



▼ ABOUT THIS PAGE

Title: Acts Affecting  
Native Lands, Etc. (In  
English and Maori),  
Passed by the General  
Assembly, Session 1892,  
1893, 1897, 1898, 1899



Author: General  
Assembly of New  
Zealand

Publication details: George Didsbury, 1892

Part of: He reo ture nō te Whare Paremata  
/ Statutory language

Conditions of use

OTHER FORMATS



ACTS AFFECTING NATIVE LANDS, ETC. (IN ENGLISH  
AND MAORI), PASSED BY THE GENERAL ASSEMBLY,  
SESSION 1892, 1893, 1897, 1898, 1899.

1898, NO. 14. — AN ACT TO PROVIDE FOR OLD-AGE PENSIONS

[Previous Section](#) | [Table of Contents](#) | [Up](#) | [Next Section](#)

PAGE 1

***New Zealand.***

***ANALYSIS.***

Title.

Preamble.

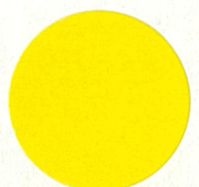
1. Short Title.
2. Interpretation.

***DISTRICTS AND REGISTRARS.***

3. Districts. Alteration of boundaries.
4. Registrar.
5. Deputy Registrars.
6. Their powers and duties.

***PENSIONS.***

7. Persons entitled to pensions.



8. Necessary qualifications.
9. Amount of pension.
10. Assessment of value of accumulated property.
11. Pension not to vary during year.
12. Income for purposes of first year's pension. Income for subsequent years.
13. General rules for computing income.
14. Pension payable pursuant to pension-certificate. When to commence, and payable monthly.

***PENSION-CLAIMS.***

15. Pension-claim.
16. Register of pension-claims.
17. Pension-claims to be numbered.
18. Stipendiary Magistrate to investigate.
19. Witnesses and evidence on oath.
20. Evidence to be corroborated.
21. How pension-claim to be dealt with.
22. Stipendiary Magistrate may postpone claim.
23. Mode of rejecting claim.
24. Strict rules of evidence not to be binding.
25. Matters to be distinguished.
26. As to matters disproved.
27. As to matters unproved.
28. Provisional investigation of pension-claims.
29. Pension-claims may be amended.

***PENSION-CERTIFICATES.***

30. Issue of pension-certificate when claim established.
31. Annual pension-certificate.
32. Particulars to be entered in pension-register.
33. Entries in register to be numbered.
34. Transfer of pension-certificates to other districts, and duplicates.

***INCOME AND PROPERTY STATEMENTS.***

35. Statement of income for preceding pension-year to be furnished to Deputy Registrar. Issue of pension-certificate for year.

***PAYMENT OF PENSIONS AND FORFEITURE OF INSTALMENTS.***

36. Where pension payable.
37. Change of place of payment.
38. Instalment to be applied for within twenty-one days.

39. When instalment deemed forfeited.
40. When and how forfeiture may be waived.
41. Payment under warrant.
42. When warrant deemed lapsed.
43. Provision where pensioner in receipt of charitable aid.
44. Payment to other than pensioner.
45. Period for which pension not payable.
46. Procedure as to payments of instalments by Postmasters.

**PENALTIES.**

47. Imprisonment for certain breaches of Act.
48. Additional powers of Court when convicting.
49. Additional penalty for certain offences.
50. Pension-certificate to be cancelled on imprisonment for certain offences.
51. When pension absolutely forfeited.
52. Notice of forfeiture to Deputy Registrar.

**MISCELLANEOUS.**

53. Pensions absolutely inalienable.
54. Returns to be prepared by Deputy Registrars.
55. General Register.
56. Particulars to be furnished to Postmaster-General.
57. Act to be posted at post-offices. List of pensioners.
58. Payment of imprest money into Post Office Account.
59. Return by Postmaster-General of all payments made.
60. Registrar to certify same for payment.
61. Expenses of administration.
62. Annual statement to be laid before Parliament.
63. Regulations.
64. To whom Act not to apply.
65. Act to apply to aboriginal natives of New Zealand. Proviso.
66. Rules for assessment of undetermined Native interests.
67. Pensions granted subject to any amending Act.
68. "Registration of People's Claims Act, 1896," repealed.

1898, No. 14.

AN ACT to provide for Old-age Pensions.

Title.

[1st November, 1898.

WHEREAS it is equitable that deserving persons who during the prime of life have helped to bear the public burdens of the colony by the payment of taxes, and to open up its resources by their labour and skill, should receive from the colony a pension in their old age: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Old-age Pensions Act, 1898."

Short Title

2. In this Act, if not inconsistent with the context,—

Interpreta

"Income" means any moneys, valuable consideration, or profits derived or received by any person for his own use or benefit in any year, by any means or from any source; and shall be deemed to include personal earnings, but not any pension payable under this Act, nor any payment by way of sick-allowance or funeral benefit from any registered friendly society:

"Income-year" means the year ending one month before the date on which the pension-claim is finally admitted, and at the same time in each subsequent year:

"Prescribed" means prescribed by this Act or by regulations thereunder.

#### **DISTRICTS AND REGISTRARS.**

3. (1.) For the purposes of this Act the Governor may from time to time divide District the colony into such districts, with such names and boundaries, as he thinks fit.
- (2.) If any such district is constituted by reference to the boundaries of any other portion of the colony, as defined by any other Act, then any Alteration boundaries alteration in such boundaries shall take effect in respect of such district without any further proceedings, unless the Governor otherwise determines.
4. The Governor may from time to time appoint a Registrar, who, subject to Registrar. the control of the Colonial Treasurer, shall have the general administration of this Act.
5. The Governor may also from time to time appoint in and for every such Deputy Re; district a Deputy Registrar and such other persons as he deems fit.
6. Subject to the provisions of this Act, the Registrar and every Deputy Registrar and other person appointed as aforesaid, shall have such Their powe duties. powers and duties as the Governor from time to time determines.

#### **PENSIONS.**

7. Subject to the provisions of this Act, every person of the full age of sixty-five year or upwards shall, whilst in the colony, be entitled to a pension as hereinafter specified. Persons er pensions.
8. No such person shall be entitled to a pension under this Act unless he Necessary qualificati fulfils the following conditions, that is to say:—
- (1.) That he is residing in the colony on the date when he establishes his claim to the pension; and also
- (2.) That he has so resided continuously for not less than twenty-five years immediately preceding such date:

Provided that continuous residence in the colony shall not be deemed to have been interrupted by occasional absence therefrom unless the total period of all such absence exceeds two years; nor,

in the case of a seaman, by absence therefrom whilst serving on board a vessel registered in and trading to and from the colony if he establishes the fact that during such absence his family or home was in the colony; and also

- (3.) That during the period of twelve years immediately preceding such date he has not been imprisoned for four months, or on four occasions, for any offence punishable by imprisonment for twelve months or upwards, and dishonouring him in the public estimation; and also
- (4.) That during the period of twenty-five years immediately preceding such date he has not been imprisoned for a term of five years with or without hard labour for any offence dishonouring him in the public estimation; and also
- (5.) That the claimant has not at any time for a period of six months or upwards, if a husband, deserted his-wife, or without just cause failed to provide her with adequate means of maintenance, or neglected to maintain such of his children as were under the age of fourteen years; or, if a wife, deserted her husband or such of her children as were under that age:

Provided that, if the pension-certificate is issued, the pensioner's rights thereunder shall not be affected by any disqualification contained in this subsection unless the fact of such disqualification is established at any time to the satisfaction of a Stipendiary Magistrate; and also

- (6.) That he is of good moral character, and is, and has for five years immediately preceding such date been, leading a sober and reputable life; and also
- (7.) That his yearly income does not amount to fifty-two pounds or upwards, computed as hereinafter provided; and also
- (8.) That the net capital value of his accumulated property does not amount to two hundred and seventy pounds or up-wards, computed and assessed as hereinafter provided; and also
- (9.) That he has not directly or indirectly deprived himself of property or income in order to qualify for a pension; and also
- (10.) That he is the holder of a pension-certificate as hereinafter provided.

PAGE 4

9. The amount of the pension shall be eighteen pounds per year, diminished by,—

Amount of

- (1.) One pound for every complete pound of income above thirty-four pounds; and also by
- (2.) One pound for every complete fifteen pounds of the net capital value of all accumulated property, computed and assessed as next hereinafter provided.

10. The net capital value of accumulated property shall be computed and assessed in the prescribed manner, and for that purpose the following provisions shall apply:—

Assessment  
accumulat

(1.) All real and personal property owned by any person shall, to the extent of his beneficial estate or interest therein, be deemed to be his accumulated property.

(2.) From the capital value of such accumulated property there shall be deducted all charges or encumbrances lawfully existing on such property, and also the sum of fifty pounds; and the residue then remaining shall be deemed to be the net capital value of all his accumulated property.

11. The rate of each year's pension shall not vary during the year.

Pension no  
during yea

12. (1.) For the purpose of ascertaining whether the claimant for a pension is entitled thereto, and also of fixing the rate of the first year's pension, his income for the next-preceding income-year shall be deemed to be his yearly income.

Income for  
first year's

(2.) For the purpose of fixing the rate of the pension for the second and each subsequent year, the pensioner's income for the income-year next preceding each such year shall be deemed to be his income for such year.

Income for  
years.

13. The following general rules shall apply in the computation of income for all the purposes of this Act:—

General ru  
computing

(1.) There shall be deducted therefrom all income derived or received from accumulated property as hereinbefore defined.

(2.) Where any person receives board or lodging, the reasonable cost of such board or lodging, not exceeding twenty-six pounds in the year, shall be included in the computation of the yearly income.

(3.) In the case of husband and wife, the yearly income of each shall be deemed to be not less than half the total yearly income of both:

Provided that this rule shall not apply where they are living apart pursuant to decree, order, or deed of separation.

14. With respect to every pension under this Act the following Provisions shall apply:—

Pension  
pursuant t  
certificate  
When to co  
and payabl

(1.) The pension shall be deemed to commence on the date named in that behalf in the pension-certificate issued in respect of the first year's pension, being in every case the first day of the calendar month next after the date of the issue of such certificate.

(2.) Each year's pension shall be payable pursuant to a pension-certificate issued in respect of such year, and not otherwise.

(3.) Such certificate shall in every case specify the amount of the year's pension, and the instalments by which it is payable, being twelve equal monthly instalments, whereof the first is payable on the first day of the calendar month next after the commencement of the year.

PAGE 5

#### **PENSION-CLAIMS.**

15. (1.) Every person claiming to be entitled to a pension under this Act

Pension-cl

shall, in the prescribed manner and form, deliver a claim therefor (elsewhere throughout this Act called a "pension-claim") to the Deputy Registrar of the district wherein the claimant resides, or to the nearest Postmaster, who shall forthwith forward the same to the Deputy Registrar.

- (2.) The pension-claim shall affirm all the requirements and negative all the disqualifications under this Act.
  - (3.) Every claimant shall, by statutory declaration, affirm that the contents of his pension-claim are true and correct in every material point.
  - (4.) Such declaration may be made before any Justice of the Peace, solicitor, Deputy Registrar, or Postmaster, and shall not be liable to stamp duty.
16. The Deputy Registrar shall file the claim, and record it in the prescribed manner in a book, to be called "The District Old-age Pension-claim Register," which shall be open to inspection on payment of a fee of one shilling. Register of claims.
17. All pension-claims shall be numbered consecutively in the order in which they are entered in the register, so that no two pension-claims in the same register bear the same number. Pension-cl numbered
18. (1.) The Deputy Registrar shall, in the prescribed manner, transmit the claim to a Stipendiary Magistrate exercising jurisdiction in the district, who shall in open Court fully investigate the pension-claim for the purpose of ascertaining whether the claimant is entitled to the pension, and, if so, for what amount in respect of the first year. Stipendiary to investig
- (2.) The Clerk of the Magistrate's Court shall ascertain on what date the claim may be investigated, and shall notify the claimant of a date on which he may attend to support his claim, and the Stipendiary Magistrate shall on the day so appointed, or on the first convenient day thereafter, proceed to investigate the same:
- Provided that where the Stipendiary Magistrate is satisfied that the documentary evidence in support of the claim is sufficient to establish it, and also that by reason of physical disability or other sufficient cause the attendance of the applicant should be dispensed with, he shall not require the personal attendance of the applicant, who shall he notified accordingly.
19. For the purposes of such investigation all the powers under "The Magistrates' Courts Act, 1893," shall be available for the purpose of compelling the attendance of witnesses, and every witness shall be examined on oath. Witnesses on oath.
20. No pension-claim shall be admitted unless the evidence of the claimant is corroborated on all material points, except that in respect of the age of the claimant the Stipendiary Magistrate, if otherwise satisfied, may dispense with corroborative evidence. Evidence t corroborat
21. The Stipendiary Magistrate may admit the pension-claim as originally made, or as modified by the result of his investigations, or may postpone it for further evidence, or reject it, as he deems equitable; and his How pensi dealt with.

decision shall be notified to the claimant by the Clerk.

22. If the Stipendiary Magistrate is of opinion that, although the claim is not completely established, further evidence may be adduced in support thereof, or it may be mended by lapse of time, he shall postpone the claim if the claimant so desires, and in such case all matters as to which the Stipendiary Magistrate is satisfied shall be recorded as proved: Provided that this shall not be a bar to further evidence being adduced in respect of the matter recorded as proved. Stipendiary may postpone
23. If the Stipendiary Magistrate decides that the pension-claim is not established, and cannot be mended by postponement for a reasonable time, he shall reject it, and when doing so shall specify in writing all the material points which he finds to be respectively proved, disproved, and not to be proved. Mode of recording
24. In investigating any pension-claim, the Stipendiary Magistrate shall not be bound by the strict rules of evidence, but shall investigate and determine the matter by such means and in such manner as in equity and good conscience he thinks fit. Strict rule not to be binding
25. In disposing of material points against the claimant, the Stipendiary Magistrate shall distinguish between what he finds to be disproved and what he finds to be simply unproved or insufficiently proved. Matters to be distinguished
26. In respect of what is found to be disproved, the Stipendiary Magistrate's decision shall be final and conclusive for all purposes. As to matters of fact
27. In respect of what is found to be simply unproved or insufficiently proved, the claimant may at any time thereafter adduce fresh evidence on those points before the Stipendiary Magistrate, and in such case all material points previously found by the Stipendiary Magistrate to be proved shall be deemed to be established, and he shall dispose of all other points as in the case of a new pension-claim. As to matters of fact
28. In order to facilitate the adjustment of pension-claims they may be filed and provisionally investigated at any time not exceeding two years before the date on which the claimant alleges that his pension should commence; but no pension-claim shall be finally admitted, nor shall any pension-certificate be issued, until all the conditions prescribed in respect thereof by this Act have been fulfilled. Provisional investigation of pension-claims
29. The Pension-claim may be amended from time to time on any point which has not been finally disposed of. Pension-claim amended.

**PENSION-CERTIFICATES.**

30. As soon as the Pension-claim is established, and the rate of the first year's pension is fixed by the Stipendiary Magistrate, he shall, in the prescribed manner, certify the same to the Deputy Registrar, who shall, in the prescribed manner and form, issue to the claimant a certificate (elsewhere throughout this Act called a "pension-certificate") in respect of the first year's pension. Issue of pension certificate established
31. In respect of the pension for each year after the first, a fresh pension-certificate shall be issued as hereinafter provided. Annual pension certificate
32. The Deputy Registrar shall enter in a book, to be called "The District Old- Particulars entered in



age Pension Register," the following particulars respecting each pension-certificate issued by him:—

register.

- (1.) The number of such certificate, and the name of the district in which it is issued.
- (2.) The pensioner's full name, occupation, and address.
- (3.) The amount of his income for the year, and the date on which the income-year ends.
- (4.) The date on which the year's pension commences.
- (5.) The amount of the year's pension, the instalments by which it is payable, and the due dates thereof.
- (6.) Such other particulars as are prescribed.

33. All entries of pension-certificates in the Old-age Pension Register shall be numbered consecutively, so that no two entries in the same register bear the same number.

Entries in numbered

34. On application in the prescribed form, and subject to prescribed conditions,—

Transfer of certificate districts, a duplicates

- (1.) Any pension-certificate may be transferred from the register in one district to the register in another;
- (2.) The Deputy Registrar may issue a duplicate pension-certificate in any case where satisfactory proof is given of the loss of the original.

#### **INCOME AND PROPERTY STATEMENTS.**

35. For the purpose of ascertaining in respect of the second and each subsequent year, computed from the date of the commencement of the pension, whether the pensioner is entitled to any payment in respect of his pension for such year, and, if so, for what amount, the following provisions shall apply:—

Statement preceding to be furnished Deputy Registrar

- (1.) Within the prescribed period before the commencement of each such year the pensioner, whether claiming any payment in respect of his pension for that year or not, shall furnish to the Deputy Registrar a statement in the prescribed form setting forth full particulars of his income for such year (being the income for the last-preceding income-year), and also the net capital value of all his accumulated property.
- (2.) If the pensioner has received no income for the year and has no accumulated property, the statement shall contain the word "Nil."
- (3.) The Stipendiary Magistrate shall investigate the statement, and shall ascertain whether the conditions of section eight hereof have been complied with, in the same manner, with the same powers, and subject to the same provisions as in the case of pension-claims.
- (4.) The Stipendiary Magistrate, when satisfied as to the amount of the pensioner's income, and the net capital value of his accumulated property, and that the conditions of section eight hereof have been complied with, shall certify the same to the Deputy Registrar, who shall enter the same in the Old-age Pension Register, and issue a pension-certificate in the prescribed form in respect of the year's pension (if any) to which the pensioner is entitled:

Issue of pension certificate

Provided that, in lieu of himself issuing such certificate to the pensioner, the Deputy Registrar shall forward it to the Postmaster of the post-office where the pension is payable, and the Postmaster shall issue it to the pensioner in exchange for the outstanding pension-certificate.

- (5.) When forwarding the pension-certificate to the Postmaster as aforesaid the Deputy Registrar shall, in the prescribed manner, notify both the Postmaster and the pensioner as to such exchange and surrender.

**PAYMENT OF PENSIONS AND FORFEITURE OF INSTALMENTS.**

36. Each monthly instalment of the pension shall be payable at the post-office money-order office named in the pension-certificate. Where per
37. On application in the prescribed manner, the name of such office may be changed from time to time, and every change of office shall be recorded by the Deputy Registrar on the pension-certificate and in the District Old-age Pension Register. Change of payment
38. Subject to the provisions of this Act, each monthly instalment shall be payable at any time within twenty-one days after its due date on the personal application of the pensioner and the production of his pension-certificate to the Postmaster of the post-office money-order office named therein. Instalmen for within days.
39. In default of strict compliance with all the provisions of the last-preceding section hereof such instalment shall be deemed to be forfeited, unless the forfeiture is waived under the provisions in that behalf hereinafter contained. When inst deemed fo
40. The Stipendiary Magistrate or two Justices of the Peace, by warrant in the prescribed form, may waive any such forfeiture in any case where, after investigation, he is or they are satisfied— When and forfeiture waived.
- (1.) That, if the forfeiture was occasioned by default of personal application for payment, or of application within the prescribed time, such default was due to the pensioner's illness, or temporary absence from the place (but not from the colony), or other sufficient cause; or
- (2.) That, if the forfeiture was occasioned by default in producing the pension-certificate, such default was due to its being lost or mislaid: Provided—
- (a.) That, except in special cases of the pensioner's illness or debility, it shall not be lawful for the Stipendiary Magistrates or Justices to issue two such warrants in succession to the same pensioner; and also
- (b.) That in no case shall any such warrant be issued unless it is applied for within fourteen days after the forfeiture occurred.
41. The instalment named in any such warrant shall be payable at any time Payment u

within fourteen days after the date thereof, on the personal application of the pensioner or other the person named therein, and also the production of the warrant, and (except where the warrant otherwise provides) of the pension-certificate, to the Postmaster of the post-office money-order office named in the warrant. warrant.

42. In default of strict compliance with all the provisions of the last-preceding section hereof the warrant shall be deemed to have lapsed, and the forfeiture of the instalment named therein shall become absolute. When warrant lapsed.
43. The following provisions shall apply in every case where the pensioner is maintained in any charitable institution, or receives relief therefrom:— Provision of pensioner charitable
- (1.) The reasonable cost of such maintenance or relief shall be payable out of the pension.
  - (2.) For the purpose of procuring such payment, instalments of the pension shall, to such extent as is necessary, be payable to the governing body of such institution in such manner as is prescribed, and on production to the Postmaster of a warrant in the prescribed form.
  - (3.) Any surplus pension-moneys remaining in the hands of such governing body after defraying such cost shall be paid to the pensioner.
  - (4.) For the purpose of computing the amount of any subsidy or contribution payable by the Government to such governing body under any Act all instalments so paid shall be excluded.

44. Subject to prescribed regulations, and on production to the Postmaster of a warrant in the prescribed form, signed by a Stipendiary Magistrate, the instalments may be paid to any clergyman, Justice of the Peace, or other reputable person named in such warrant, for the benefit of the pensioner. Payment to pensioner.

Such warrant may be issued by a Stipendiary Magistrate whenever he is satisfied that it is expedient so to do, having regard to the age, infirmity, or improvidence of the pensioner, or any other special circumstances.

45. Every instalment which falls due during any period whilst the pensioner is in prison, an inmate of a lunatic asylum, or out of the colony, shall be deemed to be absolutely forfeited. Period for pension not
46. "With respect to the payment of instalments of pension by the Postmaster the following provisions shall apply:— Procedure payments instalments Postmaster
- (1.) The Postmaster may, if he thinks fit, require the applicant for payment to prove his identity, but shall not be bound so to do, and may accept the production of the pension-certificate or warrant to which the instalment relates as sufficient evidence that the person producing the same is the person entitled to payment.
  - (2.) When making the payment the Postmaster shall indorse on the pension-certificate or warrant produced as aforesaid the date and fact of the payment, and shall also require the person receiving the payment to give a receipt therefor in the prescribed form.
  - (3.) Such receipt shall be Sufficient evidence that the payment to which, the receipt purports to relate has been duly made, and no

claim against Her Majesty or the Postmaster shall thereafter arise or be made in respect thereof.

- (4.) Where the warrant produced as aforesaid relates to a single instalment, or to the last of a series of instalments, it shall be delivered up to and retained by the Postmaster on payment of such instalment.

**PENALTIES.**

47. Every person is liable to imprisonment for not more than six months, with Imprisonm  
or without hard labour,— certain br

(1.) If by means of any wilfully false statement or representation he obtains or attempts to obtain a pension-certificate, not being justly entitled thereto, or a pension of a larger amount than he is justly entitled to; or

(2.) If by any means he obtains or attempts to obtain payment of any absolutely forfeited instalment of pension; or

(3.) If, by means of personation or any other fraudulent device whatsoever, he obtains or attempts to obtain payment of any instalment of pension; or

(4.) If by any wilfully false statement or representation he aids or abets any person to obtain a pension-certificate, or any instalment payable thereunder.

48. In the case of any conviction under the last-preceding section hereof, the convicting Court, in addition to imposing the punishment thereby prescribed, shall also, according to the circumstances of the case, by order— Additional  
Court whe

(1.) Cancel any pension-certificate which is proved to have been wrongfully obtained; or,

(2.) Reduce to its proper amount any pension that has been proved to be too high; or,

(3.) Impose a penalty not exceeding twice the amount of any instalment the payment whereof has been wrongfully obtained, and, if the defendant is a pensioner, direct the forfeiture of future instalments of his pension equal in amount to such penalty and in satisfaction thereof:

Provided that all proceedings under section forty-seven and this section shall be taken in a summary way before a Stipendiary Magistrate or two Justices of the Peace.

49. If any pensioner is convicted of drunkenness, or of any offence punishable by imprisonment for not less than one month and dishonouring him in the public estimation, then, in addition to any other penalty or punishment imposed, the convicting Court may in its discretion, by order, forfeit any one or more of the instalments falling due next after the date of the conviction: Additional  
certain oe:

Provided that if, in the opinion of the convicting Court, any pensioner

misspends, wastes, or lessens his estate, or greatly injures his health, or endangers or interrupts the peace and happiness of his family, the Court may by order direct that the instalment be paid to any clergyman, Justice of the Peace, or other reputable person for the benefit of the pensioner, or may by order cancel the pension-certificate:

Provided further that if on any conviction the pensioner is deemed to be an habitual drunkard within the meaning of "The Police Offences Act, 1884," then, in lieu of forfeiting any instalment of the pension, the convicting Court shall, by order, cancel the pension-certificate.

PAGE 11

50. If any pensioner is sentenced to imprisonment for twelve months or upwards in respect of any offence dishonouring him in the public estimation, the convicting Court shall, by order, cancel the pension-certificate. Pension-certificate be cancelled on imprisonment for certain offences.
51. In any case where any pension-certificate is cancelled by order of a Court the pension shall be deemed to be absolutely forfeited. When pension-certificate is cancelled, pension shall be deemed to be absolutely forfeited.
52. In every case where any instalment is forfeited or any pension-certificate is cancelled by order of a Court, the Clerk of the Court shall forthwith notify the Deputy Registrar of such forfeiture or cancellation, and the Deputy Registrar shall record the same. Notice of forfeiture or cancellation to be given to Deputy Registrar.

**MISCELLANEOUS.**

53. The pension being for the personal support of the pensioner, it shall (subject to the provisions of this Act as to payment, forfeiture, and otherwise) be absolutely inalienable, whether by way of assignment, charge, execution, bankruptcy, or otherwise how-soever. Pensions are absolutely inalienable.
54. Every Deputy Registrar shall, in the prescribed manner and at prescribed intervals, prepare and forward to the Registrar a return showing for each such interval,— Returns to be prepared by Deputy Registrar.—  
(1.) All pension-certificates and warrants issued by him;  
(2.) All forfeitures recorded by him;  
(3.) Such other particulars as are prescribed.
55. The Registrar shall from the aforesaid returns compile a General Old-age Pension Register containing a record of all pension-certificates for the time being in force, and such other particulars as are prescribed. General Register to be compiled.
56. The Registrar shall at prescribed intervals furnish to the Postmaster-General schedules showing for each such interval,— Particulars to be furnished to Postmaster-General.—  
(1.) The names of the pensioners;  
(2.) The numbers of their pension-certificates;  
(3.) The dates on which and the post-office money-order offices at which the instalments in respect thereof are payable; and  
(4.) The amount of the instalments payable.
57. Copies of this Act shall be posted at the several post-offices in the colony, and a list containing the names of the pensioners whose instalments are paid at any post-office shall be kept thereat, and the same shall on application be open to inspection on payment of the fee of Act to be posted at post-offices. List of pensioners to be kept at post-offices.

one shilling.

58. The Colonial Treasurer shall from time to time, without further appropriation than this Act, pay out of the Consolidated Fund into the Post Office Account, by way of imprest, whatever moneys are necessary in order to enable the instalments specified in such schedules to be paid out of such account, and the Postmaster-General shall thereupon pay such instalments accordingly:

Payment of money into Account.

Provided that this section shall continue in operation until the fourteenth day after the close of the second session of the now next succeeding Parliament, but no longer.

PAGE 12

59. The Postmaster-General shall, at such periodical intervals, as are from time to time arranged between him and the Colonial Treasurer, furnish to the Registrar a statement showing for each such interval—

Return by General of made.

- (1.) The balance of the aforesaid imprest moneys in the Post Office Account at the commencement and also at the close of such interval;
- (2.) The instalments paid;
- (3.) The pensioners to whom such instalments were paid; and
- (4.) Such other particulars as are prescribed.

60. The Registrar, after satisfying himself that such statement is correct, shall certify to the accuracy thereof, and forward it to the Colonial Treasurer.

Registrar to same for p

61. All expenses incurred in administering this Act (other than the payment of pensions) shall be payable out of moneys to be from time to time appropriated by Parliament.

Expenses of administration

62. The Colonial Treasurer shall, within thirty days after the close of each financial year ending the thirty-first day of March, prepare and lay before Parliament, if sitting, or, if not sitting, then within fourteen days after the commencement of the next session, a statement showing for such year—

Annual statement laid before

- (1.) The total amount paid under this Act in respect of pensions;
- (2.) The total amount so paid in respect of other than pensions;
- (3.) The total number of pensioners;
- (4.) The total amount of absolutely forfeited instalments; and
- (5.) Such other particulars as are prescribed.

63. (1.) The Governor may from time to time make such regulations as he thinks necessary for any purpose for which regulations are contemplated or required, and, generally, for carrying out the intention of this Act.

Regulation

- (2.) Such regulations shall be laid on the table of the House of Representatives within ten days after the commencement of each session, and referred to such sessional Committee for report as the House directs.

64. This Act, in so far as it provides for the grant of pensions, shall not apply to—

To whom it apply.

- (1.) Aboriginal natives of New Zealand to whom moneys other than

- pensions are paid out of the sums appropriated for Native purposes by "The Civil List Act, 1863"; nor to
- (2.) Aliens; nor to
- (3.) Naturalised subjects, except such as have been naturalised for the period of five years next preceding the date on which they establish their pension-claims; nor to
- (4.) Chinese or other Asiatics, whether naturalised or not.

65. Subject to the provisions of subsection one of the last-preceding section hereof, this Act shall apply to aboriginal natives of New Zealand: Provided that on the investigation of any such Native's pension-claim his evidence as to his age shall be required to be corroborated to the satisfaction of the Stipendiary Magistrate.

Act to appl  
Proviso. of

66. In determining the claim of any aboriginal native, in so far as the same may be affected by rights or property held or enjoyed otherwise than under defined legal title, the Stipendiary Magistrate shall be guided by the following rules:—

Rules for a  
undetermi  
interests.

In respect of "income," any customary rights used or capable of being used in respect of land the title to which has not been ascertained, but which is enjoyed or is capable of enjoyment, shall be assessed and determined by such evidence and in such manner as the Stipendiary Magistrate shall in his discretion consider proper:

In respect of "accumulated property," the interest in land or other property held or enjoyed under Native custom, or in any way other than by defined legal title, shall be assessed and determined by the Stipendiary Magistrate in manner aforesaid, with the view of arriving as nearly as may be at a decision as to the net capital value thereof for the purposes of this Act, and the decision of the Stipendiary Magistrate thereon shall be final.

67. (1.) Every pension granted under this Act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no pensioner under this Act shall have any claim for compensation or otherwise by reason of his pension being affected by any such amending or repealing Act.

Pensions g  
subject to e  
amending.

(2.) A notification of the last-preceding subsection hereof shall be printed on every pension-certificate.

68. "The Registration of People's Claims Act, 1896," is hereby repealed, and all pension-certificates issued thereunder are hereby cancelled; nor shall any fact proved, or entry made, or certificate issued thereunder be available for the purposes of this Act, anything in that Act to the contrary notwithstanding.

"Registrati  
Claims Ac  
repealed.

PAGE 13

PAGE BREAK

[Previous Section](#) | [Table of Contents](#) | [Up](#) | [Next Section](#)