

Regulations under the Pensions Act, 1926.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 6th day of June, 1927.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred on him by section ninety-four of the Pensions Act, 1926 (hereinafter referred to as the said Act), 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 revoke the several regulations specified in the Second Schedule hereto, and in lieu thereof doth hereby make the regulations hereinafter set forth; and doth hereby declare that this Order in Council shall come into force on the date of the publication thereof in the *Gazette*.

REGULATIONS.

OLD-AGE AND WIDOWS' PENSION-CLAIMS.

1. The claim for an old-age pension or for a widow's pension shall be in the form numbered 1 or the form numbered 2 in the First Schedule hereto, as the case may be; and when completed and signed by the applicant in the presence of any person authorized by section eighty-six of the said Act to take declarations shall be lodged with the Registrar for the district in which the applicant permanently resides.

2. In every case where the applicant, or the wife or husband of an applicant, is a member of the Native race, there shall be annexed to the pension-claim a statement in the form numbered 3 in the First Schedule hereto setting forth particulars of any customary rights or interests now or previously held or enjoyed in Native land, and there shall be endorsed thereon a certificate by a Government officer that the contents thereof were fully explained to, and appeared to be fully understood by, the applicant before he signed it. It shall be the duty of every Government officer having the requisite knowledge of the Maori language to assist Maoris in preparing their pension-claims, and to give the aforesaid certificate without fee.

3. The Registrar shall keep an alphabetical index, in card form, of all claims made by applicants in his district. Any claim received by a Registrar from an applicant who resides in another district shall be forwarded by him to the Registrar of the district in which the applicant permanently resides.

4. The Registrar, after preparing the index-card and noting thereon its registered claim-number, shall forthwith proceed to verify the statements of the applicant by means of the forms provided for the purpose. Having completed his inquiries, the Registrar shall submit the claim, together with all replies to inquiries, to the Magistrate presiding at the Courthouse nearest to the place of residence of the applicant.

5. The Registrar shall notify the applicant in writing of the place and date fixed for the hearing of the claim by the Magistrate; but if by reason of physical disability or other sufficient cause the applicant is unable to attend the investigation, and the Magistrate is satisfied that the documentary evidence in support of the claim is sufficient to establish or reject it, he shall not require the personal attendance of the applicant.

6. On return of the pension-claim with the Magistrate's decision attached thereto it shall be filed by the Registrar, who shall note the index-card and notify the applicant of the decision.

7. (1) If the Magistrate's decision is that the claim is rejected, he shall notify the Registrar in the form numbered 4 in the First Schedule hereto, which shall be forwarded to the Commissioner, who shall record and file the same.

(2) Where a fresh claim is lodged at any time subsequent to the rejection of a former claim, such new claim shall be recorded under a new number. For the purpose of this subclause, the adjournment of a claim *sine die* shall be deemed to be equivalent to the rejection of such claim.

8. If the Magistrate's decision is that the claim is established he shall fix the rate of the first year's pension and forward to the Registrar a certificate of establishment in the form numbered 5 or the form numbered 6 in the First Schedule hereto, as the case may require. Upon receipt of the Magistrate's certificate of establishment the Registrar shall record the contents thereof on a pension-card, and, after issuing a pension-certificate in the form numbered 7 in the First Schedule hereto, shall forward the said Magistrate's certificate to the Commissioner, who shall record and file the same.

9. The Commissioner shall in respect of each decision recorded by him prepare an index-card, and shall register the said decision in a Claim Register kept for the purpose. He shall also, in respect of each decision granting a pension, prepare a pension-card, to be known as the district card, whereon shall be entered all particulars affecting the payment of any such pension.

MILITARY, MINERS', AND BLIND PENSION-CLAIMS.

10. The claim for a military pension, a miner's pension, or a pension in respect of blindness shall be in the form numbered 8, or in the form numbered 9, or in the form numbered 10 in the First Schedule hereto, as the case may require, and shall, when completed by the applicant, be lodged with the Commissioner. Every application for a miner's pension or a pension in respect of blindness shall be accompanied by a medical certificate setting out the nature of the disability suffered by the applicant.

11. The Commissioner shall keep a separate Claim Register in respect of each class of pension under this head, in which all claims shall be recorded and numbered consecutively in the order in which they are received. He shall also prepare an index-card for each claim recorded by him.

12. The Commissioner, after recording a claim and noting thereon its registered claim-number, shall forthwith proceed to verify the statements of the applicant by the forms provided for the purpose, and, having completed his inquiries, shall record his decision in regard thereto, and the Claim Register and index-card shall be noted accordingly.

13. If the decision is that the claim is rejected the Commissioner shall notify the applicant of the reason for the rejection. If the decision is that the claim is established the Commissioner shall fix the amount of the first year's pension, and, after entering particulars thereof on a district card, shall issue a pension-certificate to the pensioner in the form numbered 7 in the First Schedule hereto.

INVESTIGATION OF PENSION-CLAIMS.

14. 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 Commissioner, or the Registrar, or any person authorized by the Magistrate, may inquire into the same, and for the purpose of such inquiry free access shall be given to—

- (1) The registers and records of all Departments of State;
- (2) All property of the applicant, and all books, vouchers, and documents relating thereto and to any mortgage thereon, or to the income of the applicant.

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

(c) The Magistrate or the Commissioner may, in his discretion, accept as testimony for or against the claim—

- (1) A statutory declaration made by any reputable person, who therein declares to what he knows of his own knowledge to be true;
- (2) Any other documentary evidence, whether strictly legal evidence or not;
- (3) The sworn spoken evidence of any reputable person who deposes to what he knows to be true;
- (4) The knowledge or observation of the Magistrate or Commissioner himself.

15. The valuations for the time being appearing in any district valuation roll under the Valuation of Land Act, 1925, shall, so far as the same are applicable, be used for the purpose of assessing the capital value of the accumulated property of applicants for pension.

16. Where the beneficial interest of the applicant in any property consists of a life interest in such property, the present value of the said life interest shall, except as provided by section 10 of the said Act, be deemed to be accumulated property. To arrive at the value of the life interest, the net annual value of the property shall be multiplied by the value of £1 per annum at the required age as shown in the Carlisle Table of Mortality. For the purpose of any computation under this regulation the net annual value of a property shall be deemed to be the net annual income derivable therefrom, or, in the absence of any such income, an amount not exceeding 5 per cent. of the capital value of the property after the deduction of all charges or encumbrances lawfully existing thereon.