

1966/135



**THE WAR PENSIONS REGULATIONS 1956,
AMENDMENT NO. 7**

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 10th day of August 1966

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the War Pensions Act 1954, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the War Pensions Regulations 1956, Amendment No. 7, and shall be read together with and deemed part of the War Pensions Regulations 1956* (hereinafter referred to as the principal regulations).

2. Regulation 2 of the principal regulations is hereby amended by inserting in subclause (1), in their appropriate alphabetical order, the following definitions:

“‘Order book’ means a book of pension orders:

“‘Pension order’ means an order issued by the Department for the payment of an instalment of a pension:”.

3. (1) The principal regulations are hereby further amended by revoking regulation 4, and substituting the following regulation:

“4. Any declaration that may be required for the purposes of the Act or these regulations may be made before—

“(a) Any person authorised to take a statutory declaration; or

“(b) The Secretary, the Deputy Secretary for War Pensions, any member of a Board, any Registrar or Deputy Registrar or Acting Registrar of Births and Deaths, any constable, any minister of religion, any member of the New Zealand Society of Accountants, or any Postmaster, or before any officer of the Social Security Department or the Post Office approved for the purpose by the Secretary.”

*S.R. 1956/7

Amendment No. 1: S.R. 1956/206

Amendment No. 2: S.R. 1960/170

Amendment No. 3: S.R. 1961/98

Amendment No. 4: S.R. 1962/116

Amendment No. 5: S.R. 1963/33

Amendment No. 6: S.R. 1963/153

(2) Regulation 2 of the War Pensions Regulations 1956, Amendment No. 3, is hereby revoked.

4. The principal regulations are hereby further amended by revoking regulation 15, and substituting the following regulation:

“15. (1) Subject to the provisions of the Act and these regulations, every pension shall be paid in such manner as the Secretary directs.

“(2) A pension order or an order book issued to any person under these regulations shall remain the property of the Department and shall be returned to the Department on demand in writing by the Secretary or any other officer of the Department authorised by the Secretary.

“(3) For the purpose of identification, a pensioner shall sign the order book with his usual signature:

“Provided that, where an agent is appointed by the Secretary under regulation 17 (2) hereof to receive payment of the pension, the agent shall sign the order book with his usual signature.

“(4) When receiving payment of an instalment of a pension, the payee shall give a receipt in such manner and form as the Secretary may require. Payment may be refused if—

“(a) The signature on the order does not correspond with the signature on the order book; or

“(b) The signature on the order or the order bears any erasure or alteration or is defaced or mutilated.

“(5) Any person who receives a pension order shall acquire no better title to it than that of the person from whom he received it.

“(6) If the sum mentioned in an order has been received by a person not entitled thereto, the amount may be recovered from that person in any Court of competent jurisdiction as a debt due to the Crown, at the suit of the Secretary or the Deputy Secretary for War Pensions.

“(7) If a pension order or an order book has been lost, destroyed, or mutilated, the pensioner to whom the order or order book was issued, or his duly authorised agent, may apply for a duplicate order or order book. Every such application shall be in writing and the circumstances under which the order or order book became lost, destroyed, or mutilated, shall be declared by the applicant.”

5. The principal regulations are hereby further amended by revoking regulation 16, and substituting the following regulation:

“16. If any instalment of a pension is not collected within such time as the Secretary may allow in that behalf, being not more than one month after the end of the month in which the authority to collect the instalment is given, the authority to collect the instalment shall lapse and the amount of the pension payable for the period shall be forfeited:

“Provided that in any case where the Secretary is satisfied that there were good and sufficient reasons for the failure to collect the instalment within the time so allowed, the Secretary or any other officer of the Department authorised by the Secretary may determine that the authority to collect the instalment shall be deemed not to have lapsed, and thereupon the pension payable for the period shall be deemed not to have been forfeited.”

6. The principal regulations are hereby further amended by revoking regulation 21, and substituting the following regulation:

"21. (1) The maximum amount of the pension, not being a war veteran's allowance, that may be paid to any pensioner in respect of any period during which he is maintained in any public hospital, or in any hospital or other institution under the Mental Health Act 1911, shall be determined by a Board.

"(2) The residue (if any) of the pension payable in respect of any period as aforesaid may, in accordance with the general or special direction of a Board, be paid in whole or in part to the wife of the pensioner or to any other person approved by a Board.

"(3) On the discharge of the pensioner from the hospital or other institution the residue (if any) of the pension accumulated during the period of his maintenance therein shall be paid to or on account of the pensioner in a lump sum or in such instalments as a Board may determine.

"(4) In the event of the death of the pensioner while he is being maintained in any hospital or other institution as aforesaid, any accumulation of his pension in accordance with this regulation shall be dealt with in accordance with section 85 of the Act.

"(5) In this regulation the term 'public hospital' means a hospital under the control of a Hospital Board under the Hospitals Act 1957, not being a maternity hospital or a convalescent home."

7. The principal regulations are hereby further amended by revoking regulation 40, and substituting the following regulation:

"40. (1) Any person who is obliged to travel for the purpose of undergoing medical or surgical treatment in accordance with these regulations or to be medically examined in connection with any claim for or the renewal of a pension or for the purpose of any appeal to an Appeal Board against the decision of a War Pensions Board may be provided with a warrant for his fares or may be granted a refund of the cost of transit reasonably incurred. Where practicable, public transport facilities should be utilised.

"(2) In the discretion of the Secretary, warrants may also be issued for meals and accommodation during the period of necessary absence or a refund may be allowed of actual and reasonable out of pocket expenses for the period of necessary absence.

"(3) The Secretary may authorise payment of a reasonable amount by way of compensation for loss of earnings where any person is required to report for medical examination or treatment, or for attendance before an Appeal Board or a War Pensions Board. Where any claim under this subclause relates to wages, it must be accompanied by a certificate from the claimant's employer.

"(4) A claim for any item of out of pocket expenses in excess of 10s. (other than train fares) must be supported by a receipt furnished by the person to whom payment was made.

"(5) No claim for expenses shall be recognised unless it is lodged within one month after the date on which the expenses were incurred or within such extended time as the Secretary in any special circumstances may deem reasonable.

"(6) Notwithstanding anything in the foregoing provisions of this regulation, a claim for the refund of expenses incurred in respect of an appeal to an Appeal Board may be disallowed if the appeal is dismissed as frivolous by the Appeal Board."

8. The principal regulations are hereby further amended by repealing the Third Schedule and also the Fifth Schedule (as substituted by regulation 2 of the War Pensions Regulations 1956, Amendment No. 4).

9. (1) The principal regulations are hereby further amended by repealing the Seventh Schedule (as substituted by regulation 2 of the War Pensions Regulations 1956, Amendment No. 5), and substituting the Seventh Schedule set out in the Schedule to these regulations.

(2) The War Pensions Regulations 1956, Amendment No. 5, is hereby revoked.

Reg. 9

SCHEDULE

NEW SEVENTH SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 54

"SEVENTH SCHEDULE

"MAXIMUM RATES OF BOARDING ALLOWANCES

	Per Year £
"1. Secondary and technical school children—	
In every case	60
"2. University students—	
In every case	125"

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

Regulation 2 defines the terms "pension order" and "order book".

Regulation 3 extends the classes of persons authorised to take declarations for the purposes of the principal regulations.

Regulation 4 provides that pension orders remain the property of the Department. It also provides for identification of pensioners by signature, the form and method of receipts, the recovery of payments received by persons not entitled to them, and the issue of duplicate orders where original orders have been lost, destroyed, or mutilated.

Regulation 5 clarifies the provision which allows the Secretary or other authorised officer to reinstate a pension instalment which has been forfeited by non-collection.

Regulation 6 amends the procedure relating to the payment of war pensions when the pensioner is in a hospital or mental institution. The maximum amount will be determined by a War Pensions Board and not the Secretary for War Pensions as previously. In addition a minimum amount is not now prescribed.

Regulation 7 removes the limit on the maximum rate of travelling allowances and expenses payable to a person who is obliged to travel for the purposes of the principal regulations.

Regulation 8 is a consequential amendment.

Regulation 9 increases the boarding allowances payable to the holders of war bursaries.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 11 August 1966.

These regulations are administered in the Department of Social Security.