

but in which the Pension Tribunal, or, if an appeal lies, the Pension Appeal Court, has decided that the applicant is not entitled as of right under this Act.

Amount of pension or allowance.

(2) The amount of any compassionate pension or allowance under this section shall be such sum as the Commission shall fix, not exceeding the amount to which the applicant would have been entitled if his right to payment had been upheld. 5

Renewal of application.

(3) Any application for compassionate pension or allowance which has been refused by the Commission, may be renewed before the Pension Appeal Court by its leave and on any such renewed application the Court shall have the same powers as the Commission has under this section." 10

9. No final payment under subsections four to seven inclusive of section twenty-five of the said Act shall be made after the coming into force of this Act. 15

10. Section twenty-five of the said Act is amended by repealing subsection six thereof and by adding thereto the following subsection:—

Restoration to pension.

"(9) Any pensioner who has accepted a final payment may, if his pensionable disability has persisted but has not increased, be restored to pension in respect thereof as from the date upon which the amount of the final payment received by him is or was equal to the sum of the instalments of pension which he would have received if, instead of accepting a final payment, he had continued to receive pension at the rate in force immediately before such final payment was made." 20 25

11. Subsection two of section thirty-two of the said Act, as enacted by section twenty-five of chapter thirty-eight of the statutes of 1928, is repealed and the following substituted therefor:— 30

Widow of pensioner.

"(2) Subject as in this Act otherwise provided, the widow of a member of the forces who had at the time of his death been, for not more than ten years, in receipt of a pension for a disability of or exceeding eighty per cent or would have been in receipt of such pension if he had not been in receipt of pay and allowances from the Department while under treatment shall, irrespective of the cause of the death of her husband, be entitled to a pension as if his death had resulted from an injury or disease or aggravation thereof attributable to or incurred during military service." 35 40

12. Subsection one of section thirty-two of the said Act, as enacted by section twenty-four of chapter thirty-eight of the statutes of 1928, is amended by striking out paragraphs (i) and (ii) and by substituting therefor the following as section 32A:— 45