

Serial Number 1940/308.



THE WAR PENSIONS REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 4th day of
December, 1940.

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL.

PURSUANT to the War Pensions Act, 1915, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

INTERPRETATION.

1. (1) These regulations may be cited as the War Pensions Regulations 1940.

(2) In these regulations,—

“The Act” means the War Pensions Act, 1915 :

“The Board” means the War Pensions Board appointed under the said Act :

“Secretary” means the Secretary for War Pensions :

“Department” means the Social Security Department established under the Social Security Act, 1938 :

“Registrar” means a Registrar appointed under the Social Security Act, 1938 :

“Appeal Board” means the War Pensions Appeal Board constituted under section 10 of the War Pensions Amendment Act, 1923.

PENSION CLAIMS.

2. (1) Forms of application for pension shall be issued only to or on behalf of *bona fide* applicants for a pension, and shall when completed be delivered to the Registrar of the district wherein the applicant resides.

(2) The Registrar shall on receipt of a claim forthwith transmit it to the Secretary, who shall submit the same for investigation and determination by the Board.

(3) Application by a member of the Imperial Forces in receipt of an Imperial pension, or by any dependant of any such member, for a pension under section 14 of the War Pensions Amendment Act, 1917,

shall be lodged with the Registrar of the district wherein the applicant resides, who shall forward it to the Secretary for submission to the Board.

3. (1) In connection with the investigation of pension claims the following provisions shall apply :—

(a) If in the course of investigation evidence is required on any specific matter, the Board, or any person authorized by it, may inquire into the same, and for the purpose of such inquiry free access shall be given to—

(i) The registers and records of any State Department or office ;

(ii) All personal property of the applicant, and all books, vouchers, and documents relating to such personal property or to any real property or to the income of the applicant :

(b) The powers of inquiry and search hereby given shall be limited to specified applications for pension, and shall not be construed as authorizing any general search or inquiry.

(c) It shall be the duty of all officers of the aforesaid Departments and offices, and of any bank, insurance company, or other corporation carrying on business in New Zealand, and of all officers of the Post Office Savings-bank, and of any other Government Department which receives investments of money from the public, and of any private individual, to make true answers to all questions, and to afford (without fee) all such information as may reasonably be required for the purpose of prosecuting such inquiry as aforesaid :

(d) The Board may, in its discretion, accept as evidence in respect of the claim—

(i) A declaration made by any reputable person ; or

(ii) Any other documentary evidence, whether strictly legal evidence or not ; or

(iii) The oral evidence of a reputable person ; or

(iv) The knowledge or observation of the Board itself.

(2) The pension claim, with a minute of the Board's decision attached thereto, shall be submitted to the Minister of Defence for approval, and on receipt of the Minister's approval shall be filed by the Secretary.

(3) If the claim is rejected, a notification to that effect shall be sent to the applicant under the hand of the Secretary, specifying the grounds for rejection.

(4) If the claim is established, the Secretary shall issue to the applicant a pension-certificate setting out on the face thereof the amount of pension granted, the office of payment, and the date on which the first instalment falls due.

RATES OF PENSIONS.

4. (1) The maximum rates of pension payable in respect of the death or disablement of any person referred to in section 22 of the War Pensions Act, 1915, other than a member of the New Zealand Army Nursing Service, shall be the maximum rates set out in the First and Second Schedules to the War Pensions Amendment Act, 1917, respectively.

(2) The pensions payable in respect of the death or disablement of any member of the New Zealand Army Nursing Service, and the aggregate of the several rates of pension payable, shall not exceed the rates specified in the following table :—

| Rank. | In the Case of Disablement. | | In the Case of Death: To any Dependant other than a Child, per Week. | In the Case of Death: To any Child, per Week. |
|-------------------------|-----------------------------|--|--|---|
| | To the Member, per Week. | To any Dependant other than a Child, per Week. | | |
| | £ | s. d. | £ | s. d. |
| Nurse | 2 | 2 6 | 1 | 1 3 |
| Sister | 2 | 5 0 | 1 | 2 6 |
| Matron | | | | |
| Matron-in-Chief | 2 | 12 0 | 1 | 6 0 |
| | £ | s. d. | £ | s. d. |
| | 2 | 5 0 | 2 | 10 0 |
| | 2 | 17 0 | 10 | 0 |

ILLEGITIMATE CHILDREN.

5. (1) When an application for a pension under the Act has been made by or on behalf of any person as being the illegitimate child of a deceased member of the Forces, or of any other deceased person whose dependants are entitled to a pension under the Act, the application shall for the purposes of these regulations be referred by the Secretary to a Stipendiary Magistrate to inquire into and determine the paternity of the said child, and the Magistrate shall have jurisdiction accordingly.

(2) Such inquiry shall be conducted in the same manner and be governed by the same rules as an application for an affiliation order under the Destitute Persons Act, 1910.

(3) The Magistrate shall fix a time and place for the hearing of the application, and shall give notice to the person (hereinafter called the applicant) by whom the application for the pension has been made, and to the Registrar to whom such application has been made.

(4) The Registrar, or some other person appointed by the Secretary, shall attend at the inquiry, and shall have the right to be heard and cross-examine the applicant and his or her witnesses, and (if necessary) to call evidence.

(5) The application shall be heard and determined by the Magistrate in private, unless in any case he considers for special reasons the application should be heard and determined in open Court. In the hearing and determination of the application the Magistrate shall have the same powers of hearing evidence on oath and of procuring the attendance and testimony of witnesses as if the application were a complaint under the Destitute Persons Act, 1910.

(6) The Magistrate shall report to the Secretary his determination as to the paternity of the child.

(7) The determination of the Magistrate shall for the purposes of the Act be final and conclusive, and there shall be no appeal therefrom or rehearing or renewal of the application. No Court fees shall be payable in respect of any proceedings before a Magistrate under this regulation.

(8) When an application for a pension under the Act is made by or on behalf of any person as being the illegitimate child of any person still living, the paternity of the child shall for the purposes of

the Act be determined by a Magistrate in proceedings for an affiliation order under the Destitute Persons Act, 1910, and the Magistrate shall, on making or refusing an affiliation order, report to the Secretary accordingly. The provisions of clauses (3), (4), and (5) hereof shall apply to any such proceedings.

PAYMENT OF PENSIONS.

6. (1) Every pension shall be paid by equal monthly instalments.

(2) Every instalment of pension 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 the 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 specific directions of the Secretary :

Provided that any instalment falling due during the absence of a pensioner from New Zealand may be paid on any date authorized by the Secretary :

Provided further that in any case in which the Board or the Appeal Board awards a temporary pension of a certain sum per week as final it may, if it thinks fit, direct that a capitalized sum be paid to the claimant in full satisfaction of all payments to accrue in respect of such final pension. The capitalized sum is to be equivalent to the total amount and no more of the weekly sums awarded for the period for which the Board considers that such final pension should be granted. The receipt to be given by the claimant for the capitalized sum shall express that the sum is accepted in full satisfaction of all payments accrued or to accrue in respect of the final pension granted to him.

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

8. (1) When receiving payment of any instalment the payee shall give a receipt in such manner and in such form as the Secretary may require, and on making payment the paying officer shall record the payment in the space provided for the purpose on the pension-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 Secretary. 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 pension-certificate and the agent's warrant (if any) produced to him.

(3) If the payee is not the pensioner, the payee shall certify at the time of payment that the pensioner 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 pension-certificate has been paid, retain the pension-certificate and any agent's warrant issued in connection therewith.

Where the pension-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 pension-certificate and the agent's warrant (if any) with his accounts to the proper officer for transmission to the Secretary. In any other case, in the absence of a direction to the contrary by the Secretary, he may dispose of the pension-certificate and the agent's warrant (if any) in accordance with the general instructions of the Secretary.

(5) Whenever any instalment is payable to a person other than the pensioner, 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 pension-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 Secretary.

9. If any instalment of a pension is not collected within one month after the date when authority to collect the instalment is given, the authority to collect the instalment shall be deemed to have lapsed, but may be at any time renewed by the Secretary if, having regard to the circumstances of the case, he is satisfied that there were good and sufficient reasons for the failure to collect the instalment within the prescribed time. Failing such renewal of the authority by the Secretary any such instalment shall be deemed to have lapsed.

PENSION-CERTIFICATES.

10. (1) In respect of every pension granted by the Board the Secretary shall issue a certificate (hereinafter referred to as a pension-certificate) setting forth particulars of the grant. For the purposes of identification the pensioner shall be required to sign the pension-certificate with his usual signature.

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

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

(4) In the event of a pension-certificate being lost, destroyed, or mutilated the pensioner, or his duly authorized agent, may make application through the Registrar of the district or through a Postmaster for a duplicate pension-certificate. Every such application shall be in writing and supported by a declaration setting forth the circumstances under which it is made. The Registrar or Postmaster shall forward the application, with his recommendation, to the Secretary, who, after satisfying himself that the application is in order, may issue a new pension-certificate (which shall be clearly en faced to indicate that it is a duplicate and not an original pension-certificate), and shall instruct the paying officer to pay future instalments of the pension only on the production of the duplicate pension-certificate.

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

(6) In the event of any instalment being paid on production of a lost pension-certificate after the issue of a duplicate of such certificate, or on production of a pension-certificate during the currency of a warrant directing payment to an agent of the pensioner, the holder of such duplicate pension-certificate or warrant shall have no claim against His Majesty in respect of the instalment so paid.

(7) Every person commits an offence against these regulations who demands or accepts from any pensioner any pension-certificate, or any acknowledgment or undertaking that would constitute a legal or equitable assignment of or charge upon any pension granted under the Act if such pension were capable of being legally assigned or charged.

PAYMENT TO PERSONS OTHER THAN PENSIONERS.

11. (1) If any pensioner, by reason of infirmity or for any other sufficient cause, is unable to collect any instalment or instalments of his pension personally or cannot conveniently collect any such instalment or instalments, he may make application to the Secretary for the appointment of an agent to receive payment on his behalf, and if approved by the Secretary payment shall be made to the agent accordingly.

(2) Whenever, having regard to any special circumstances, the Secretary is satisfied that it is desirable that the pension should be paid to any other person for the benefit of the pensioner he may direct accordingly.

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

(4) Unless otherwise determined by the Secretary 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 pension-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 Secretary without the consent of the pensioner and the pensioner refuses to surrender the pension-certificate a duplicate pension-certificate may be issued. In respect of every such duplicate pension-certificate the provisions of Regulation 10 of these regulations as to duplicate certificates shall apply.

REVIEW OF PENSIONS.

12. (1) For the purpose of ascertaining whether a pensioner is entitled to a continuance of pension, or whether the amount of any pension should be altered, the Secretary may require the pensioner at any time to furnish a statement regarding his income and property and any other matter that may be deemed necessary. On receipt of this statement the Secretary shall forthwith proceed to verify the contents thereof, and in due course submit it, with the result of his inquiries, to the Board for determination in the same manner as in the case of a pension-claim.

(2) The Board shall minute its decision on the statement submitted to it as aforesaid, which shall be submitted to the Minister for his approval. If the pension is cancelled, the pensioner shall be notified in writing; but if a continuance of the pension is authorized, either at the original or a reduced or increased amount, the Secretary shall, if necessary, issue a fresh pension-certificate and take such other action as may be required.

CAPITALIZED PENSIONS.

13. Where any member of the Forces who has been granted a war pension on account of total or partial disablement has given notice that he desires to receive in lieu of a weekly grant a capitalized or lump sum, the following provisions shall apply:—

- (1) The Board shall have power, with the approval of the Minister, to grant such sum as it deems fit:
- (2) The amount shall in no case exceed £500:
- (3) The Board, in fixing the amount, shall be guided by the tables in use relating to the purchase of annuities from any reputable assurance company:
- (4) The pensioner shall, if required, submit himself for examination by a duly qualified medical practitioner appointed by the Board:
- (5) The receipt of any lump sum allotted under this regulation shall be in full settlement of all claims under the Act by the pensioner against the Crown.

ECONOMIC PENSIONS.

14. Application by a disabled member of the Forces or by the widow or widowed mother of a deceased member of the Forces for an economic pension under the War Pensions Amendment Act, 1923, shall be made in the respective forms provided for the purpose and shall be lodged with the Registrar of the district in which the applicant resides, who shall forward it to the Secretary for submission to the Board.

MEDICAL TREATMENT.

15. (1) Medical treatment, which includes surgical and special treatment, and also the supply of surgical appliances, may be granted free of charge to ex-members of the Forces on account of disabilities for which they are in receipt of war pension or would be eligible for war pension.

(2) Every application for medical treatment shall be addressed to the Registrar of the medical district in which the applicant resides—*i.e.*, Auckland, Wellington, Christchurch, or Dunedin. The application may be made either by the patient himself, by a medical practitioner, or by a medical officer of any hospital at which the patient may be undergoing treatment. The Crown shall not be responsible for treatment undertaken without the authority of the Department, except that in a case of urgency the Department may pay for the first attendance of a medical practitioner. In such a case either the patient or his representative or the medical practitioner shall inform the Department as soon as practicable of the attendance and the nature of the disability for which it has been required.

(3) All applications shall be dealt with and determined by the Pensions Medical Officer of the medical district in which the applicants reside, except that in those cases where the information on the district files is insufficient to enable decisions to be come to the applications shall be referred to the Secretary.

(4) Individuals entitled to treatment under this regulation are referred to in these regulations as service patients.

16. (1) Accommodation may be supplied to service patients suffering from pulmonary tuberculosis and shall take the form of either a specially constructed tent or of structural alterations or additions to the patient's residence. In the case of structural alterations or additions to any residence the amount payable by the Department shall not exceed the sum of £20.

(2) The Department will not be responsible for maintenance in the case of structural alterations or additions, but repairs to or replacement of tents may be considered, having regard to the circumstances of each case, and provided that the necessity for repairs or replacement is due to fair wear-and-tear.

(3) To provide items of furniture for accommodation, a cash grant not exceeding £5 may be made to a service patient by the Department, but this shall be deemed to be a final grant. The Department will not be responsible for the maintenance or replacement of articles of furniture.

PENSIONS AND ALLOWANCES DURING TREATMENT.

17. (1) Where a partially disabled member of the Forces in receipt of a pension is undergoing treatment with the authority of the Secretary as an in-patient of, or as an out-patient at, any hospital or other institution, being thereby precluded from following any occupation, application for an increased pension under subsection (1) of section 7 of the War Pensions Amendment Act, 1917, may be made by or on behalf of the said member, and may be made to any Registrar or direct to the Secretary, and every such application shall in due course be submitted to the Board for decision.

(2) Every application under the foregoing provisions of this regulation, in respect of treatment that is not being provided with the authority of the Secretary, shall be accompanied by a medical certificate indicating the nature of the disability for which treatment is being given, the nature and probable duration of such treatment, and the extent to which the member's earning capacity is affected.

18. (1) Where a partially disabled member of the Forces undergoing treatment as aforesaid is in regular employment, and for the purposes of such treatment has to absent himself from work, he may make application to any Registrar, or direct to the Secretary, for an allowance under subsection (2) of section 7 of the War Pensions Amendment Act, 1917, to cover any loss of wages or incidental expenses incurred in connection with the said treatment, and every such application shall in due course be submitted to the Board for decision.

(2) Every such application shall, in the case of a claim for loss of wages, be accompanied by a certificate from the employer of the said member, and, in the case of a claim for incidental expenses, by receipts where obtainable for such expenses.

19. Where a disabled member of the Forces who has been granted a pension is recommended by a Medical Board or by any other competent authority to undergo or continue treatment and such recommendation is not acted upon and the Secretary certifies that such treatment is available without expenses to the member, and that the refusal or neglect to undergo or continue the same is without good and sufficient cause, the Secretary shall, after notifying the said member, where necessary, of the provisions for increased pensions under section 7 of the War Pensions Amendment Act, 1917, call upon him to show cause why the recommended treatment should not be undergone or continued, and in the event of such refusal or neglect being persisted in the Board shall determine what portion, if any, of the pension payable in respect of the disablement shall be withheld pursuant to the provisions in that behalf of section 6 of the last-mentioned Act.

20. If, after treatment has been recommended, a disabled member of the Forces in receipt of a pension refuses or neglects without good and sufficient cause to carry out such treatment or acts in such a manner as to retard his recovery, the Secretary shall forthwith stop payment of the pension pending the decision of the Board.

21. Where a disabled member of the Forces in receipt of a pension is, with the approval of the Secretary, an inmate of a hospital or other institution, or being an inmate of an institution under the Mental Defectives Act, 1911, is suffering from mental disability which has been accepted by the Board as attributable to or aggravated by his war service, the maximum amount that shall be paid to him by way of pension, either directly or by arrangement with the authorities of the institution, shall be 10s. a week, and any balance shall be retained and paid to him on his discharge, or paid, at the discretion of the Board, to the wife or such other person as may be determined by the Board:

Provided that no payment by way of pension shall be made to or on behalf of any disabled member of the Forces detained in an institution under the Mental Defectives Act, 1911, without the prior consent of the Public Trustee.

SURGICAL AND MEDICAL SUPPLIES.

22. (1) *Artificial Limbs*.—A member of the Forces who has lost a limb, or part of a limb, in consequence of a disability due to or aggravated by military service, shall be supplied with an artificial limb and duplicate.

In the case of any member who has lost part of a lower limb, such member may, if he so elects, be supplied with one peg leg in lieu of the duplicate artificial limb.

In the case of any member who has lost part of an upper limb, such member may, if he so elects, be supplied with a working-arm in lieu of the duplicate artificial limb.

When an artificial limb has become unserviceable through fair wear-and-tear the Registrar of the medical district shall forward a report to the Secretary, who shall decide whether the unserviceable limb shall be repaired or replaced.

Applications for repairs or replacements shall be made to the Registrar of the medical district, who will arrange for the attendance of the member, if considered necessary, notifying the applicant of the date, time, and place of such attendance. If the attendance by the member is not considered necessary, the said Registrar shall give instructions regarding the forwarding of the limb, or part thereof, by post or otherwise.

In the case of lower limbs, one pair of light boots, and in the case of upper limbs, one pair of gloves, shall be supplied with each issue or replacement of limbs.

One wrench shall be supplied with each artificial leg for the purpose of tightening bolts.

Stump-socks shall be issued to members who have been supplied with artificial limbs, and when unserviceable through fair wear-and-tear shall be forwarded to the Registrar of the medical district, who will, on receipt of the unserviceable stump-socks, replace them.

One pair of crutches shall be supplied, on application, to each service patient who has suffered an amputation of a lower limb or part of a lower limb. These crutches shall be replaced under the same conditions as other surgical appliances.

(2) *Artificial Eyes*.—A member who has lost an eye, in consequence of a disability due to or aggravated by military service, shall be supplied with an artificial eye and duplicate.

Replacements shall be made when approved by the Secretary.

(3) *Trusses*.—A truss shall be supplied in cases of hernia due to military service where the member has been advised against operation by the competent surgical authority. No issue shall be made where operation has been refused.

(4) *Abdominal Belts*.—The supply and replacement of abdominal belts shall be made if the condition for which the belt is required is due to or aggravated by military service.

(5) *Elastic Stockings and Bandages, Suspensory or other*.—Where required for varicose veins due to or aggravated by military service, these articles shall be supplied or replaced unless the member having been recommended by the competent surgical authority to undergo an operation has refused, without good and sufficient cause, to undergo such operation.

Where these articles are required for conditions other than varicose veins, the question of supply shall depend upon whether the condition for which the supply is applied for is attributable to or aggravated by military service.

(6) *Knee-caps*.—Supply or replacement of knee-caps shall be made if the condition for which they are required was due to or aggravated by military service.

(7) *Lenses*.—Lenses shall be supplied only if the condition for which they are required is the result of a disability due to or aggravated by military service. Simple errors of refraction and presbyopia cannot be regarded as due to military service.

(8) *Splints*.—The supply and replacement of splints and similar appliances shall be made if the condition for which the splint or other appliance is required is due to or aggravated by military service.

(9) *Surgical Boots*.—Surgical boots shall be supplied and replaced when required for disabilities due to or aggravated by military service. When only slight alteration to an ordinary boot is required—*e.g.*, attachment of a caliper or raising of one side of sole—these alterations shall be made to the patient’s own boots, and boots will not be supplied.

A member entitled to the issue of surgical boots is required to be in possession of two pairs of boots, so that one pair may be available should the other require repair, get wet, or for any other reason not be available.

A Registrar before replacing a pair of surgical boots shall satisfy himself by inspection that the pair for which replacement is asked is actually no longer serviceable or capable of repair.

(10) *Wheeled Chairs*.—A member who has lost both lower limbs as the result of military service shall be supplied with a wheeled chair which will be repaired if such repair is necessitated by fair wear-and-tear.

Spinal carriages shall be supplied and repaired under the same conditions when the supply is approved by the Secretary.

(11) *Sputum-flasks*.—One sputum-flask shall be supplied to each service patient suffering from pulmonary tuberculosis whose condition may require this issue. These flasks will not be replaced if lost or broken.

(12) Where the supply, renewal, or repair of surgical appliances is required, the applicant shall communicate with the Registrar of the medical district in which he resides, who, if in doubt whether the applicant is entitled to the supply, shall refer the application with full particulars to the Secretary.

In all cases of renewal and repair it must be shown that the loss of or damage to the previous issue arose through circumstances beyond the control of the applicant.

Condemned artificial limbs and other unserviceable appliances shall be returned to the Secretary.

MEDICAL FEES.

23. The following fees shall be payable to medical practitioners or Hospital Boards.

- (a) For completion of form of application for medical treatment as a service patient (payable only if the disability for which application is made is considered a liability of the Department, and no fee shall be payable for the preparation of this form by a full-time medical officer of a public institution £ s. d. 0 7 6

| | | | |
|--|---|----|----|
| (b) For consultation in surgery (payable only when previously authorized by the Department) .. | £ | s. | d. |
| | 0 | 10 | 6 |
| (c) For visit to patient within a radius of two miles of the medical practitioner's residence between the hours of 8 a.m. and 8 p.m. | 0 | 10 | 6 |
| For visit to patient within a radius of two miles of the medical practitioner's residence between the hours of 8 p.m. and 8 a.m. (Payable only when previously authorized by the Department, except in case of urgency as set out in Regulation 15.) | 1 | 1 | 0 |
| Mileage will be allowed at the rate of 4s. a mile for each extra mile over two miles from the residence of the medical practitioner. This mileage is allowed for one way only. | | | |
| (d) For medical examination and completion of form War 11 by other than a full-time medical officer of a public institution | 1 | 1 | 0 |
| For medical examination and completion of form War 11 by a full-time medical officer of a public institution | 0 | 10 | 6 |
| (e) For consultation by specialist | 2 | 2 | 0 |
| (f) For any other special examinations and reports or any special tests | Payment at current rates chargeable by Hospital Boards for this service, or such other rates as may be agreed upon. | | |

APPEALS.

24. (1) Any applicant for war pension or war pensioner (hereinafter called the appellant) who is dissatisfied with the decision of the War Pensions Board in regard to—

- (a) The assessment by way of pension of any war disability; or
- (b) The attributability to or aggravation by his war service of any disability; or
- (c) The attributability to war service, either directly or indirectly of any death,—

as set out in subsection (4) of section 10 of the War Pensions Amendment Act, 1923, is entitled to lodge an appeal, setting forth the grounds of his dissatisfaction.

(2) The appeal shall be lodged within six months after the date on which the decision of the Board has been notified to the appellant.

(3) The appeal, which must be in writing on the appropriate form obtainable from any Social Security Office, shall be lodged with the local Registrar or may be sent direct to the Secretary, and may be accompanied by any medical or other evidence which the appellant may desire to furnish.

(4) All appeals lodged shall on receipt thereof be recorded by the Secretary, who will in due course arrange for their submission to the Appeal Board, together with all previous medical reports and other relevant documents, including the medical history of the member of the Forces during his period of military service.

(5) The Appeal Board shall fix a time and place for the hearing of the appeal, at which the appellant shall attend in person if so required by the Appeal Board :

Provided that nothing in this regulation shall preclude an appellant appearing before the Appeal Board in person should he desire to do so. Sittings of the Appeal Board shall be held at Auckland, Wellington, Christchurch, and Dunedin.

(6) If an appellant fails to appear before the Appeal Board when required and does not give a satisfactory explanation of his non-appearance within one month of the date set down for the hearing of the appeal, the appeal shall lapse, and no further appeal shall be allowed within the currency of his pension then in force.

(7) If an appellant dies between the lodging of his appeal and the submission of the case to the Appeal Board, the appeal shall nevertheless be determined only to enable the necessary adjustment to be made by the Board in regard to the pension payable to any dependant. In such an event the representative of the deceased appellant may appear in person before the Appeal Board in support of his claim.

(8) At least fourteen days' notice shall be given to an appellant of the date fixed for the hearing of any appeal.

(9) The decision of the Appeal Board, which shall be signed by every member thereof, together with all papers in connection with the appeal, shall be forwarded to the Secretary.

(10) The decision of the Appeal Board in regard to those cases where it has jurisdiction shall be binding during the currency of the pension in force at the date of the appeal, or for such other period as the Appeal Board shall determine.

(11) Where practicable, the decision of the Appeal Board shall be conveyed to the appellant at the time of the hearing of the appeal.

(12) Where at the date of the lodgment of an appeal, or at the date of the hearing thereof before the Appeal Board, essential evidence is tendered which has not previously been considered by the War Pensions Board, the appeal shall, unless special reasons to the contrary appear, be referred in the first instance to that Board for review of its decision. If the decision resulting from such review is not favourable to the appellant, the Appeal Board shall adjudicate thereon, but in the event of the said decision being favourable to the appellant, the said appellant shall in the case of an appeal on assessment be given the opportunity to proceed with the appeal or to withdraw it.

(13) The question as to whether an appellant may be represented at any hearing of an appeal by counsel or other person shall be determined by the Chairman of the Appeal Board, but in any case the Department may be represented by counsel or any other person if it so desires.

(14) Travelling expenses or allowances may be payable to an appellant in respect of any appearance before the Appeal Board similarly as to a member of the Forces who is an applicant for war pension or is authorized to receive medical treatment. The Appeal Board, however, is empowered to disallow any such expenses or allowances where the appeal is deemed by it to be frivolous.

(15) The appeal Board may make any recommendation in regard to the medical treatment of an appellant who was a member of the Forces, but notification of such recommendation shall not be made to the appellant.

(16) The fees payable to medical members of the Appeal Board shall be as follows:—

| | £ | s. | d. |
|--|---|----|----|
| For each final decision of the Appeal Board .. | 1 | 1 | 0 |
| For adjournment (allowable for the first adjournment only of any one case) | 0 | 10 | 6 |
| For each case of non-appearance (allowable only where fewer than four cases have attended on the day for which notification to attend was issued) .. | 0 | 10 | 6 |

The fees payable in regard to any adjournment or case of non-appearance shall be paid only on the certificate of the Chairman of the Appeal Board.

TRAVELLING EXPENSES AND ALLOWANCES.

25. (1) Any member of the Forces obliged to be absent from his regular place of abode for the purpose of medical or surgical treatment, or of being medically examined in connection with any claim for pension or for the purpose of any appeal to the Appeal Board against the decision of the War Pensions Board, shall be entitled to refund of the cost of transit incurred, together with actual and reasonable out-of-pocket expenses for board and lodging at a rate not exceeding 15s. a day for the period of necessary absence. In addition to or in lieu of such expenses for board and lodging the Secretary, at his discretion, may pay compensation for any loss of wages, or for wages paid, at a rate not exceeding 13s. 4d. a day.

(2) Any claim in regard to wages must be accompanied by a certificate from the applicant's employer, or, in the event of the applicant being an employer, by a certificate from the employee paid by him to do his work.

(3) A claim for any item of out-of-pocket expenses in excess of 5s. must be supported by a receipt furnished by the person to whom payment was made.

(4) No claims for expenses will be recognized unless lodged within one month of the date on which the said expenses were incurred or within such extended time as the Secretary in any special circumstances may deem reasonable.

(5) First-class railway and steamer warrants shall be issued to nurses and all ranks from staff-sergeant upwards. Second-class warrants shall be issued to all other ranks, except that first-class warrants may be issued for the smaller coastal vessels and in cases where the invalidity of the member warrants it.

(6) For the purpose of enabling service patients in hospital to visit their homes, a free return railway ticket may, at the discretion of the Medical Superintendent of the institution, be granted to such patients as have been receiving medical treatment for one month, and thereafter one free return railway ticket every three months.

(7) In the event of any such patient being medically unfit to travel, a free return railway ticket may be issued as above to permit the next-of-kin, or person designated by the patient, visiting him in hospital.

(8) In the case of any member of the Forces being certified as unfit to travel alone the Secretary may authorize him to be accompanied by an escort, who may be paid the cost of transit incurred, together with actual and reasonable out-of-pocket expenses for board and lodging, at a rate not exceeding that applicable to a member.

FUNERAL EXPENSES.

26. (1) The Secretary may authorize a payment not exceeding £13 in respect of the funeral of an ex-member of the Forces dying as the result of a disability which has been accepted by the War Pensions Board as due to war service.

(2) If an ex-member of the Forces dies in hospital while a service patient there and the relatives desire that the burial shall take place in the locality from which he was admitted to hospital, the reasonable cost of transport of the body will be borne by the Department. If the relatives desire the burial to take place elsewhere, the Department will pay the reasonable cost of transport of the body to the place desired or an amount equivalent to the reasonable cost of transport to the locality from which the deceased was admitted to hospital, whichever is the lesser amount.

DUTIES OF GOVERNMENT OFFICERS.

27. (1) It shall be the duty of all Government officers, so far as lies in their power, to assist applicants in the preparation of their pension claims.

(2) It shall be the duty of every Registrar of the Supreme Court and Clerk of a Magistrate's Court, on the conviction in his Court of any person whom he believes to be a pensioner under the Act, to notify the Secretary in writing of the fact of such conviction, the nature of the offence, and the punishment imposed.

(3) It shall be the duty of every Registrar of Deaths to notify the Secretary in writing of the death of every person whom he believes to have been a pensioner under the said Act.

(4) It shall be the duty of officers of the Police Force to render such services as may be required by the Secretary in connection with the investigation of any claim or any inquiry under the Act. Authority to incur expenditure by any such officer on any occasion must be obtained beforehand from the Secretary either direct or through any Registrar.

GENERAL.

28. Every declaration required for the purpose of the Act or of these regulations may be made before any member of the Board, member of the Legislature, Justice of the Peace, Solicitor, Notary Public, Clerk of Court, Postmaster, Constable, Minister of Religion, Secretary for War Pensions, or before any officer of the Social Security Department approved for the purpose by the Secretary.

29. (1) Every application under the Act by a member of the Forces on account of partial disablement shall, if the Board so requires, be supported by a certificate from a duly qualified medical practitioner, setting out whether the applicant is either permanently or temporarily incapacitated, and the nature and extent of his incapacity.

(2) In considering any application by a member of the Forces in respect either of total or partial disablement the Board may direct that an examination of the applicant be made by a registered medical practitioner nominated by the Board.

30. These regulations, where not inconsistent with the provisions of the War Veterans' Allowances Act, 1935, shall also apply to that Act.

PENALTIES.

31. Every person who commits an offence against these regulations is liable to a fine of £5.

REVOCATION.

32. The respective regulations made under the authority of the Act and referred to in the Schedule hereto are revoked.

SCHEDULE.

REGULATIONS REVOKED.

| Date of Order in Council. | Published in <i>Gazette</i> . | |
|-----------------------------|-------------------------------|-------|
| | Year. | Page. |
| 23rd August, 1915 | 1915 | 3026 |
| 29th November, 1915 | 1915 | 3939 |
| 8th April, 1918 | 1918 | 1766 |
| 29th April, 1919 | 1919 | 1297 |
| 3rd November, 1919 | 1919 | 3378 |
| 16th June, 1924 | 1924 | 1499 |
| 22nd March, 1926 | 1926 | 859 |
| 21st November, 1932 | 1932 | 2452 |

C. A. JEFFERY,

Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 12th day of December, 1940.

These regulations are administered in the Social Security Department.