

(2.) The *Financial Relief Act 1934\**, as amended by the *Financial Relief Act 1935†* and by the *Primary Producers Relief Act 1935‡*, is in this Act referred to as the Principal Act.

(3.) Sub-section (3.) of section one of the *Primary Producers Relief Act 1935* is repealed.

(4.) The Principal Act, as amended by this Act, may be cited as the *Financial Relief Act 1934-1935*.

Appropriation  
of £325,000 for  
relief to  
Primary  
Producers.

2. Section nineteen of the Principal Act is amended by omitting the words "Two hundred and fifty thousand pounds" and inserting in their stead the words "Three hundred and twenty-five thousand pounds".

\* Act No. 10, 1934.

† Act No. 36, 1935.

‡ Act No. 47, 1935.

## AUSTRALIAN SOLDIERS' REPATRIATION.

### No. 58 of 1935.

#### An Act to amend the *Australian Soldiers' Repatriation Act 1920-1934*.

[Assented to 6th December, 1935.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title  
and citation.

1.—(1.) This Act may be cited as the *Australian Soldiers' Repatriation Act 1935*.

(2.) The *Australian Soldiers' Repatriation Act 1920-1934* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Australian Soldiers' Repatriation Act 1920-1935*.

Commencement.

2. This Act shall commence on the first day of January, One thousand nine hundred and thirty-six.

Parts.

3. Section four of the Principal Act is amended by omitting the words "Division 4.—General", and inserting in their stead the words "Division 4.—General Provisions Relating to Appeals. Division 5.—Service Pensions."

\* Act No. 6, 1920, as amended by No. 34, 1921; No. 23, 1922; No. 14, 1929; No. 74, 1930; No. 10, 1931; No. 47, 1931; and No. 32, 1934.

## 4. Section twenty-two of the Principal Act is amended—

Definitions.

- (a) by omitting the proviso to the definition of "Dependants" and inserting in its stead the following proviso :—

"Provided that any such wife married, or child born, to a member of the Forces after that date shall, if the member has died or dies—

- (a) from the results of an occurrence happening during the period during which he was a member of the Forces ; or

- (b) from other results, but the member, immediately prior to his death—

- (i) was in receipt of a pension under the Second Schedule to this Act or would, but for the third paragraph of that Schedule, have been in receipt of such a pension ; or

- (ii) was in receipt of an amount in respect of a disability described in any of the first eight items in the first column of the Fifth Schedule to this Act or would, but for sub-paragraph (i) of paragraph (c) of the proviso to that Schedule, have been in receipt of such an amount,

be deemed to be a dependant ;" ; and

- (b) by omitting the definition of "Pension" and inserting in its stead the following definitions :—

" 'Pension' means a pension under this Act, and includes a service pension, and the amounts and allowances specified in the Second and Fifth Schedules to this Act ;

'Permanently unemployable' means permanently incapable, by reason of physical or mental disablement, of being employed in a remunerative occupation ;

'Served in a theatre of war' means served at sea, in the field or in the air, in naval, military or aerial operations against the enemy in an area, or on an aircraft or ship of war, at a time when danger from hostile forces of the enemy was incurred in that area or on that aircraft or ship of war by the person so serving ;

'Service pension' means a pension granted under Division 5 of Part III. of this Act ;" .

## 5. Section twenty-three of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the word "Act" (second occurring) and inserting in its stead the word "Division" ;

- (b) by omitting from paragraph (a) of the proviso to sub-section (1.) the word "Act" and inserting in its stead the word "Division" ;

Pensions upon death or incapacity.

- (c) by omitting from paragraph (b) of the proviso to sub-section (1.) the word "Act" (first occurring) and inserting in its stead the word "Division";
- (d) by omitting from sub-section (2.) the word "Act" (last occurring) and inserting in its stead the word "Division"; and
- (e) by omitting the proviso to sub-section (2.).

Duties of  
Boards.

6. Section twenty-six of the Principal Act is amended—

- (a) by omitting from paragraph (d) of sub-section (1.) the word "and" (last occurring);
- (b) by inserting, after paragraph (e) of sub-section (1.), the following paragraphs:—
  - "(f) determining the date of re-commencement of payment of a pension which has been suspended;
  - (g) determining whether a member of the Forces served in a theatre of war;
  - (h) determining whether a member of the Forces has reached an age specified in section forty-five AD of this Act in relation to such a member;
  - (i) determining whether a member of the Forces is permanently unemployable; and
  - (j) determining whether a member of the Forces is suffering from pulmonary tuberculosis.";
- (c) by omitting sub-section (2.) and inserting in its stead the following sub-section:—
  - "(2.) The Commission may, in such cases as it thinks fit, make any determination or assessment specified in paragraphs (a) to (j) (inclusive) of the last preceding sub-section, and may, at any time, direct that any particular case or cases of a particular class be referred to it for assessment or determination."

Review by  
Commission.

7. Section twenty-eight of the Principal Act is amended by omitting the words "under this Part" and inserting in their stead the words "in relation to pension under this Division".

Failure of  
pensioner to  
attend at  
review.

8. Section twenty-nine of the Principal Act is amended—

- (a) by omitting the word "Part" and inserting in its stead the word "Division"; and
- (b) by inserting after the word "payable" (second occurring) the words "under this Division".

9. After section twenty-nine of the Principal Act the following section is inserted:—

Cancellation of  
pension by  
Board.

"29A. Where, prior to the commencement of this section, a Board has purported to cancel a pension in circumstances in which the Commission is, under section twenty-nine of this Act, authorized to cancel a pension, the pension shall be deemed to be, and at all times from and after the date of the purported cancellation, to have been, cancelled by the Commission under that section."

10. Section thirty of the Principal Act is amended by omitting the proviso and inserting in its stead the following proviso :—

Suspension of pension during imprisonment.

“ Provided that—

- (a) in the case of a pensioner under this Division who has dependants—the amount forfeited during the term of his imprisonment may be paid to the dependants ; and
- (b) in the case of a pensioner under Division 5 of this Part who has a wife or any child as defined in that Division dependent upon him—the amount forfeited during the term of his imprisonment may be paid to the wife or child.”

11. Section thirty-one of the Principal Act is repealed and the following sections inserted in its stead :—

“ 31.—(1.) The rates of pension payable under this Division shall be those specified in the Schedules to this Act.

Rates of pension.

(2.) The amount of any such pension granted and payable to a member of the Forces shall not be reduced within the period of six months from the date of the commencement of the pension.

“ 31AA.—(1.) Pensions payable under this Act shall be payable in fortnightly instalments which may be paid in advance.

Payment of pensions.

(2.) The instalment of a pension covering a period of less than a fortnight shall be in proportion to the number of days in a fortnight.”

12. Section thirty-one A of the Principal Act is amended by omitting from sub-section (1.) the word “ Act ” and inserting in its stead the word “ Division ”.

Pension for pulmonary tuberculosis.

13. After section thirty-one A of the Principal Act the following section is inserted :—

“ 31B. Where a member of the Forces—

- (a) has, in pursuance of section thirty-two of the *Australian Soldiers' Repatriation Act* 1920, or of that Act as subsequently amended, or in pursuance of section nine of the *War Pensions Act* 1914, or of that Act as subsequently amended, received payment of a lump sum in substitution for pension payable to him under either of those Acts, or under either of those Acts as subsequently amended ; and
- (b) is suffering from any incapacity in respect of which, but for the payment of that lump sum, he would be entitled to a pension in accordance with this Division,

Reinstatement of commuted pension.

the Commission may, upon receipt of an application in writing by that member (whether received before or after the commencement of this section) grant a pension, in accordance with this Division, to that member :

Provided that any pension so granted shall not be payable in respect of any period prior to the date of the commencement of this section or the date of the receipt by the Commission of the application for the pension, whichever last happens.”

14. Section thirty-two of the Principal Act is repealed.

Repeal of s. 32.

Pensions payable for limited period in certain cases.

15. Section thirty-three of the Principal Act is amended by inserting in sub-section (4.), after the word "granted" (first occurring), the words "under this Division".

Pension to *de facto* wife of member.

16. Section thirty-six of the Principal Act is amended—

(a) by inserting, after the word "pension" (first occurring), the words "under this Division"; and

(b) by inserting, after the word "allowed" (first occurring), the words "under this Division".

Death of member after discharge.

17. Section thirty-nine of the Principal Act is amended by omitting the word "Act" (second occurring) and inserting in its stead the word "Division".

18. After section thirty-nine of the Principal Act the following sections are inserted:—

Pensions to dependants of certain deceased soldiers.

"39A. Where a member of the Forces has died or dies, after the date of his discharge, from causes other than the result of an occurrence happening during the period during which he was a member of the Forces and the member, immediately prior to his death—

(i) was in receipt of a pension under the Second Schedule to this Act or would, but for the third paragraph of that Schedule, have been in receipt of such a pension; or

(ii) was in receipt of an amount in respect of a disability described in any of the first eight items in the first column of the Fifth Schedule to this Act or would, but for sub-paragraph (i) of paragraph (c) of the proviso to that Schedule, have been in receipt of such an amount,

the dependants of that member shall, subject to this Act, be entitled to receive, as from the commencement of this section or from the death of the member whichever last happens, such pensions as would have been payable to them if the member's death had resulted from an occurrence happening during the period during which he was a member of the Forces.

Determination of appeals by Commission

"39B. Subject to this Act, the Commission shall, in the determination of appeals, act according to substantial justice and to the merits of each case, and shall give to an appellant the benefit of any reasonable doubt."

Appeals.

19. Section forty-five of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

"(1.) A person who has claimed, as a member of the Forces, or as a dependant of a member of the Forces, a pension under section twenty-three of this Act, and whose claim has been refused by the Commission on the ground—

(a) that the incapacity or death of the member has not resulted from any occurrence happening during the period during which he was a member of the Forces, or from his employment in connexion with naval or military preparations or operations, as the case may be; or

(b) that the conditions of the member's war service have not contributed to any material degree to his incapacity or death,

may, within twelve months after the date of the determination by the Commission, or within such further time as is allowed by an Appeal Tribunal on special circumstances being shown, lodge with the prescribed person, in the prescribed form, an appeal to an Appeal Tribunal against the determination of the Commission." ;

- (b) by omitting from sub-section (7.) the words " relevant to " and inserting in their stead the words " material to, and has a substantial bearing upon, " ;
- (c) by omitting the proviso to sub-section (7.) and inserting in its stead the following proviso :—

" Provided that, where, in the opinion of the Commission, the further evidence is not material to, and has not a substantial bearing upon, the appellant's claim, the appellant may, within twelve months of the submission of the further evidence to the Commission, submit that evidence in writing to an Appeal Tribunal, and, if it decides that the evidence is material to, and has a substantial bearing upon, the appellant's claim, the appellant may appeal to the Tribunal and thereupon the Tribunal shall consider the further evidence and decide the appeal." ; and

- (d) by omitting sub-section (9.) and inserting in its stead the following sub-section :—

" (9.) The Commission may, within six months after a decision by an Appeal Tribunal under sub-section (3.), sub-section (6.) or sub-section (7.) of this section, appeal in writing to the Tribunal upon any further evidence relating to the appeal which, in the opinion of the Commission, is material thereto and has a substantial bearing thereon :

Provided that the Commission may appeal in writing to the Tribunal at any time in any case where it is satisfied that the pension has been obtained by fraud or impersonation."

**20.** Section forty-five L of the Principal Act is amended by omitting from sub-section (1.) the words " against assessments by the Commission of the rates of pensions of Members of the Forces " and inserting in their stead the words " by members of the Forces against—

**Assessment  
Appeal  
Tribunals.**

- (a) assessments by the Commission or a Board of the rates of pension payable under Division 1 of this Part to members of the Forces ; and
- (b) determinations by the Commission under Division 5 of this Part in cases where the Commission has refused to grant a

pension solely on the ground that the member of the Forces was not—

- (i) permanently unemployable ; or
- (ii) suffering from pulmonary tuberculosis.”.

Appeals to  
Assessment  
Appeal  
Tribunals.

**21.** Section forty-five N of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words “ this Act ” and inserting in their stead the words “ Division 1 of this Part ” ;
- (b) by inserting in paragraph (b) of sub-section (1.), after the word “ pension ” (first occurring), the words “ under that Division ” ;
- (c) by inserting in paragraph (b) of sub-section (1.), after the words “ as the case may be,” the words “ or that he has an incapacity to which the conditions of his service have contributed to a material degree,” ;
- (d) by inserting in paragraphs (d) and (e) of sub-section (1.), after the word “ Commission ” (wherever occurring), the words “ or a Board ” ; and
- (e) by omitting from sub-section (2.) the words “ the Commission which shall transmit it to ”.

**22.** Section forty-five Q of the Principal Act is repealed and the following sections inserted in its stead :—

Effect of  
decision of  
Assessment  
Appeal  
Tribunals.

“ 45Q.—(1.) The decision of an Assessment Appeal Tribunal upon an appeal lodged under section forty-five N of this Act shall, subject to this section, be binding upon the appellant and upon the Commission for such period as is specified by the Tribunal being not more than three years from the date of the decision, and if no time is so specified, for six months from that date.

(2.) If, at any time after the hearing by the Assessment Appeal Tribunal of an appeal lodged under section forty-five N of this Act and during the period during which a decision of the Tribunal is binding, the appellant to whom the decision applies is of opinion that his incapacity has increased, he may apply to the Commission or a Board for an increase in his pension and, within three months of the date of the notification by the Commission or a Board of its decision on that application, he may lodge, in the manner provided in this Division, a further appeal to the Assessment Appeal Tribunal, and that Tribunal shall hear and determine the appeal in accordance with the provisions of this Act.

Appeals by  
applicants  
under  
s. 45AN.

“ 45QA.—(1.) Any person who has applied, as a member of the Forces, for a pension under section forty-five AE of this Act, and whose application has been refused by the Commission solely on the ground that the member was not—

- (a) permanently unemployable ; or
- (b) suffering from pulmonary tuberculosis,

may, within three months after the date of the notification by the Commission of its determination, lodge with the prescribed person an appeal in the prescribed form against that determination.

(2.) The person with whom an appeal is lodged under the last preceding sub-section shall forward it to an Assessment Appeal Tribunal with all the records relative to the determination appealed against.

"45QB.—(1.) Where, in the opinion of the Commission, a decision of an Assessment Appeal Tribunal has been affected by evidence which is false in a material particular, the Commission may refer the case to the Assessment Appeal Tribunal with a statement of the grounds of its opinion.

Where decision given on false evidence

(2.) An Assessment Appeal Tribunal may, if it thinks fit, upon receipt of a statement referred to it in the last preceding sub-section, re-hear the appeal and make such decision as it thinks just."

23. The heading to Division 4 of Part III. is amended by adding, after the word "General", the words "Provisions relating to Appeals".

Amendment of Heading to Division 4.

24. After Division 4 of Part III. of the Principal Act the following Division and sections are inserted in Part III. :—

*"Division 5.—Service Pensions.*

"45AC. In this Division of this Part, unless the contrary intention appears—

Definitions.

'Child' means any person under the age of sixteen years being—

- (a) a child, born before the second day of October, One thousand nine hundred and thirty-one, of a member of the Forces ; or
- (b) a step-child or adopted child of a member of the Forces who was, before the second day of July, One thousand nine hundred and thirty-one, dependent on the member ;

'Income' means any moneys, valuable consideration or profits earned, derived or received by any person for his own use or benefit by any means from any source whatever, whether in or out of the Commonwealth, and shall be deemed to include personal earnings, but does not include any payment or benefit—

- (a) by way of benefit from any Friendly Society registered under any Act or State Act ;
- (b) during illness, infirmity, or old age from any trade union, Provident Society or other Society or Association ;
- (c) by way of gift or allowance from the husband, wife (whenever the wife was married to that person), father, mother or child (whenever the child was born to, or became dependent upon, that person) of that person ;
- (d) by way of interest paid under section thirteen of the *War Gratuity Acts 1920* ; or
- (e) by way of sustenance or food relief granted under any law of a State or Territory of the Commonwealth relating to the relief of unemployment, or any wages



received for work performed under any scheme or emergency or intermittent relief work provided under any law of a State or Territory of the Commonwealth, to the extent to which such wages are received in lieu of sustenance or food relief, except in cases where, for the purpose of determining the eligibility of any person to receive such assistance or wages, any pension paid under this Act is excluded from income ;

'Service pensioner' means a person in receipt of a service pension ;

'Wife' means the wife of a member of the Forces who was married to him before the second day of October, One thousand nine hundred and thirty-one.

" 45AD. Subject to this Act, the Commission or a Board may grant a service pension not exceeding thirty-six shillings per fortnight to a member of the Forces who served in a theatre of war and who—

(a) in the case of a man—has reached the age of sixty years ;

(b) in the case of a woman—has reached the age of fifty-five years.

" 45AE.—(1.) Subject to this Act, the Commission or a Board may grant a service pension to a person of any of the classes specified in the first column of the following table, irrespective of the age of that person, at a rate not exceeding the rate specified in the second column of that table in respect of that class :—

Unmarried members of the Forces	..	Thirty-six shillings per fortnight.
Married members of the Forces	..	Thirty shillings per fortnight.
Wives of members of the Forces	..	Thirty shillings per fortnight.
Children of members of the Forces	..	Five shillings per fortnight.

(2.) A pension under this section shall not be granted to a member of the Forces unless the member—

(a) has served in a theatre of war and is, in the opinion of the Commission or a Board, permanently unemployable ; or

(b) is, in the opinion of the Commission or a Board, suffering from pulmonary tuberculosis.

(3.) A pension under this section shall not be granted to the wife or child of a member of the Forces unless a pension under this Division is payable to or in respect of that member :

Provided that, for the purposes of this sub-section, a pension shall be deemed to be payable to a member during any period during which—

(a) the pension is suspended under section forty-five AO of this Act ; or

(b) the member is, by reason only of his failure to comply with the requirements of section forty-five AP of this Act, ineligible, by virtue of that section, to receive a pension.

Grant of  
service  
pensions.

Service pension  
in respect of  
a member  
permanently  
unemployable  
or suffering  
from pulmonary  
tuberculosis.

(4.) A member of the Forces who is—

(a) a widower ;

(b) or was married after the first day of October, One thousand nine hundred and thirty-one ; or

(c) living apart from his wife pursuant to any decree, judgment, order or deed of separation,

may be granted a service pension at the rate specified for an unmarried member :

Provided that if a member of the Forces is living apart from his wife in circumstances other than those specified in paragraph (c) of this sub-section, and the Commission is of opinion that for any special reason the member should be granted a service pension at the rate specified for an unmarried member, the Commission may grant him a pension at that rate.

(5.) The amount of the service pensions which may be granted to the children of a member of the Forces shall not exceed in the aggregate the amount of Twenty shillings per fortnight.

“45AF. Notwithstanding anything contained in this Act, no person shall receive at the same time—

Restriction as to dual pensions.

(a) a service pension under more than one section of this Division of this Part ; or

(b) a service pension and a pension under the *Invalid and Old-age Pensions Act 1908-1935* :

Provided that nothing in this section shall prevent a member of the Forces who is suffering from pulmonary tuberculosis from receiving a service pension on that ground and receiving, at the same time, a pension under the *Invalid and Old-age Pensions Act 1908-1935*.

“45AG.—(1.) A service pension shall not be granted at such a rate as will make the income of the service pensioner together with service pension exceed Seventy-nine pounds six shillings per annum.

Limit of service pension and income.

(2.) In the case of husband and wife (including a wife married after the first day of October, One thousand nine hundred and thirty-one), except where they are living apart pursuant to any decree, judgment, order or deed of separation, the income of each shall be deemed to be half the total income of both :

Provided that this sub-section shall not apply in any case where the Commission is of opinion that, for any special reason, it should not apply, and gives a direction in writing accordingly.

“45AH.—(1.) Where a service pensioner or an applicant for a service pension has accumulated property exceeding Fifty pounds in value, the amount of the service pension which would, but for this sub-section, be payable to that person shall be reduced by ninepence per fortnight for every complete Ten pounds by which the net capital value of the accumulated property exceeds Fifty pounds.

Reduction of service pension where pensioner has accumulated property.

(2.) Where both husband and wife are service pensioners, except where they are living apart pursuant to any decree, judgment, order or deed of separation, the deduction in the case of each of them shall be ninepence per fortnight for every complete Ten pounds by which

the net capital value of the accumulated property exceeds Twenty-five pounds :

Provided that this sub-section shall not apply in any case where the Commission is of opinion that for any special reason it should not apply and gives a direction in writing accordingly.

(3.) A service pension shall not be payable in any case to a person the net capital value of whose accumulated property exceeds Four hundred pounds.

Net capital  
value of  
accumulated  
property.

" 45AJ. For the purpose of the calculation of the amount of a service pension which may be granted under this Division, the net capital value of accumulated property shall be assessed in the prescribed manner and unless otherwise prescribed the following provisions shall apply :—

- (a) All real and personal property owned by any person shall be deemed to be his accumulated property.
- (b) From the capital value of such accumulated property there shall be deducted any war gratuity granted under the *War Gratuity Acts 1920*, the capital value of a home in which the pensioner permanently resides, and all charges or encumbrances lawfully and properly existing on the property other than the home, and the residue remaining shall be deemed to be the net capital value of all accumulated property.
- (c) In the case of husband and wife (including a wife married after the first day of October, One thousand nine hundred and thirty-one), except where they are living apart pursuant to any decree, judgment, order or deed of separation, the net capital value of the accumulated property of each shall be deemed to be half the total net capital value of the accumulated property of both :

Provided that this paragraph shall not apply in any case where the Commission is of opinion that, for any special reason, it should not apply and gives a direction in writing accordingly.

Disposal of  
property.

" 45AK. If, in the opinion of the Commission, a service pensioner or an applicant for a service pension has directly or indirectly deprived himself of property or income in order to qualify for or obtain a pension or in order to obtain a pension at a higher rate than that for which he would have been otherwise eligible, the value of the property or the amount of the income of which the applicant has deprived himself shall be deemed to be the property or the income of the applicant.

Service  
pension  
payable only  
to bona fide  
resident of  
Commonwealth.

" 45AL. A service pension shall be payable only to a *bona fide* resident of the Commonwealth :

Provided that, in any case where a service pensioner is absent from the Commonwealth, and, in the opinion of the Commission, his absence is of a temporary nature, the Commission may continue, for a period not exceeding six months, payment of the service pension to the pensioner during his absence.

" 45AM. In such cases as the Commission thinks proper, the total service pensions payable per fortnight to—

Payment of service pensions.

(a) a member of the Forces and to any dependant being the wife or child of the member; or

(b) the widow and any child of a member of the Forces, may be paid for the benefit of the service pensioners to such person and for such period as the Commission, from time to time, determines.

" 45AN. Upon the death of a member of the Forces who was, immediately prior to his death, a service pensioner, the service pension being paid at the time of his death to his wife or child may, subject to this Act, be continued, but if the wife remarries, all such pensions shall be cancelled as from the date of the remarriage.

Continuance of pension to widow and children and cancellation on re-marriage.

" 45AO. If a service pensioner becomes an inmate of an asylum for the insane, his pension shall, without further or other authority than this Act, be deemed to be suspended, but when the pensioner is discharged from any such asylum, payment of his pension shall be resumed, and he shall be entitled to payment in respect of the period during which his pension was so suspended, of a sum representing not more than two fortnightly instalments of the pension if the suspension so long continued.

Suspension of pension while pensioner in an asylum.

" 45AP.—(1.) Whenever any service pensioner acquires property, or earns, derives or receives income the receipt of which affects the amount of pension payable to him under this Act, he shall, within thirty days after the acquisition or receipt thereof, forward notice in writing of the fact to the Board of the State or Territory in which he resides.

Acquisition of property or income to be notified by pensioner.

(2.) Any service pensioner who sells or vacates a home owned by him and in which he has been permanently residing shall forthwith forward notice in writing of the fact to the Board of the State or Territory in which he resides.

(3.) Whenever any service pensioner marries or re-marries he shall forthwith forward notice in writing of the fact to the Board of the State or Territory in which he resides.

(4.) Any person who fails to comply with the requirements of this section shall be guilty of an offence and shall be liable upon conviction to a penalty not exceeding Ten pounds or imprisonment for a period not exceeding one month and shall in addition be liable to refund any amount of pension received by him in excess of the amount to which he would have been entitled had notice been given in accordance with this section and shall be ineligible to receive a pension during such period, not exceeding two years, as the Commission determines.

(5.) The Commission may sue for and recover in any Court of competent jurisdiction any amount which any person is liable to refund under the last preceding sub-section.

(6.) Proceedings for an offence against this section may be commenced at any time within three years after the commission of the offence.

" 45AQ.—(1.) Whenever required by the Commission or a Board each service pensioner shall forward to the Commission or Board,

Service pensioner to furnish information when required.

as the case may be, a statement in the prescribed form relating to his income and accumulated property.

(2.) Where a service pensioner fails to comply with any requirement made by the Commission or a Board under the last preceding sub-section the Commission or Board may cancel the pension.

Cancellation or variation of pension.

"45AB. If upon investigation the Commission or a Board is satisfied that a service pension should be cancelled or that the rate of pension is greater or less than it should be, the Commission or Board may cancel the pension or reduce or increase the rate of pension accordingly."

Local Committees.

25. Section forty-nine of the Principal Act is amended—

(a) by inserting after sub-section (2.) the following sub-section :—

"(2A.) Any person appointed or purporting to have been appointed as a member of a Local Committee prior to the eighth day of February, One thousand nine hundred and thirty-four, shall be deemed to be and at all times to have been validly appointed." ; and

(b) by inserting after sub-section (3.) the following sub-sections :—

"(3A.) Where a Local Committee fails or refuses to furnish, as prescribed, information to the Commission relating to the funds of the Committee or where, after investigation in the prescribed manner, the Commission is satisfied that the funds of a Local Committee are not being disbursed in accordance with this Act, the Commission may, by notification in the *Gazette*, declare that the funds of the Local Committee to which the notice refers, are vested in the Commission and thereupon such funds shall be vested in the Commission.

"(3B.) Upon notification by the Commission that the funds of a Local Committee have been vested in the Commission, any person or body of persons having control of those funds shall transfer the funds to the Commission, or otherwise deal with them as directed by the Commission.

"(3C.) Upon receipt of any funds vested in the Commission under this section the Commission may disburse them in the manner provided by or under this Act in relation to the disbursement of the funds of the Local Committee by which the funds so vested in the Commission were raised.

"(3D.) Where the Minister is satisfied that—

(a) funds held by a Local Committee ; or

(b) funds of a Local Committee which, in pursuance of this section are vested in the Commission, cannot be suitably disbursed in the district for which the Committee is appointed, he may, in writing, authorize the Committee or the Commission, as the case may be, to disburse the funds in some other district for the granting of assistance and benefits to any of the persons or classes of persons referred to in sub-section (3.) of this section,

and thereupon the Committee or the Commission, as the case may be, shall have power so to disburse those funds.”.

26. After section fifty-seven of the Principal Act the following section is inserted :—

“ 57A. The Commission may require any person, whom it believes to be in a position to do so, to furnish to the Commission a confidential report as to the circumstances or the financial transactions of any pensioner or applicant for a pension, or for assistance and benefits, under this Act; and any person who, on being required to do so by the Commission, fails, without just cause (proof whereof shall lie upon that person) to furnish a report within a reasonable time, or furnishes a report containing any statement which is untrue in any particular, shall be guilty of an offence.

Furnishing of  
information.

Penalty : One hundred pounds or imprisonment for six months.”.

27.—(1.) The Second Schedule to the Principal Act is amended—  
(a) by omitting the third paragraph and inserting in its stead the following paragraph :—

Amendment of  
Second  
Schedule.

“ In the case of a member of the Forces who is maintained in an establishment at the public expense for a period in excess of forty-two days, the Special Rate of Pension shall not be payable except for the first forty-two days of the period.”; and

(b) by omitting from the fifth paragraph the words “ except for any period during which he is maintained in an establishment at the public expense ” and inserting in their stead the words “ but in respect of any period during which the member is maintained in an establishment at the public expense, the allowance shall not be payable as from the first day upon which a periodical payment of pension is made after the date of his admission to the establishment ”.

(2.) This section shall be deemed to have commenced on the first day of January, One thousand nine hundred and thirty-five.

28.—(1.) The Fifth Schedule to the Principal Act is amended by omitting paragraph (c) of the proviso and inserting in its stead the following paragraph :—

Amendment of  
Fifth  
Schedule.

“ (c) (i) in the case of a member of the Forces who is maintained in an establishment at the public expense for a period in excess of forty-two days, an amount under this Schedule shall not be payable except for the first forty-two days of the period ;

(ii) in respect of any period during which a member of the Forces is maintained in an establishment at the public expense, an allowance for an attendant under this Schedule shall not be payable as from the first day upon which a periodical payment of pension is made after the date of his admission to the establishment ; ”.

(2.) This section shall be deemed to have commenced on the first day of January, One thousand nine hundred and thirty-five