

Difference of opinion has arisen from time to time as to the intention behind the introduction of this Section into our legislation. Its application has generally been made in cases of death where the service was unusually long, arduous and meritorious, although it has been applied in a few cases during the lifetime of the soldier.

The amendment of June 27, 1925, contained a further technical change in the phraseology of Section 11. This, however, did not in any manner alter the basic principles which remain as already outlined to this day, and the Section now reads:—

11. (1) In respect of military service rendered during the war,
 (a) pensions shall be awarded to or in respect of members of the forces who have suffered disability in accordance with the rates set out in Schedule A of this Act, and in respect of members of the forces who have died in accordance with the rates set out in Schedule B of this Act, when the injury or disease, or aggravation thereof resulting in disability or death in respect of which the application for pension made was attributable to or was incurred during such military service;

(b) no deduction shall be made from the degree of actual disability of any member of the forces who has served in a theatre of actual war on account of any disability or disabling condition which existed in him at the time at which he became a member of the forces; but no pension shall be paid for a disability or disabling condition which at such time was wilfully concealed, was obvious, was not of a nature to cause rejection from service, or was a congenital defect;

(c) an applicant shall not be denied a pension in respect of disability resulting from injury or disease or the aggravation thereof incurred during military service or in respect of the death of a member of the forces resulting from such injury or disease or the aggravation thereof solely on the ground that no substantial disability or disabling condition is considered to have existed at the time of discharge of such member of the forces;

(d) when a member of the forces is, upon retirement or discharge from military service, passed directly to the Department of Pensions and National Health for treatment, a pension shall be paid to or in respect of him for disability or death incurred by him during such treatment;

(e) when a member of the forces has during leave of absence from military service undertaken an occupation which is unconnected with military service no pension shall be paid for disability or death incurred by him during such leave unless his disability or death was attributable to his military service;

(f) subject to the exception in paragraph (b) of this sub-section, when a pension has been awarded to a member of the forces who has served in a theatre of actual war, it shall be continued, increased, decreased or discontinued, as if the entire disability had been incurred on service.

(2) In respect of military service rendered after the war, pensions shall be awarded to or in respect of members of the forces who have suffered disability, in accordance with the rates set out in Schedule A of this Act, and in respect of members of the forces who have died, in accordance with the rates set out in Schedule B of this Act, when the injury or disease or aggravation thereof resulting in disability or death in respect of which the application for pension is made was attributable to military service as such.

(3) The Commission may require a pensioner to submit periodically in such form as may in the opinion of the Commission be necessary or advisable, a statutory or other declaration that he is the person to whom the pension is payable, and that his dependents in respect of whom he is