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10 GEORGE VI.

CHAP. 43.

An Act respecting Civilian War Pensions and Allowances.

[Assented to 31st August, 1946.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as *The Civilian War Pensions and Allowances Act*. Short title.
2. In this Act, unless the context otherwise requires, Definitions.
 - (a) "Commission" means the Canadian Pension Commission; "Commission."
 - (b) "War" means the war waged by His Majesty and His Majesty's Allies against Germany and Germany's Allies which for the purposes of this Act shall be deemed to have commenced on the first day of September, one thousand nine hundred and thirty-nine, the date or dates, as the case may be, of termination of which will be such date or dates as may be proclaimed by the Governor in Council. "War."
3. All claims for pensions, allowances and compensation under this Act shall be dealt with and adjudicated upon in like manner as claims under the *Pension Act* and all the provisions of the *Pension Act* not inconsistent with this Act shall, with such modifications as circumstances may require, apply to every claim under this Act. Claims to be dealt with as claims under Pension Act. R.S., c. 157.
4. Every department of Government shall furnish the Commission with such information and material as the Commission may from time to time require for the purpose of considering applications for pensions, allowances and compensation under this Act. Information and material.

PART I

CANADIAN MERCHANT SEAMEN, SALT-WATER FISHERMEN.

Interpretation.

5. In this Part, unless the context otherwise requires, Definitions.
 - (a) "Canadian national" means a Canadian National as defined in the *Canadian Nationals Act*; "Canadian national." R.S., c. 21.

"Canadian salt-water fisherman."

"Canadian ship."

"Certified non-Canadian ship."

"enemy action, or counter-action against the enemy."

"ship."

Canada Shipping Act, 1934 to apply. 1934, c. 44.

Rates of pension. R.S., c. 157.

When injury or disease deemed to have been suffered while serving upon Canadian or non-Canadian ship.

- (b) "Canadian salt-water fisherman" means a British subject who served upon a ship engaged in the fishing industry of Canada in Canadian tidal waters;
- (c) "Canadian ship" means a ship of Canadian registry or licence certified as such by the Director of Marine Services of the Department of Transport, but does not include a ship under bareboat charter to any charterer resident outside Canada;
- (d) "certified non-Canadian ship" means a ship, other than a Canadian ship, when employed on a voyage that the Director of Marine Services of the Department of Transport certifies was essential to the prosecution of the War on behalf of His Majesty or His Majesty's allies;
- (e) "enemy action, or counter-action against the enemy" includes extraordinary marine hazards occasioned by the War and encountered by a Canadian ship or by a certified non-Canadian ship when employed on a voyage that in the opinion of the Commission was essential to the prosecution of the War on behalf of His Majesty or His Majesty's allies;
- (f) "ship" includes every description of vessel used in navigation not propelled by oars.

6. For the purposes of this Part the class of a vessel, the nature of the trade in which a vessel is engaged, and the status of the members of the crew, shall be determined according to the provisions of the *Canada Shipping Act, 1934*, and regulations made thereunder.

Pensions for Disability and Death.

7. (1) Subject to this Part, pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the *Pension Act* for members of the naval forces of Canada, to or in respect of,

- (a) persons who, while serving upon any Canadian ship;
- (b) Canadian nationals who, while serving upon any certified non-Canadian ship; and
- (c) Canadian salt-water fishermen who, while serving upon a ship engaged in the fishing industry of Canada in Canadian tidal waters,

during the War and as a direct result of enemy action, or counter-action taken against the enemy, suffer injury or disease or aggravation thereof resulting in disability or death.

(2) For the purposes of this Part, injury or disease or aggravation thereof shall be deemed to have been suffered while serving upon a Canadian ship or upon a certified non-Canadian ship where it is suffered by a person while he is out of Canada and

- (a) is proceeding by sea or by land or by air to a Canadian ship or to a certified non-Canadian ship for the purpose of being in the service thereof;
- (b) is returning by sea or by land or by air to Canada or to the country of which he is a citizen or national, from a Canadian ship or from a certified non-Canadian ship after being in the service thereof; or
- (c) is on leave from a Canadian ship or from a certified non-Canadian ship that is in a port outside Canada.

8. The rate of pension to be awarded to or in respect of a person mentioned in section seven of this Act shall be determined according to the rank or rating of the naval forces of Canada assigned to such person's status by the following table:

Rate of pension to be determined according to rank or rating.

TABLE.

A. Pensions for Personnel of Canadian Ships or Certified non-Canadian Ships.

Status.	Rank or Rating of the Naval Forces.
(a) Ship in Foreign Trade	
(i) Master.....	Commander
(ii) Chief Officer.....	Lieutenant-Commander
(iii) Chief Engineer.....	Commander
(iv) Second Engineer.....	Lieutenant-Commander
(v) Other Navigating and Engineer Officers	
Purser.....	Lieutenant
Surgeon.....	
Chief Steward.....	
Wireless Officer of 10 years or more seniority.....	
(vi) All other officers.....	Sub-Lieutenant
(b) Ship in Home Trade	
(i) Master.....	Lieutenant
(ii) All other officers.....	Sub-Lieutenant
(c) Ship in Inland and Minor Waters Trade	
(i) Master.....	Lieutenant
(ii) All other officers.....	Sub-Lieutenant
(d) All trades	
(i) All other members of the crew.....	Able Seaman
(e) Pilots	
(i) Licensed Pilots.....	Lieutenant
(ii) Licensed Apprentice Pilots.....	Sub-Lieutenant

B. *Pensions for Canadian Salt-Water Fishermen*

- (a) Master of fishing boats of 60 registered tons or over..Lieutenant
- (b) Master of other fishing boats.....Sub-Lieutenant
- (c) Other members of the crew..Able Seaman

Application to be made within one year.

9. (1) Subject to subsection two of this section no pension shall be awarded under this Part unless an application is made therefor within one year after the occurrence of the death or disability in respect of which the pension is claimed.

Extension of time.

(2) Where it is established to the satisfaction of the Commission that

(a) lack of communication facilities prevented a person from making an application within the time limited by subsection one of this section; or

(b) a dependent of a person in respect of whose death a pension is claimed did not receive notice of the death in time to enable him to make an application within the time limited by subsection one of this section, the Commission may, on special application in that behalf, extend the time within which an application for pension may be made.

If compensation otherwise payable.

10. No pension shall be awarded under this Part in respect of any disability or death for which compensation is payable under any workmen's compensation or similar laws unless evidence satisfactory to the Commission is provided that a claim for such compensation has not been made and unless the person entitled to such compensation submits to the Commission a waiver, in a form approved by the Commission, of all claims for such compensation in respect of such disability or death.

Presumption of death.

11. The Commission may for the purposes of this Part presume death in every case where, according to the evidence available as to the circumstances surrounding the disappearance of the person whose death is in question or loss of the ship upon which he was serving, the Commission is satisfied beyond a reasonable doubt that the death has in fact occurred.

Deduction from pension.

12. Notwithstanding anything in this Part, the Commission shall deduct from the pension otherwise payable under this Part to any person in respect of death or disability of a Canadian national who served on a certified non-Canadian ship, the amount of pension payable to such person in respect of such death or disability under the laws of the country in which the ship was registered or licensed or to which it was chartered.

13. Notwithstanding anything in this Part, where a person entitled to a pension under this Part is not a Canadian citizen and is not a resident of Canada the Commission may, in lieu of that pension, award such pension or such lump sum as the Commission deems commensurate with the pension that would be payable under this Part to such person if he were a Canadian citizen or a resident of Canada, having regard to comparative living costs and such other matters that may affect the value of the pension, but no pension or amount awarded under this section shall exceed the amount of pension that would be payable to such person under this Part if he were a Canadian citizen or a resident of Canada.

Where person may award not a Canadian citizen and not a resident of Canada.

Detention Allowances.

14. (1) In any case where

(a) a person, while serving upon a Canadian ship during the War; or

(b) a Canadian national, while serving upon a certified non-Canadian ship, or upon a ship engaged in the fishing industry of Canada in Canadian tidal waters is detained by a foreign country and by reason of such detention payment of remuneration to him or on his behalf for such service is discontinued, in whole or in part, by his employer, the Commission may, subject to this section, award to such person a detention allowance equal to the amount by which the remuneration received by him immediately prior to such detention was so diminished.

Commission may award detention allowances.

(2) In the case of a person who served upon a ship engaged in the fishing industry and who, at the time of his detention was engaged in a profit-sharing venture, the rate of remuneration received by him immediately prior to his detention shall, for the purposes of subsection one of this section, be deemed to be the average monthly remuneration received by him for the twelve months immediately preceding his detention.

Average monthly remuneration.

(3) In the case of a Canadian national who served upon a certified non-Canadian ship the Commission shall deduct from the allowance otherwise payable to him under this section the amount of any detention or similar allowance payable to him under the laws of the country in which the ship was registered or licensed or to which it was chartered.

Deduction

15. The Commission may pay to the dependents of a person to whom an allowance is awarded under section fourteen of this Act such portion of the allowance as the Commission in its discretion deems reasonable, and the remainder of the amount so awarded shall be paid to such person or to his legal representatives upon termination of the detention in respect of which the allowance was awarded.

Payment to dependents.

PART II.

AUXILIARY SERVICES PERSONNEL.

Interpretation.

Definitions.

"helper."

16. In this Part, unless the context otherwise requires, (a) "helper" means a person who was employed and paid by Canadian Legion War Services Inc., The National Council of the Young Men's Christian Association of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services, to assist supervisors and who proceeded from Canada for attachment to

(i) the Canadian naval forces under the authority of the Chief of Naval Personnel;

(ii) active units and formations of the Canadian military forces under the authority of the Adjutant-General; or

(iii) active units and formations of the Canadian air forces under the authority of the Air Member for Personnel;

"member of the Overseas Headquarters Staff."

(b) "member of the Overseas Headquarters Staff" means a person who is not a supervisor or helper and who was a member of the Headquarters Staff of, and was employed and paid by Canadian Legion War Services Inc., The National Council of the Young Men's Christian Association of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services, and who proceeded from Canada under the authority of the Chief of Naval Personnel, the Adjutant-General or Air Member for Personnel;

"supervisor."

(c) "supervisor" means an authorized field representative of Canadian Legion War Services Inc., The National Council of the Young Men's Christian Association of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services, who directly provided services and recreational equipment to any of the naval, military or air forces of Canada and who was selected and approved by, and proceeded from Canada under the authority of the Chief of Naval Personnel, the Adjutant-General or Air Member for Personnel.

Supervisors.

Rates of pension to supervisors.

17. In respect of their service as supervisors rendered between the time of embarkation for service outside of Canada and the termination of such service by the appropriate naval, military or air force authorities, pensions

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shall

shall be awarded in accordance with the rates set forth in Schedules A and B of the *Pension Act* for Captain (Military) to or in respect of supervisors who suffer injury or disease or aggravation thereof resulting in disability or death attributable to or incurred during such service.

Helpers.

18. In respect of their service as helpers rendered between the time of embarkation for service outside of Canada and the termination of such service by the appropriate naval, military or air force authorities, pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the *Pension Act* for Lieutenant (Military) to or in respect of helpers who suffer injury or disease or aggravation thereof resulting in disability or death attributable to or incurred during such service.

Rates of pension to helpers.

Overseas Headquarters Staff.

19. Subject to section twenty of this Act, pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the *Pension Act* for Lieutenant (Military) to or in respect of members of the Overseas Headquarters Staff who, during their service as such and as a direct result of enemy action, or counter-action against the enemy during the War, suffer injury or disease or aggravation thereof resulting in disability or death.

Rates of pension to members of Overseas Headquarters Staff.

20. Whenever the appropriate naval, military or air force authorities certify that a member of the Overseas Headquarters Staff carried on duties with responsibilities comparable with those of an officer of higher rank than that of Lieutenant, the pension to be awarded under section nineteen of this Act shall be that set forth in Schedules A and B of the *Pension Act* for Captain (Military).

If members carried on duties comparable to those of officers of higher rank.

PART III.

CORPS OF (CIVILIAN) CANADIAN FIRE FIGHTERS FOR SERVICE IN THE UNITED KINGDOM.

21. Subject to this Part, pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the *Pension Act* for members of the military forces of Canada, to or in respect of members of the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom who suffer injury or disease or aggravation thereof resulting in disability or death attributable to or incurred during their service as members of the said Corps in accordance with the provisions of the *Pension Act*.

Rates of pension to Fire Fighters.

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Determined according to rank or rating.

22. The rate of pension to be awarded to or in respect of a member of the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom shall be determined according to the rank or rating of the military forces of Canada assigned to such member's status by the following table:—

TABLE.

Status.	Rank or Rating of the Military Forces.
Commanding Officer.....	Lt.-Colonel (Military)
Divisional Officer.....	Major (Military)
Column Officer.....	Captain (Military)
Senior Company Officer.....	Lieutenant (Military)
Company Officer.....	
Section Leader, Leading Fireman, Senior Fireman, Fireman and Junior Fireman.	

PART IV.

ROYAL CANADIAN MOUNTED POLICE.

Claims referred to Commission. R.S., c. 160.

23. (1) All claims for compensation under section twenty-one A of the *Royal Canadian Mounted Police Act* shall be referred to the Commission for consideration and adjudication, and the Commission shall assess the degree of disability in respect of which compensation may be awarded under the said section.

Rates of compensation.

(2) Compensation shall be awarded at such rate and in such manner as the Governor in Council may from time to time prescribe under section twenty-one A of the *Royal Canadian Mounted Police Act*.

At the rate when compensation first awarded.

(3) Where an assessment is made under this section and subsequently the Commission re-assesses the degree of disability, the compensation shall be paid according to the rates applicable at the time compensation was first awarded.

PART V.

ROYAL CANADIAN MOUNTED POLICE—SPECIAL CONSTABLES.

Interpretation.

Definitions. "Special constable" defined.

24. In this Part, unless the context otherwise requires, "special constable" means a person specially engaged and employed by the Royal Canadian Mounted Police under

the authority of the Governor in Council for the particular duty of mounting guard at vulnerable points throughout Canada or for any other similar duty during the War.

Pensions for Disability and Death.

25. Subject to this Part, pensions shall be awarded to or in respect of special constables who during the War and as a direct result of the performance of their duties as special constables, suffer injury or disease or aggravation thereof resulting in disability or death. Pensions of special constables.

26. The pension to be awarded under this Part in respect of disability shall be awarded at such rate and in such manner as the Governor in Council may from time to time prescribe under section twenty-one A of the *Royal Canadian Mounted Police Act*. Rate and manner.

27. The pensions to be awarded under this Part in respect of death shall be awarded in accordance with the provisions of section seventy-six of the *Royal Canadian Mounted Police Act* and for the purposes of that section the pay and allowances which would have been permitted for pension purposes shall be the actual pay and allowances of which the special constable was in receipt at the time of his death. Provisions applicable.

28. Where a special constable is in receipt of a disability pension under the *Pension Act* the amount of pension payable under this Part shall not at any time exceed the amount by which the pension authorized by the *Pension Act* for total disability exceeds the pension of which he is in receipt under the *Pension Act*. Amount of pension not to exceed that authorized by Pension Act.

29. No pension shall be awarded under this Part for any disability in respect of which a pension is awarded under the *Pension Act*. Not applicable if Pension Act applies.

30. No pension shall be awarded under this Part to or in respect of a special constable until he ceases to be a special constable. Award on ceasing to be special constable.

31. Unless it is established to the satisfaction of the Commission that the evidence upon which the application for pension is based was not in the possession of the applicant or could not reasonably have been obtained by such applicant within the times hereinafter prescribed, no pension for death shall be awarded under this Part in respect of a special constable unless application is made therefor within one year after his death and no pension for disability Application to be made within one year after death. One year after ceasing to be special constable.

shall be awarded under this Part to or in respect of a special constable unless application is made therefor within one year after he ceased to be a special constable.

Widow and children only.

32. No pension for death shall be awarded under this Part to or in respect of any dependent other than the widow and children of the special constable on account of whose death pension is claimed.

PART VI.

AIR RAID PRECAUTIONS WORKERS.

Interpretation.

Definitions.

"air raid precautions worker."

"designated area."

"serious or prolonged disability."

"war service injury."

33. In this Part, unless the context otherwise requires,

(a) "air raid precautions worker" means a person registered as a volunteer worker in a designated area by an official body organized for air raid precautions purposes, a duly registered voluntary evacuation worker or a person designated as such by the Commission pursuant to section forty-four of this Act;

(b) "designated area" means any area which has been so designated by the Governor in Council;

(c) "serious or prolonged disability" does not include a disability of a degree less than twenty per centum estimated in the manner provided by subsection two of section twenty-four of the *Pension Act*;

(d) "war service injury" means, in the case of an air raid precautions worker other than a duly registered voluntary evacuation worker, any physical injury sustained during the War and arising out of and in the course of his duties as such as a direct result of enemy action, or counter-action against the enemy or action in apprehension of enemy attack or during a blackout, test or period of training duly authorized by the senior air raid precautions officer in the designated area in which such injury was sustained, and, in the case of a duly registered voluntary evacuation worker, means injuries arising out of and in the course of his duties as an evacuation worker.

Pensions for Disability and Death.

Rates applicable.

34. Subject to this Part, pensions shall be awarded in accordance with the rates set forth in Schedules I and II to this Act in respect of serious or prolonged disability or death caused by a war service injury.

35. No pension shall be awarded under this Part in respect of a war service injury sustained by reason of the wilful negligence or improper conduct of the air raid precautions worker by or in respect of whom pension is claimed.

No pension in case of wilful negligence or improper conduct.

36. No pension in respect of a war service injury shall be paid under this Part to or in respect of any person during any period such person receives or is entitled to receive in respect of the same injury any grant, allowance, compensation, pension or other payment of a like nature, payable out of any public funds to which such person has not made a direct financial contribution, unless such grant, allowance, compensation, pension or other payment is less than the amount of the pension that would otherwise be payable under this Part in which case pension equal to the amount by which the pension that would otherwise be payable under this Part exceeds such other grant, allowance, compensation, pension or other payment, may be paid under this Part during such period.

If other pension or payment made.

37. (1) No pension shall be awarded under this Part to the widow of any person in respect of the death of such person unless she was wholly or to a substantial extent maintained by him at the time of his death, and unless she was married to him prior to the day the war service injury in respect of which pension is claimed was sustained.

Pensions to widows.

(2) No additional pension shall be awarded under this Part to any married man in respect of his wife unless she was wholly or to a substantial extent maintained by him immediately prior to the day the war service injury in respect of which such additional pension is claimed was sustained.

Pension to wife.

38. The Commission may, in its discretion, deduct from any additional pension payable under this Part in respect of any dependent, any amount payable by way of grant or allowance, whether payable out of public funds or otherwise, for the maintenance of such dependent.

Deduction.

39. Where any two persons to whom any pensions may be awarded under this Part are married to one another, pensions may be paid to them under this Part as if they were unmarried, but in every such case the additional pensions, if any, that may be awarded under this Part in respect of any dependent child or children shall be paid in respect of the injury to the husband unless the wife is not wholly or to a substantial extent maintained by him, in which case such additional pensions, if any, shall be paid in respect of the injury to the parent who is responsible for the support of such dependent child or children.

Married pensioner.

Children.

40. No additional pension shall be awarded under this Part in respect of any child born more than nine months after the day the war service injury in respect of which any pension is payable was sustained.

In case of male under 16 years of age or female under 17.

41. Where a person to whom a pension may be awarded under section thirty-four of this Act is a male under the age of sixteen years or a female under the age of seventeen years, no pension shall be paid to such person until such person, if a male, attains the age of sixteen years, or, if a female, attains the age of seventeen years, but the Commission may direct that, until such age is attained, the pension shall be administered for the benefit of such person in the manner provided by section sixteen of the *Pension Act*.

Application to be made within one year.

42. No pension shall be awarded under this Part in respect of any disability unless application is made therefor within one year after the day the war service injury resulting in such disability was sustained, or in the case of a male under the age of sixteen years or a female under the age of seventeen years, within one year after the respective ages are attained, and no pension shall be awarded in respect of death unless application is made therefor within one year after the death.

Burial expenses.

43. Where the death of an air raid precautions worker is attributable to war service injury or where at the time of death such worker was in receipt of a pension under this Part, and where his estate has not sufficient assets to pay the expenses of his burial, the Commission may, if such worker was not an in-patient under treatment in a hospital operated by the Department of Veterans Affairs, direct the payment of an amount not exceeding one hundred dollars in respect of such expenses.

Commission may designate certain persons as air raid precautions workers.

44. The Commission may designate as an air raid precautions worker any person who as an employee in an essential service, although unregistered as a volunteer worker, assisted in air raid precautions work consequent upon enemy action, or counter-action against the enemy or a duly authorized blackout.

PART VII.

INJURY DURING REMEDIAL TREATMENT.

Rates of pension.

45. Pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the *Pension Act* for Lieutenant (Military) to or in respect of persons who

(a) were called up for training, service or duty under *The National Resources Mobilization Act, 1940,*

(b) accepted and underwent treatment of any kind prescribed by the Department of Veterans Affairs for the purpose of improving their physical condition and rendering them fit for such training, service or duty, and

(c) suffer injury or disease or aggravation thereof resulting in disability or death arising out of or directly connected with such treatment.

46. Pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the *Pension Act* for Lieutenant (Military) to or in respect of persons who

Rates of pension.

(a) volunteered for active service in the naval, military or air forces of Canada but were not accepted owing to their physical condition,

(b) were furnished with remedial treatment by the Department of Veterans Affairs, under the conditions prescribed by the Governor in Council, for the purpose of rendering them fit for active service in the said forces, and

(c) suffer injury or disease or aggravation thereof resulting in disability or death arising out of or directly connected with such treatment.

PART VIII.

VOLUNTARY AID DETACHMENT.

47. In this Part, unless the context otherwise requires,

Definitions.

(a) "member of the Voluntary Aid Detachment" means a member of the Nursing Auxiliary Canadian Red Cross Corps or the Nursing Division of the Saint John Ambulance Brigade of Canada who, with the approval of the Adjutant General, served with the Royal Canadian Army Medical Corps during the War;

"member of the Voluntary Aid Detachment."

(b) "serious or prolonged disability" does not include a disability of a degree less than twenty per centum estimated in the manner provided in subsection two of section twenty-four of the *Pension Act*;

"serious or prolonged disability."

(c) "war service injury" means an injury arising out of and in the course of duties as a member of the Voluntary Aid Detachment.

"war service injury."

48. Subject to this Part, pensions shall be awarded in accordance with the Schedules I and II to this Act in respect of serious or prolonged disability or death caused by a war service injury.

Rates of pension.

49. No pension shall be awarded under this Part in respect of a war service injury sustained by reason of the

In case of improper conduct.

wilful negligence or improper conduct of the member of the Voluntary Aid Detachment by or in respect of whom pension is claimed.

Avoidance of duplication of benefits.

50. No pension in respect of a war service injury shall be paid under this Part to or in respect of any person during any period such person receives or is entitled to receive in respect of the same injury any grant, allowance, compensation, pension or other payment of a like nature, payable out of any public funds to which such person has not made a direct financial contribution, unless such grant, allowance, compensation, pension or other payment is less than the amount of the pension that would otherwise be payable under this Part, in which case pension equal to the amount by which the pension that would otherwise be payable under this Part, exceeds such other grant, allowance, compensation, pension or other payment, may be paid under this Part during such period.

Commission may direct payment of burial grant.

51. Where the death of a member of the Voluntary Aid Detachment is attributable to war service injury or where at the time of death such member was in receipt of a pension under this Part, and where the estate has not sufficient assets to pay the expenses of the burial, the Commission may, if such member was not an in-patient under treatment in a hospital operated by the Department of Veterans Affairs, direct the payment of an amount not exceeding one hundred dollars in respect of such expenses.

Limitation of time for application in case of disability.
In respect of death.

52. (1) No pension shall be awarded under this Part in respect of disability unless application is made therefor within one year after the coming into force of this Act.

(2) No pension shall be awarded under this Part in respect of death unless application is made therefor within one year after the coming into force of this Act or within one year after the death, whichever is later.

PART IX.

OVERSEAS WELFARE WORKERS.

Definitions.

"Overseas Welfare Worker."

53. In this Part, unless the context otherwise requires, (a) "Overseas Welfare Worker" means a person who, under the auspices of the Canadian Red Cross Society or the Saint John Ambulance Brigade of Canada, proceeded from Canada to serve as a welfare worker, nursing aide, ambulance or transport driver, member of the Overseas Headquarters Staff or in any other capacity and includes Orthopaedic Nurses selected by the Canadian Red Cross Society for service overseas with the Scottish Ministry of Health;

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(b)

(b) "service" means service during the War as an Overseas Welfare Worker between the time of embarkation for service outside of Canada and the termination of such service by the Canadian Red Cross Society, Saint John Ambulance Brigade of Canada or the Scottish Ministry of Health;

(c) "enemy action or counter-action against the enemy" includes extraordinary hazards occasioned by the War.

"enemy action or counter-action against the enemy."

Rates of pension.

54. Subject to this Part, pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the *Pension Act* for Lieutenant (Military) to or in respect of Overseas Welfare Workers who, during service, suffer injury, disease or aggravation thereof resulting in disability or death when such injury, disease or aggravation thereof resulting in disability or death was a direct result of enemy action or counter-action against the enemy.

55. Where an Overseas Welfare Worker is in receipt of a disability pension under the *Pension Act* the amount of pension payable under this Part, shall not exceed at any time the amount by which the pension authorized by the *Pension Act* for total disability exceeds the pension of which she is in receipt under the *Pension Act*.

Avoidance of duplication of benefits.

R.S., c. 157.

56. Any pension awarded under this Part in respect of disability or death shall be reduced by the amount of any grant, allowance, compensation, pension or other payment of a like nature, payable in respect of such disability or death out of funds to which the Overseas Welfare Worker made no direct contribution.

Pension may be reduced.

57. (1) No pension shall be awarded under this Part in respect of disability unless application is made therefor within one year after the coming into force of this Act.

Limitation of time for application.

(2) No pension shall be awarded under this Part in respect of death unless application is made therefor within one year after the coming into force of this Act or within one year after the death, whichever is later.

Disability.
Death.

PART X.

CANADIAN CIVILIAN AIR CREW OF THE ROYAL AIR FORCE TRANSPORT COMMAND.

58. In this Part, unless the context otherwise requires, (a) "Civilian Member of Overseas Air Crew" means a person, other than a member of the forces, who was employed by the Air Ministry of the United Kingdom to make trans-Atlantic flights ferrying aircraft from Canada, and who, at the commencement of such employment, was domiciled in Canada;

Definitions.

"Civilian member of Overseas Air Crew."

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(b)

"service."

(b) "service" means service during the War with Number 45 Wing of the Royal Air Force Transport Command, Number 45 Group of the Royal Air Force Ferry Command, or the Atlantic Ferrying Organization ("ATFERO"), between the date of engagement for service outside of Canada and the termination of such service by the Air Ministry of the United Kingdom; (c) "enemy action or counter-action against the enemy" includes extraordinary aerial or other hazards occasioned by the War.

"enemy action or counter-action against the enemy."

Rates of pension.

59. Where a Civilian Member of Overseas Air Crew, during service and as a direct result of enemy action or counter-action against the enemy, incurred an injury or disease or aggravation thereof resulting in serious disability or death and he is in necessitous circumstances, or, in the case of his death, his widow, child or children, are in necessitous circumstances, or, there being no widow or children, his dependent parent or parents are in necessitous circumstances, the Commission may in its discretion award such pension, not exceeding the rates payable under Schedules A or B of the Pension Act for Lieutenant (Military), as it may from time to time deem to be adequate.

R.S., c. 157.

Avoidance of duplication of benefits.

60. Any award authorized under this Part in respect of disability or death shall be reduced by the amount of any grant, allowance, compensation, pension or other payment of a like nature, payable in respect of such disability or death out of public funds to which the Civilian Member of Overseas Air Crew made no direct contribution.

If applicant entitled to other compensation.

61. Whenever an application for pension is made under this Part the Commission may, before awarding the pension, require the applicant to take all or any of such steps as may be necessary to obtain payment of any compensation that the applicant is entitled to receive from any person or under the laws of any province or country for the disability or death in respect of which the application for pension under this Part is made.

Time limit for application. Disability.

62. (1) No pension shall be awarded under this Part in respect of disability unless application is made therefor within one year after the coming into force of this Act.

Death.

(2) No pension shall be awarded under this Part in respect of death unless application is made therefor within one year after the coming into force of this Act or within one year after the death, whichever is later.

SCHEDULE I.

Scale of Pensions for Disabilities.
Percentage of Disability, Class and Annual Rate.

Status of Person	Class 1 100%	Class 2 99%-95%	Class 3 94%-90%	Class 4 89%-85%	Class 5 84%-80%	Class 6 79%-75%	Class 7 74%-70%	Class 8 69%-65%	Class 9 64%-60%
Man or woman.....	\$ 600	\$ 570	\$ 540	\$ 510	\$ 480	\$ 450	\$ 420	\$ 390	\$ 360
Additional pension for wife..	240	228	216	204	192	180	168	156	144
Additional pension for first and each subsequent dependent child.....	120	114	108	102	96	90	84	78	72
Additional pension for dependent parents.....	120	114	108	102	96	90	84	78	72

Status of Person	Class 10 59%-55%	Class 11 54%-50%	Class 12 49%-45%	Class 13 44%-40%	Class 14 39%-35%	Class 15 34%-30%	Class 16 29%-25%	Class 17 24%-20%
Man or woman.....	\$ 330	\$ 300	\$ 270	\$ 240	\$ 210	\$ 180	\$ 150	\$ 120
Additional pension for wife..	132	120	108	96	84	72	60	48
Additional pension for first and each subsequent dependent child.....	66	60	54	48	42	36	30	24
Additional pension for dependent parents.....	66	60	54	48	42	36	30	24

SCHEDULE II.

Scale of Pensions for Deaths.

Status	Annual Rate of Pension
Widow.....	\$ 480
Additional pension for first and each subsequent dependent child.....	120
Orphan child.....	240
Each subsequent orphan child, an additional.....	180
Dependent parents, if no widow or dependent children....	Such an amount not exceeding a widow's pension as is deemed adequate by the Commission.

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