

10 GEORGE VI.

CHAP. 62.

An Act to amend the Pension Act.

[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:—

R.S., c. 157;
1928, c. 38;
1930, c. 35;
1931, c. 44;
1932-33, c. 45;
1934, c. 58;
1935, cc. 8, 45;
1936, c. 44;
1939, c. 32;
1940-41, c. 23.

1. Paragraph (*dd*) of section two of the *Pension Act*, chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, as enacted by section three of chapter thirty-eight of the statutes of 1928, is repealed and the following substituted therefor:—

“(d*d*) “Department” means the Department of Veterans Affairs, and includes in respect of matters antecedent to this Act, the Military Hospitals Commission, the Department of Soldiers’ Civil Re-establishment and the Department of Pensions and National Health;”

“Department.”

2. Paragraph (*ggg*) of section two of the said Act, as enacted by section one of chapter forty-five of the statutes of 1932-33, is repealed and the following substituted therefor:—

“(g*gg*) “hospital allowance” means pay and allowances or compensation payable or paid by the Department to or on behalf of a person while undergoing treatment.”

“hospital allowance.”

3. Paragraph (*o*) of section two of the said Act, as enacted by section one of chapter twenty-three of the statutes of 1940-41, is repealed and the following substituted therefor:—

“(o) “service in a theatre of actual war” means:—

- (i) in the case of the military or air forces during World War I, service in the zone of the allied armies on the continents of Europe, Asia or Africa or in any other place at which the member of the forces has sustained injury or contracted disease directly by a hostile act of the enemy;

“service in a theatre of actual war.”

- (ii) in the case of the naval forces during World War I, service on the high seas or wherever contact has been made with hostile forces of the enemy, or in any other place at which the member of the forces has sustained injury or contracted disease directly by a hostile act of the enemy;
- (iii) in the case of the naval, military or air forces during World War II, service on the sea, in the field or in the air, in any place outside of Canada; or service in any place in Canada at which the member of the forces has sustained injury or contracted disease directly by a hostile act of the enemy."

4. Paragraphs (p) and (q) of section two of the said Act, as enacted by section two of chapter twenty-three of the statutes of 1940-41, are repealed and the following substituted therefor:—

"World War I."

"(p) 'World War I' means the war waged by the German Emperor and His Allies against His Majesty and His Majesty's Allies; and the period denoted by the term 'World War I' is the period between the fourth day of August, one thousand nine hundred and fourteen, and the thirty-first day of August, one thousand nine hundred and twenty-one, both dates inclusive;

"World War II."

(q) 'World War II' 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;"

5. Section two of the said Act, as amended by chapter thirty-eight of the statutes of 1928, chapter thirty-five of the statutes of 1930, chapter forty-five of the statutes of 1932-33, chapter forty-four of the statutes of 1936, chapter thirty-two of the statutes of 1939 (First Session), chapter twenty-three of the statutes of 1940-41 and by this Act, is further amended by adding the following subsections thereto:—

"World War I" and "World War II" substituted.

"(2) The expressions 'World War I' and 'World War II' are substituted, respectively, for the expressions 'Great War' and 'War with the German Reich' wherever the latter expressions appear in this Act.

Title of Department.

"(3) The title 'Department of Veterans Affairs' is substituted for the title 'Department of Pensions and National Health' wherever the latter title appears in this Act."

6. Subsection three, as enacted by section two of chapter forty-five of the statutes of 1932-33, subsection seven, as enacted by section two of chapter forty-four of the statutes of 1936, and subsection nine, as enacted by section three of chapter twenty-three of the statutes of 1940-41, of section three of the said Act are repealed and the following substituted therefor:—

"(3) The Governor in Council shall appoint one of the Commissioners to be Chairman and another of the Commissioners to be Deputy Chairman of the Commission. Chairman and Deputy.

"(7) The Chairman shall be paid a salary of nine thousand dollars per annum, the Deputy Chairman shall be paid a salary of seven thousand five hundred dollars per annum and each of the other Commissioners, including *ad hoc* Commissioners, shall be paid a salary at the rate of seven thousand dollars per annum; such salaries shall be paid monthly out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. Salaries.

"(9) (a) The Chairman of the Commission shall have the rank and the powers of a deputy head of a department for the purposes of this Act and shall have control and direction over the disposition of and duties to be performed by the other Commissioners and shall have control over the duties to be performed by such staff as may be assigned to the Commission by the Department. Chairman to have rank of Deputy head.

(b) In case of the absence of the Chairman or his inability to act, the Deputy Chairman shall exercise the powers of the Chairman for him or in his stead, and in such case, all regulations, orders and other documents signed by the Deputy Chairman shall have the like force and effect as if signed by the Chairman. In case of absence of Chairman.

(c) Whenever the Deputy Chairman appears to have acted for or instead of the Chairman, it shall be conclusively presumed that he so acted in the absence or disability of the Chairman within the meaning of paragraph (b) of this subsection. Presumption.

(d) When the Chairman deems it necessary for the more speedy and convenient despatch of business he may, in writing, delegate to the Deputy Chairman, from time to time, the performance of any of the duties imposed upon him under the provisions of this Act or arising out of the administration of the same, and when the performance of such duties has been so delegated, the performance thereof shall have like force and effect as if performed by the Chairman." Delegation.

7. Section ten of the said Act, as enacted by section six of chapter forty-five of the statutes of 1932-33, is amended by adding thereto the following subsections:—

Duties of
Veterans'
Bureau

"(6) The Veterans' Bureau, in addition to such duties in connection with the preparation and presentation of pension cases as are prescribed by the procedural sections of the Act, shall upon request advise pensioners and applicants upon any provision of the Act or phase of pension law or administration which may have a bearing upon their pension claims, whether in respect of entitlement to pension under section eleven or otherwise, and when deemed by the Chief Pensions Advocate necessary or advisable shall make written or oral representations to the Commission in furtherance of such claims.

Pensions
Advocates.

"(7) For the purposes of the last preceding subsection of this section Pensions Advocates shall be empowered to attend and assist the pensioner or applicant, or, in his absence represent him, at any hearing before the Commission or an Appeal Board thereof at which he is entitled to be present."

8. The introductory words of subsection one of section eleven of the said Act, as enacted by section six of chapter twenty-three of the statutes of 1940-41, are repealed and the following substituted therefor:—

Disabilities
in respect
of which
pension
claimed.

"11. (1) In respect of military service rendered during World War I or during World War II and subject to the exception contained in subsection two of this section:—"

9. (1) Paragraph (c) of subsection one of section eleven of the said Act is repealed and the following substituted therefor:—

Pre-
enlistment
disabilities.

"(c) no deduction shall be made from the degree of actual disability of any member of the forces, who has served in a theatre of actual war during World War I or during World War II, on account of any disability or disabling condition which existed in him prior to his period of service in either of the aforesaid wars: Provided that service by a member of the forces in a theatre of actual war may only be counted for the purposes of this paragraph when it has been rendered in the particular war with reference to service in which pension has been awarded: And further provided that no pension shall be paid for a disability or disabling condition which, at the time he became a member of the forces, was wilfully and deliberately concealed, was obvious or was recorded on medical examination prior to enlistment."

Proviso.

Proviso.

(2) Paragraph (e) of subsection one of section eleven of the said Act is repealed and the following substituted therefor:—

Pension for
disability
or death
during
treatment.

"(e) when a member of the forces, who has seen service during World War I or during World War II, is, upon retirement or discharge from such service, passed directly to the Department of Veterans Affairs for

treatment, a pension shall be paid to or in respect of him for disability or death incurred by him during such treatment."

10. Subsection two of section eleven of the said act is repealed and the following substituted therefor:—

"(2) In respect of military service rendered in the non-permanent active militia or in the reserve army during World War II and in respect of military service in peace time, pension shall be awarded to or in respect of members of the forces who have suffered disability, in accordance with the rates set out in Schedule A to this Act, and in respect of members of the forces who have died, in accordance with the rates set out in Schedule B to this Act, when the injury or disease or aggravation thereof resulting in disability or death in respect of which the application for pension is made arose out of or was directly connected with such military service."

Military
service in
n.p.a.m.
in reserve
army and
in peace
time.

11. Subsection three of section eleven of the said Act is repealed and the following substituted therefor:—

"(3) Notwithstanding sections twenty-seven and thirty-seven of the said Act, in the case of a pension awarded for disability or death in respect of military service during World War II that was wholly rendered in Canada on and after the twenty-first day of May, one thousand nine hundred and forty, and no part of which was rendered in a theatre of actual war, when the injury or disease or aggravation thereof resulting in disability or death in respect of which the application for pension is made did not arise out of or was not directly connected with such military service, the pension shall not take effect on any day prior to the first day of June, one thousand nine hundred and forty-six."

Date from
which
pension
may be
paid.

12. Paragraph (c) of section twelve of the said Act, as enacted by section seven of chapter twenty-three of the statutes of 1940-41, is repealed and the following substituted therefor:—

"(c) that in the case of venereal disease contracted prior to enlistment and aggravated during service, pension shall be awarded for the total pensionable disability existing at the time of discharge in all cases where the member of the forces saw service in a theatre of actual war, and no increase in disability after discharge shall be pensionable, but, if it subsequently appears upon examination that such disability has decreased in extent, pension shall be decreased accordingly; Provided that pension may thereafter be increased or decreased, subject to the limitation hereinbefore prescribed, in accordance with the degree of disability which may be shown to exist upon any subsequent examination."

Improper
conduct.

Proviso.

13. Section sixteen of the said Act, as enacted by section seven of chapter forty-five of the statutes of 1932-33, is repealed and the following substituted therefor:—

Adminis-
tration of
pension by
Commission.

“16. When a pensioner appears to be incapable of expending or is not expending the pension in a proper manner or is not maintaining the members of his family to whom he owes the duty of maintenance, or, in the discretion of the Commission, when a retroactive pension is awarded or a pensioner is receiving treatment or care from the Department, the Commission may direct that the pension be administered for the benefit of the pensioner and/or the members of his family by the Commission or the Department or by some person selected by the Commission.”

14. Subsection seven of section twenty-two of the said Act, as enacted by section twelve of chapter twenty-three of the statutes of 1940-41, is repealed and the following substituted therefor:—

Children of
deceased
pensioner.

“(7) The children of a pensioner who has died and who at the time of his death was in receipt of pension in any of the classes one to eleven mentioned in Schedule A to this Act, shall be entitled to a pension as if he had died on active service whether his death was attributable to his service or not.”

15. (1) Subsections nine and ten of section twenty-two of the said Act, as enacted by section thirteen of chapter twenty-three of the statutes of 1940-41, are repealed and the following substituted therefor:—

Pension
continued
of minor
children on
death of wife.

“(9) On and after the death of the wife of a pensioner pensioned on account of disability, the additional pension for a married member of the forces may, in the discretion of the Commission, be continued to him for so long as there is a minor child or are minor children of pensionable age, provided there exists a daughter or other person competent to assume and who does assume the household duties and care of the said child or children.

Proviso.

Proviso.

On death
of widow.

“(10) On and after the death of a widow of a member of the forces who has been in receipt of a pension, the pension for the widow may, in the discretion of the Commission, be continued for so long as there is a minor child or there are minor children of pensionable age, to a daughter competent to assume and who does assume the household duties and care of the other child or children, provided that in such cases the pension payable for children shall continue, but the rate payable for orphan children shall not apply.”

Proviso.

Discretion
of Com-
mission.

(2) Section twenty-two of the said Act is further amended by adding thereto the following subsection:—

“(11) The Commission may, in its discretion, award or refuse to award additional pension, to or in respect of a child or children of a female member of the forces.”

16. Section twenty-three of the said Act is repealed and the following substituted therefor:—

“23. When pension is awardable under the provisions of this Act in respect of the death of a member of the forces and when such member of the forces has died leaving an orphan child, or when his widow, divorced wife, parent or the woman awarded a pension under subsection three of section thirty-two of this Act, has died leaving an orphan child of such member of the forces, such orphan child shall be entitled to a pension in accordance with the provisions of Schedule B.”

Orphan
child.

17. Subsection three of section twenty-four of the said Act, as enacted by section fourteen of chapter twenty-three of the statutes of 1940-41, is repealed and the following substituted therefor:—

“(3) Pensions for disability resulting from pulmonary tuberculosis when during the treatment of a member of the forces the presence of tubercle bacilli has been discovered in the sputum or it has been proved that the disease is moderately advanced and clinically active, shall be awarded and continued as follows:—

Pensions for
pulmonary
tuberculosis.

(a) In the case of a member of the forces who served in a theatre of actual war and whose disease was attributable to or was incurred or was aggravated during service, either during World War I or World War II, and in the case of a member of the forces who did not serve in a theatre of actual war whose disease was incurred during service during either of the said wars, a pension of one hundred per cent. shall be awarded as from the date of completion of such treatment and shall be continued without reduction for a period of two years, unless further treatment is required;

(b) In the case of a member of the forces who did not serve in a theatre of actual war whose disease was aggravated during service, either during World War I or World War II, a pension of ninety per cent. shall be awarded as from the date of completion of such treatment and shall be continued without reduction for a period of two years, unless further treatment is required;

(c) In the case of a member of the forces who has seen service in the non-permanent active militia or in the reserve army during World War II or in the case of a member of the forces who has seen service in peace time, whose disease occurred on service and arose out of or was directly connected with such service, a pension of one hundred per cent. shall be awarded as from the date of completion of such treatment and shall be continued without reduction for a period of two years, unless further treatment is required;

(d) In the case of a member of the forces who has seen service in the non-permanent active militia or in the reserve army during World War II or in the case of a member of the forces who has seen service in peace time, whose disease was aggravated during service and the aggravation arose out of or was directly connected with such service, a pension of ninety per cent. shall be awarded as from the date of completion of such treatment and shall be continued without reduction for a period of two years, unless further treatment is required;

Proviso.

Provided that after the expiry of two years no pension awarded in respect of pulmonary tuberculosis shall be reduced by more than twenty per cent. at any one time, nor shall reductions be made at intervals of less than six months; and that the provisions of paragraphs (b) and (d) of this subsection shall not apply if the disease manifested itself within a period of three months after enlistment."

18. Section twenty-seven of the said Act, as enacted by section eleven of chapter thirty-two of the statutes of 1939, is amended by adding thereto the following subsection:—

Additional award in certain cases.

"(3) Notwithstanding any limitations contained in this section, the Commission may, in its discretion, in respect of service during World War II, make an additional award not exceeding an amount equivalent to an additional eighteen months' pension where, through delays in securing service or other records, or through other administrative difficulties, beyond the applicant's control, it is apparent that an injustice might otherwise ensue."

19. Section twenty-nine of the said Act, as enacted by section twelve of chapter forty-five of the statutes of 1932-33, and amended by section sixteen of chapter forty-four of the statutes of 1936, is repealed and the following substituted therefor:—

Pension reduced during treatment.

"29. (1) During such time as, under departmental regulations in that behalf, a pensioner is entitled to hospital allowance while an in-patient under treatment from the Department and his pension including the pension, if any, for his dependents, is greater than the hospital allowance awardable by the Department, pension shall be reduced by an amount which will make such pension equal to the hospital allowance.

Pension in excess of hospital allowance to be reduced.

(2) During such time as, under the departmental regulations in that behalf, a pensioner is an in-patient under treatment in respect of a disability other than his pensionable disability, his pension, if in excess of the amount he would have been entitled to receive by way of hospital allowance, if the disability for which he is under treatment

had been pensionable, shall be reduced to such amount; pending a fresh award, the payment of pension in full shall recommence forthwith upon the pensioner's ceasing to be an in-patient as aforesaid.

(3) Hospital allowance shall be paid from any appropriation granted by Parliament for this purpose or from moneys provided by Parliament for the payment of pensions under this Act.

Payment of hospital allowance.

(4) Notwithstanding the provisions of subsections one and two of this section, any addition to pension granted under subsections one or two of section twenty-six of this Act to a member of the forces who is blind shall be paid during the time he is an in-patient under treatment or care from the Department."

Blind pensioners.

20. (1) Subsection one of section thirty-two of the said Act, as enacted by section twenty-four of chapter thirty-eight of the statutes of 1928, and amended by section twelve of chapter thirty-five of the statutes of 1930, is repealed and the following substituted therefor:—

"32. (1) (a) No pension shall be paid to the widow of a member of the forces unless she was living with him or was, in the opinion of the Commission, entitled to be maintained by him at the time of his death and for a reasonable time previously thereto.

No pension to widow unless living or maintained by member of the forces.

(b) No pension shall be paid to a widower of a member of the forces."

No pension to widower.

(2) Subsection two of the said section, as enacted by section sixteen of chapter twenty-three of the statutes of 1940-41, is repealed and the following substituted therefor:—

"(2) Subject as in this Act otherwise provided, the widow of a member of the forces who was at the time of his death in receipt of a pension in any of the classes one to eleven, inclusive, mentioned in Schedule A to this Act shall be entitled to a pension as if he had died on service whether his death was attributable to his service or not,

Date for entitlement.

(a) in the case of service during World War I, if she was married to him prior to the first day of May, 1944; and

(i) the death of her husband has occurred more than one year subsequent to the date of marriage, or
(ii) the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had at the date of such marriage a reasonable expectation of surviving for at least one year thereafter;

provided that in awards made to widows married on or after the first day of January, 1930, no payment shall be made hereunder for any period prior to the first day of May, 1944;

Proviso.

(b) in the case of service during World War II and in the case of service during peace time, if she was married to such member of the forces before he was granted a pension; provided that in cases in which marriage has taken place subsequent to grant of such pension, she shall be entitled to pension,

(i) if the death of her husband has occurred more than one year subsequent to the date of marriage, or,

(ii) if the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter; and further provided that no payment shall be made under this subsection from a date prior to that from which pension is payable under the provisions of section thirty-seven of this Act."

21. Subsection four of section thirty-two of the said Act, as enacted by section sixteen of chapter twenty-three of the statutes of 1940-41, is repealed and the following substituted therefor:—

Pension to a divorced, legally separated woman, etc., awarded alimony.

"(4) (a) A woman who has been divorced, legally separated or separated by agreement from a member of the forces who has died shall not be entitled to pension unless she was awarded alimony or an alimentary allowance, or is entitled to an allowance under the terms of the separation agreement, in which case she shall be entitled, if she is in a dependent condition, to the equivalent of the widow's pension or to the equivalent of the alimony or alimentary allowance which she was awarded, or of the allowance to which she is entitled under the terms of the separation agreement, whichever is the smaller in amount: Provided that when such amount is smaller than the widow's pension it may, in the discretion of the Commission, be increased to an amount not exceeding the rates set forth in Schedule B to this Act.

Proviso.

(b) Notwithstanding anything contained in paragraph (a) of this subsection, when a woman has been divorced from a member of the forces, and such woman is in a dependent condition, the Commission may, in its discretion, award such pension not exceeding the rates set out in Schedule B to this Act, as it deems fit in the circumstances, although such woman has not been awarded alimony, if in the opinion of the Commission, she would have been entitled to an award of alimony had she made application therefor under due process of law."

22. Paragraph (a) of subsection one of section thirty-two A of the said Act, as enacted by section seventeen of chapter twenty-three of the statutes of 1940-41, is repealed and the following substituted therefor:—

"(a) in the case of service during World War I, if she was married to such member of the forces either before he was granted a pension for the injury or disease which has resulted in his death or, if the marriage took place subsequent to the grant of such pension, she shall be entitled to a pension if she was married to him prior to the first day of May, 1944, and

Pension to widow.

(i) the death of her husband has occurred more than one year subsequent to the date of marriage, or,

(ii) the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter;

provided that in awards made to widows married on and after the first day of January, 1930, no payment shall be made for any period prior to the first day of May, 1944;"

Proviso.

23. Subsection two of section thirty-three of the said Act is repealed and the following substituted therefor:—

"(2) In cases in which a member of the forces has died leaving a widow or a widow and children or orphan children entitled to pension in addition to a parent or person in the place of a parent who previous to his enlistment or during his service was wholly or to a substantial extent maintained by him, the Commission may, in its discretion, award a pension to each such parent or person not exceeding three hundred and sixty dollars per annum."

Discretion to award pensions to parents and foster parents not exceeding \$360 per annum.

24. (1) Subsection two of section thirty-seven of the said Act, as enacted by section thirteen of chapter thirty-two of the statutes of 1939, is repealed and the following substituted therefor:—

"(2) Notwithstanding any limitation contained in this section, the Commission may, in its discretion, make an additional award not exceeding an amount equivalent to an additional six months' pension, where it is apparent that hardship and distress might otherwise ensue; Provided that no payments may be made under this section in respect of any member of the forces who has died, for any period prior to the date of death, or for any period in excess of eighteen months prior to the date on which pension is finally awarded, except as otherwise provided in subsection three of this section."

Additional award.

Proviso.

(2) Section thirty-seven is further amended by adding thereto the following subsection:—

Additional
award.

"(3) Notwithstanding limitations contained in this section, the Commission may, in its discretion, in respect of service during World War II, make an additional award not exceeding an amount equivalent to an additional eighteen months' pension where, through delays in securing service or other records or through other administrative difficulties, beyond the applicant's control, it is apparent that an injustice might otherwise ensue: Provided that no such payment may be made in respect of any member of the forces who has died for any period prior to the date of death."

Proviso.

Section 46A
renumbered
as sec. 46.

25. Sections forty-five and forty-six of the said Act as enacted by sections eighteen and nineteen respectively, of chapter twenty-three of the statutes of 1940-41, are repealed and the following substituted therefor as section forty-five, and section forty-six A of the said Act is renumbered as section 46.

Benefits to
persons
who served
in allied
forces
and were
domiciled
in Canada
at commence-
ment of
World War I.

"**45.** The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of members of the British Commonwealth of Nations, other than the Dominion of Canada, or under the laws and regulations of the several countries allied with His Majesty, shall be conferred upon all persons domiciled in Canada on the date of commencement of World War I, who, subsequent to that date, have served in the naval, military or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; and the widows, children and other dependents of such persons shall be entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries; Provided that payments may be made under the provisions of this section only to such persons as are residents of Canada and during the continuance of their residence therein; and further provided that no payments may be made under these provisions in respect of any period prior to June first, one thousand nine hundred and forty-six."

Proviso.

Proviso.

Benefits to
persons who
served in
allied forces
and were
domiciled
in Canada

26. The said Act is further amended by adding thereto the following sections:—

"**46A.** The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws and regulations of members of the British Commonwealth

of Nations, other than the Dominion of Canada and the United Kingdom of Great Britain and Northern Ireland, or under the laws and regulations of the several countries allied with His Majesty, shall be conferred upon all persons domiciled in Canada at the date of the commencement of World War II, who subsequent to that date have served in the naval, military or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; and the widows, children and other dependents of such persons shall be entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries: Provided that payments may be made under the provisions of this section only to such persons as are residents of Canada and during the continuance of their residence therein.

at commence-
ment of
World War II.

Proviso.

"**46B.** In the consideration of any claim or the authorization of an award under the provisions of any of the three sections last preceding, the Commission shall require the applicant or pensioner to take all or any steps to claim payment or additional payment under the laws or regulations of the several countries by authority of which the original grant of pension was made, or under the terms of any agreement which may have been or may hereafter be made with any of the countries concerned."

Applicant
required
to seek
maximum
award from
other
country.

27. Subsection one of section fifty-two of the said Act, as enacted by section twenty-one of chapter forty-four of the statutes of 1936, is repealed and the following substituted therefor:—

"**52.** (1) When an application with respect to service in World War I is first made to the Commission after the coming into force of the amending Act of 1936, the Commission shall expeditiously consider such application and shall collect such relevant information, if any, as may be available in the records of any department of the Government of Canada and make, through its medical and other officers, such enquiry as appears advisable into the facts upon which the application is based; if satisfied on the material available, that the applicant is entitled to a pension, the Commission shall then award such pension, and shall take the necessary steps to cause payment of such pension to be made."

Duties of
Commission
on receipt of
application.

28. Subsection five of section fifty-two of the said Act is amended by adding thereto the following:

Proviso.

"Provided, however, that where the applicant is suffering from a neuropsychiatric disease it shall be within the discretion of the Chief Pensions Advocate whether the summary of evidence be furnished to the applicant."

29. The said Act is further amended by adding thereto the following section immediately after section fifty-two thereof:—

Procedure governing applications for entitlement.

"52A. (1) In respect of all applications for entitlement to pension arising out of World War II the Commission shall expeditiously consider each application and shall collect such relevant information, if any, as may be available in the records of any department of the Government of Canada and make, through its medical and other officers, such enquiry as appears advisable into the facts upon which the application is based; if satisfied, on the material available, that the applicant is entitled to a pension, the Commission shall then award such pension, and shall take the necessary steps to cause payment of such pension to be made.

Decision and reasons to be given in writing.

(2) Whenever such application is not wholly granted, the Commission shall promptly notify the applicant, in writing, of its decision, stating the grounds therefor, and shall inform such applicant that he may renew his claim, before the Commission on the submission of additional evidence, or before an Appeal Board of the Commission in person or by or with a representative, with or without additional evidence, and that he may have the assistance of the Veterans' Bureau free of charge or of a service bureau of a veteran organization, or other representative at his own expense, in the preparation and presentation of his application.

Renewal of claim.

(3) When the applicant renews his claim before the Commission, as provided for in subsection two hereof, and the Commission is satisfied, on the material available, that the applicant is entitled to pension, it shall then award such pension and shall take the necessary steps to cause payment of such pension to be made, but if this renewed application is not wholly granted, the Commission shall notify the applicant in writing, of its decision, stating as before, the grounds therefor, and shall inform him that he may, if he so desires, appear before an Appeal Board of the Commission.

Appeal.

Commission may entertain further application.

(4) The Commission may, in its discretion, entertain a further application in respect of any injury or disease resulting in disability, prior to a hearing by an Appeal Board of the Commission, but after a hearing by an Appeal

Board, the Commission may entertain no further application in respect of any injury or disease whatsoever, subject, however, to the provisions of subsection four of section fifty-seven of this Act, respecting leave to reopen an application in certain instances.

(5) After a decision has been rendered by the Commission, upon the applicant's written request, the Commission will arrange for a hearing by an Appeal Board of the Commission subject to the following conditions:—

Procedure before an Appeal Board.

(a) That additional evidence may be submitted;

(b) That prior to an Appeal Board hearing, the applicant has submitted to the Commission a statement, signed by himself, setting forth all disabilities which have been previously ruled on adversely by the Commission, and which he claims to be the result of injury or disease or aggravation thereof attributable to or incurred during military service, in regard to which he may desire to claim pension;

(c) That no member of an Appeal Board of the Commission shall adjudicate upon any case coming before an Appeal Board pursuant to the provisions of this section, if such member has previously sat as a member of the Commission at any hearing of such case, as herein provided, unless the applicant's consent thereto has first been obtained.

(6) Upon request of an applicant for an Appeal Board hearing the Commission shall notify the Veterans' Bureau accordingly and the Veterans' Bureau shall thereupon prepare a summary of all available evidence relating to the claim and shall mail a copy of the same to the applicant, or to such representative as he may direct: Provided; however, that where the applicant is suffering from a neuropsychiatric disease it shall be within the discretion of the Chief Pensions Advocate whether the summary of evidence be furnished to the applicant."

Summary of evidence.

Proviso.

30. Section sixty-three of the said Act, enacted as section seventy-three by section fourteen of chapter thirty-five of the statutes of 1930, and renumbered as section sixty-three by section twenty-nine of chapter thirty-two of the statutes of 1939, is repealed and the following substituted therefor:—

"63. Notwithstanding anything in this Act, on any application for pension the applicant shall be entitled to the benefit of the doubt, which shall mean that it shall not be necessary for him to adduce conclusive proof of his right to the pension applied for, but the body adjudicating on the claim shall be entitled to draw and shall draw from all the circumstances of the case, the evidence adduced and medical opinions, all reasonable inferences and presumptions in favour of the applicant."

Benefit of doubt.

31. Section sixty-seven of the said Act, as enacted by section twenty-two of chapter twenty-three of the statutes of 1940-41, is repealed and the following substituted therefor:—

When
certain
pensions not
payable.

“67. Notwithstanding anything contained in this or any other Act, no pension or additional pension, awardable or payable under the provisions of this Act, shall be awarded or paid,

(a) in respect of service during World War I, under Schedule A or Schedule B to this Act, to or in respect of any child of a member of the forces or pensioner if such child shall have been born on or after the first day of May, 1944, of a marriage contracted on or after that date;

(b) in respect of service during World War I, under Schedule A to this Act, to or in respect of the wife of a member of the forces or pensioner, if she shall have been married to him on or after the date aforementioned, unless there is a minor child or there are minor children of the pensioner of pensionable age born of a previous marriage and the said wife assumes the household duties and care of such child or children, when additional pension for a married member of the forces may, in the discretion of the Commission, be awarded or paid during the time such child or children are of pensionable age.”

32. The said Act is further amended by adding thereto the following section:—

Female
members of
the forces.

“68. When provision is made in this Act for members of the forces, such provision shall be deemed to include female members of the forces and members of the Canadian Women's Army Corps, except as otherwise expressly enacted in this Act: Provided that any payment or additional payment authorized for any period prior to the tenth day of January, 1945, in respect of female members of the forces shall be at the rates previously prescribed by the Governor in Council.”

Proviso.

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