commission.

PAYMENT ON DEATH OF BENEFICIARY.

18. (1) In the event of the death of any beneficiary the amount (if any) of the benefit then unpaid (including any instalment of the benefit theretofore due and unpaid and that remains payable) shall be disposed of in accordance with the provisions of section 75 of the Act.

(2) Any moneys not paid in accordance with that section to or for the benefit of the widow or a dependent child of the deceased shall be paid as follows :—

- (a) If probate of the will of the deceased or letters of administration of his estate have been granted or issued, such moneys shall be paid to the executor or administrator :
- (b) In any other case such moneys shall be paid in accordance with section 142 of the Public Revenues Act, 1926, on completion of the Treasury form (No. 449) prescribed for the purposes of that section.

(3) Every application for payment under this regulation shall be made to the Registrar of the district in which the benefit is recorded and shall be accompanied by the ~~benefit certificate~~.

CONTINUANCE OF MONETARY BENEFITS IN RESPECT OF EDUCATION OF CHILDREN OVER SIXTEEN YEARS OF AGE.

19. (1) Where any child in respect of whom a benefit has been granted attends any school or college as a full-time day-pupil or day-student after he or she has attained the age of sixteen years, application for the continuance of this benefit, in accordance with section 66 of the Act, may be made by either parent of the child, or by any person having for the time being the care and control of the child.

(2) Every such application shall be made to the Registrar of the district and shall be accompanied by a certificate signed by the Principal of the school or college or a responsible administrative officer that the child is enrolled as a full-time day-pupil or day-student of the school or college, with particulars as to—

- (a) The weekly hours of attendance ; and
- (b) The course of instruction.

(3) Every such application and certificate shall be forthwith forwarded by the Registrar to the Commission for its decision.

(4) Where the Commission continues any benefit under this regulation it shall be the duty of the Principal of the school or college or of the chief administrative officer for the time being to notify the Registrar of the district if and when the child ceases to be enrolled as a full-time day-pupil or day-student, and of any material change in the hours of attendance or the course of instruction.

TRAVELLING EXPENSES AND ALLOWANCES.

20. (1) If any applicant or beneficiary is obliged to be absent from his regular place of abode for the purpose of being medically examined pursuant to a direction of the Commission, or for the purpose of appearing before a Medical Appeal Board appointed by the Commission, orders for passenger tickets and accommodation may, on application, be issued by the Department ; or the beneficiary shall be entitled to a refund of any necessary travelling-expenses, together with the actual and reasonable out-of-pocket expenses for board and lodging at a rate not exceeding 12s. 6d. a day, for the necessary period of absence.

(2) In the case of any applicant or beneficiary as aforesaid whose physical or mental condition is such that he is unable to travel unaccompanied, orders may be issued or refunds may be made, subject to corresponding conditions, in respect of the travelling and accommodation expenses of the person travelling with the applicant or beneficiary.

(3) In respect of journeys by rail or steamer, save in special cases to be determined by the Commission, refunds shall be made and orders shall be issued on the basis of second-class accommodation only.

(4) No refund shall be made in respect of any item of expense (other than rail fares) in excess of 5s. unless the claim is supported by the receipt of the person to whom the amount has been paid, and no claim for a refund of any expenses shall be accepted unless made within one month of the date on which the expenses were incurred.

(5) Notwithstanding anything in the foregoing provisions of this regulation, the Commission may, in any special case, authorize payment of travelling-expenses in respect of any person or class of persons at such rates and subject to such conditions as may be determined by the Commission.

DUTIES OF CERTAIN PUBLIC OFFICIALS.

21. (1) On the conviction in any Court of any person for any offence whatsoever it shall be the duty of the Registrar or Clerk of the Court, if he has any reason to believe that the convicted person is a recipient of any monetary benefit under the Act, to notify the Registrar of the district as to the conviction, the nature of the offence, and the sentence of the Court.

(2) On the registration of the death of any person it shall be the duty of the Registrar of Deaths to whom the death is reported to inquire, and of the person reporting the death to inform the said Registrar, whether the deceased person was a recipient of a monetary benefit under the Act or whether any part of a benefit payable to any person other than the deceased was paid in respect of the deceased, and in any such case the said Registrar shall notify the Commission in writing of the death of such person. Such notifications shall be given in every case of the death of a person of the age of sixty years or upwards, or of a widow, or an orphan child, or a totally blind person, or a miner, or a veteran of any of the Maori wars, whether or not the Registrar of Deaths has reason to believe that the deceased was a beneficiary under the Act.

(3) It shall be the duty of the Public Trustee to supply to the Commission after the end of each month the names and former addresses of deceased persons whose estates have been placed in his hands during the month for administration. Where such person was, at the time of his death or at any time prior to his death, a recipient of a monetary benefit under the Act or in receipt of a pension under any Act repealed by the Act, the Public Trustee shall, as and when required, supply to the Commission particulars of the estate of the deceased person.

(4) It shall be the duty of the Clerk or Registrar of the Court by which an order of adoption is made in respect of any orphan child under the age of eighteen years forthwith to notify the Commission of the making of the order.

(5) It shall be the duty of every Clerk of Court, Postmaster, and member of the Police Force, on application in that behalf, to assist applicants in the preparation of their applications for monetary benefits under the Act, and of every member of the Police Force to render such further service as the Department may require; but no expenditure shall be incurred on behalf of the Department without authority first obtained through the Registrar of the district.

(6) If any Government officer has reason to believe that any person is receiving any monetary benefit under the Act to which, by reason of employment or any other circumstances, he is not legally entitled, or that moneys received under the Act are being misused, it shall be the duty of such officer to communicate the facts to the Registrar of the district, and on receipt of such communication the Registrar shall take whatever steps are necessary to determine the matter in accordance with the provisions of the Act and these regulations.

MEDICAL SERVICES.

22. The employment of medical practitioners for the purposes of Part II of the Act and the payment of fees and mileages in connection with such employment shall be at such rates and subject to such conditions as may from time to time be determined by the Commission.

OFFENCES.

23. (1) If any person fails for at least one month to give any certificate or notice required to be given in accordance with these regulations, or wilfully fails to comply with any other requirements of these regulations, he shall be guilty of an offence against these regulations, and shall be liable on summary conviction to a fine of £10.

(2) Nothing herein shall relieve any person from liability in respect of any offence under section 136 of the Act, or from any liability to refund any moneys paid to him in excess or in error.

PROCEEDINGS IN RESPECT OF OFFENCES OR OF MONEYS RECOVERABLE.

24. (1) In all proceedings in respect of offences under Part II of the Act or these regulations, or in respect of moneys recoverable under section 71 or section 75 of the Act, the Registrar, or other person appointed by the Commission, may appear on behalf of the Commission, and the fact that any person so appears shall be sufficient evidence of his authority so to do. All such proceedings or actions that are commenced by an authorized officer of the Department may be continued by the same or any other authorized officer.

(2) No Court fees shall be payable in connection with any such proceedings.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 11th day of May, 1939.

These regulations are administered by the Social Security Department.