

ADDS TO POWERS OF THE PENSIONS COMMISSIONERS

Claims of Prospective Dependents Have Now Been Officially Recognized and Other Changes Made by Order in Council.

The Order in Council which was recently passed by the Government to eliminate certain defects in the existing Pension Regulations does not, as certain accounts might lead one to suppose, introduce an entirely new set of Pension Regulations, says a statement issued by the Board of Pension Commissioners.

There are important clauses in the new Order in Council which add considerably to the powers of the Pension Commissioners. Chief amongst these is that which applies to cases of prospective dependency.

The claims of prospective dependents have now been officially recognized and the amendment contained in P.C. 3070 will enable the Board of Pension Commissioners to award pension to a large number of soldiers' dependents who, under the old regulations, were ineligible for pension.

Another important clause which will have a far-reaching effect is that which empowers the Commissioners to award pension to parents or persons in the place of a parent of a deceased soldier in accordance

(a) with the degree of their dependency on the deceased soldier, and

(b) in accordance with their needs.

Formerly it was necessary that these persons should have been wholly or mainly dependent on the deceased soldier to be entitled to pension. Now, however, cases where a state of only partial dependency existed may be considered for pension. The phrase "In accordance with their needs" is self explanatory. If, for example, the dependents just referred to are in receipt of an income sufficient to provide for their support, pension may be refused.

Wide publicity has been given through the press to the clause relating to cases of "Special Hardship," but no general ruling can be laid down regarding cases which will come within this category. It will be the task of the Board of Pension Commissioners carefully to investigate all doubtful cases, and decide if the "Special Hardship" clause can be applied to them. They will then require to be submitted to the Governor in Council for a final decision as to whether pension shall be awarded.

The remaining sections of P.C. 3070 will be found in the text of the Order in Council which is printed in full below. Should any special explanation regarding them be required the local offices of the Board of Pension Commissioners should be consulted or a communication addressed direct to the Head Office of the Board of Pension Commissioners at Ottawa.

The full text of the Order in Council, which was passed December 21 is as follows:—

Whereas the Special Committee appointed to consider and report upon the Pension Board, the Pension Regu-

lations and the sufficiency or otherwise of the relief afforded thereunder, the Pension lists in force in Canada for disabled and other soldiers and the dependents of those killed while on active service and any other matters relating thereto or connected therewith, presented their third and final report to Parliament on the 20th day of May, 1918, which report contained recommendations with regard to the administration of pensions and to amendments in the Pension Regulations which it was considered necessary to be made;

And whereas it is deemed expedient to make the legislative changes in the Pension Regulations which were recommended by the Special Parliamentary Committee;

Therefore His Excellency the Governor General in Council is pleased to approve and doth hereby approve of amendments and additions to the Pension Regulations as follows:—

1. That in accordance with recommendations Nos. 3 and 4 of the report of said Parliamentary Committee the following sentences be added to Section 1 of Order in Council (P.C. 1334) of June 3rd, 1916:

The Commissioners shall devote the whole of their time to the performance of their duties. The approval of the Commission to the award of any pension shall be evidenced by the personal signature of at least one of the Commissioners.

2. That in accordance with recommendation No. 9 of the report of said Parliamentary Committee the following section be added, to be known as Section 7A, to the Order in Council (P.C. 1334) of June 3rd, 1916:

7A. No deduction shall be made from the pension of any member of the forces who has served in a theatre of actual war other than the United Kingdom on account of any disability or disabling condition existing prior to enlistment provided that the pre-enlistment disability or disabling condition had not been wilfully concealed by the said member of the forces or was not obviously apparent in the said member of the forces at the time of enlistment. The words "theatre of actual war" as used in this section and in Section 7B shall mean any country in which Canadian naval or military forces are in contact with the enemy on land or in the case of naval forces any navigable water.

3. That in accordance with recommendation No. 10 of the report of the said Parliamentary Committee the following section be added, to be known as Section 7B, to Order in Council (P.C. 1334) of June 3rd, 1916:

7B. A pension shall be awarded for disability in accordance with the rank or acting rank of the member of the forces at the time the disability was incurred. No variation in the rank after such disability was incurred shall affect any pension. The word "disability" as used in this section means such a disability as unfits a member of the forces for service in a theatre of actual war other than the United Kingdom. Any award heretofore made shall be reviewed and determined for the purpose of future payments in accordance with the provisions of this section.

4. That in accordance with recommendation No. 11 of the report of the said Parliamentary Committee the following section be added, to be known as Section 9A, to Order in Council (P.C. 1334) of June 3rd, 1916:

9A. A pension shall be discontinued upon the re-enlistment of a pensioner as a member of the forces in the expeditionary or naval forces. His case, upon redischARGE, shall be considered anew as if his service had been continuous from his first enlistment, provided, however, that after redischARGE no pension shall be

awarded in respect of any disability which is not the result of service incurred while the member of the forces was in civil life.

5. That partially in accordance with recommendation No. 12 of the report of the said Parliamentary Committee the following section be added, to be known as Section 9B, to Order in Council (P.C. 1334) of June 3rd, 1916:

9B. If a member of the forces should undergo medical or surgical treatment in a sanitarium, hospital, convalescent home or otherwise for any purpose, for the period during which such treatment is necessary and in his interest, and the said member of the forces unreasonably refuses to undergo such treatment, the pension awarded or to be awarded may be reduced or discontinued in the discretion of the Commission.

6. That in accordance with recommendation No. 13 of the report of the said Parliamentary Committee the following section be added, to be known as Section 9C, to Order in Council (P.C. 1334) of June 3rd, 1916:

9C. Whenever a pensioner is required to be medically re-examined he shall be entitled to be paid a reasonable amount for travelling expenses and subsistence or loss of wages.

7. That in accordance with recommendation No. 14 of the report of the said Parliamentary Committee the following section be added, to be known as Section 9D, to Order in Council (P.C. 1334) of June 3rd, 1916:

9D. The Commission shall have discretion to refuse to award a pension whenever a member of the forces has been dismissed from the service or has been discharged dishonourably or for bad conduct.

8. That in accordance with recommendation No. 15 of the report of the said Parliamentary Committee the following section be added, to be known as Section 14A, to Order in Council (P.C. 1334) of June 3rd, 1916:

14A. Pensioners above the rank of lieutenant who are totally disabled and who, in addition, are helpless so far as attending to their physical wants is concerned, may, in the discretion of the Commission, be awarded a total sum by way of pension and allowance not in excess of that which a totally disabled and helpless lieutenant might be awarded.

9. That in accordance with recommendation No. 16 of the report of the said Parliamentary Committee the following section be added, to be known as Section 15A, to Order in Council (P.C. 1334) of June 3rd, 1916:

15A. In the discretion of the Commission, a pensioner need not be paid any instalment of his pension which has remained unclaimed by or for him for more than six years from the date such instalment became due. The balance of any pension payable to or for a deceased person shall not be deemed to form part of the assets of the estate of such deceased person, but may be paid to the widow, children or dependents of such deceased person as the Commission may direct. The Commission shall also have authority to apply such money or a portion thereof toward the payment of the expenses of the deceased pensioner's last sickness and burial.

10. That in accordance with recommendation No. 18 of the report of the said Parliamentary Committee the following section be added, to be known as Section 15B, to Order in Council (P.C. 1334) of June 3rd, 1916:

15B. When a member of the forces is married and his wife does not live with him and is not maintained by him the additional allowance for a married member of the forces may, in the discretion of the Commission, be refused or, if awarded, may be paid to the wife of the member of the forces.

11. That in accordance with recommendation No. 19 of the report of the said Parliamentary Committee the following section be added, to be known as Section 15C to Order in Council (P.C. 1334) of June 3rd, 1916:

15C. When a member of the forces has no wife but is wholly or to a material extent maintaining one or both of his parents, an amount equivalent to the additional allowance

for a married member of the forces may be paid to him.

12. That in accordance with recommendation No. 17 of the report of the said Parliamentary Committee the following section be added, to be known as Section 16A to Order in Council (P.C. 1334) of June 3rd, 1916:

16A. A woman who has been divorced or legally separated from a deceased member of the forces and who, at the time of her divorce or separation, was granted alimony or an alimentary allowance shall, if she is without sufficient resources to provide for her own maintenance be entitled to the same recognition for pension as his widow would have received but in no case shall a pension be awarded to her in excess of the amount of alimony or alimentary allowances which was granted her.

13. That in accordance with recommendation No. 20 of the report of the said Parliamentary Committee the following section be added, to be known as Section 16B to Order in Council (P.C. 1334) of June 3rd, 1916:

16B. The Commission shall have authority to refuse a pension to the widow of a deceased member of the forces who has been separated from him and who was not supported by him for a reasonable time prior to his enlistment and during his service.

14. That in accordance with recommendation No. 21 of the report of the said Parliamentary Committee the following section be added, to be known as Section 16C to Order in Council (P.C. 1334) of June 3rd, 1916:

16C. The Commission shall have authority to suspend or cancel the pension of any female pensioner who is a common prostitute or who openly lives with any man as his wife without being married to him.

15. That in accordance with recommendation No. 22 of the report of the said Parliamentary Committee the following section be added, to be known as Section 17A to Order in Council (P.C. 1334) of June 3rd, 1916:

17A. The Commission may, in its discretion award a pension not in excess of the rate for an orphan child to any child of a member of the forces who is not being maintained by and does not form part of the family cared for by the person who is pensioned as the widow, divorced wife, unmarried wife or parent of the member of the forces. Any such award shall be subject to review at any time and the pension may be continued at the rate provided for children who are not orphans.

16. That in accordance with recommendation No. 23 of the report of the said Parliamentary Committee, Section 19, to Order in Council (P.C. 1334) of June 3rd, 1916, be struck out and be replaced by the following section:

19. No allowance shall be paid to or in respect of a child who, if a boy, is over the age of sixteen years, or, if a girl, is over the age of seventeen years except when such child and those responsible for its maintenance are without resources and the child is unable owing to physical or mental infirmity, to provide for its maintenance, in which case the allowance may be continued until such child has attained the age of twenty-one years. No allowance shall be paid in respect of a child after the marriage of such child.

17. That in accordance with recommendation No. 24 of the report of the said Parliamentary Committee the following section be added, to be known as Section 22A to Order in Council (P.C. 1334) of June 3rd, 1916:

22A. The pension to any parent or person in the place of a parent shall be subject to review from time to time and shall be awarded in amounts necessary to provide maintenance for such parent or person, but in no case shall such pension exceed the amount of pension provided for parents in Schedules C and D appended hereto.

18. That in accordance with recommendation No. 25 of the report of the said Parliamentary Committee the following section be added, to be known as Section 22B to Order in Council (P.C. 1334) of June 3rd, 1916:

22B. A parent or person in the place of a parent who was not wholly or

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