



OFFICE CONSOLIDATION

WAR VETERANS ALLOWANCE ACT, 1952

R. S. C. 1952, c.340

as amended by

1955, c. 13

1957, c. 14

1957-58, с. 7

1960, с. 36

1960-61, с. 39

1964-65, с. 34

1965, с. 20

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WAR VETERANS ALLOWANCE ACT, 1952.

An Act respecting Allowances for War Veterans and
their Dependants.

SHORT TITLE.

1. This Act may be cited as the *War Veterans Allowance Act, 1952*. Short title.

INTERPRETATION.

2. (1) In this Act,
- | | |
|---|---|
| (a) "allowance" means an allowance payable under this Act; | Definitions.
"Allowance." |
| (b) "Board" means the War Veterans Allowance Board established by this Act; | "Board." |
| (c) "child" means | "Child."
Rep. and
new,
1965, c. 20,
s. 1 (1). |
| (i) a child of a veteran, or | |
| (ii) a child of a widow who, having been a recipient, marries and whose husband of that marriage dies within five years of the date of that marriage, and includes a step-child, an adopted child or a foster child of a veteran; | |
| (d) "Department" means the Department of Veterans Affairs; | "Depart-
ment." |
| (e) "District Authority" means a District Authority established by this Act; | "District
Authority." |
| (f) "Minister" means the Minister of Veterans Affairs; | "Minister." |
| (g) "orphan" means | "Orphan." |
| (i) a child who is bereft by death of his parents, | Rep. and
new,
1955, c.
13, s. 1. |
| (ii) a child who is bereft by death of one parent and whose surviving parent has, in the opinion of a District Authority or the Board, abandoned or deserted the child, or | |
| (iii) a child of unmarried parents who is bereft by death of his father and whose father was, at the time of his death, a recipient of an allowance in respect of that child; | New.
1960-61,
c. 39,
s. 2 (1). |
| (gg) "parent" includes an adoptive or foster parent or a step-parent; | "Parent."
New. 1955,
c. 13, s. 1. |
| (h) "recipient" means any person to whom or on whose behalf payment of an allowance is authorized by this Act; | "Recipient." |

(i) Repealed. 1955, c. 13, s. 1.

"Widow",
"widower."
Rep. and
new,
1965, c. 20,
s. 1 (2).

(j) "widow" means

- (i) a widow of a veteran, or
 - (ii) a widow who, having been a recipient, marries and whose husband of that marriage dies within five years of the date of that marriage,
- and "widower" means a veteran bereft by death of his wife; and

"Veteran."

(k) "veteran" means any former member of the North West Field Force and any of the following persons, more particularly described in section 30, namely,

- (i) a veteran of the South African War,
- (ii) a Canadian veteran of World War I or World War II,
- (iii) an allied veteran,
- (iv) a Canadian dual service veteran,
- (v) an allied dual service veteran, and
- (vi) a Canadian Forces veteran.

Widows of
allied
veterans.
New.
1957-58,
c. 7, s. 1.

(2) For the purposes of this Act, the expression "widow" includes a woman who has resided in Canada for a total period of at least ten years and was married to a person who has since died and who at the time of his death

(a) was resident in Canada, and

(b) was a person as described in paragraph (b) of subsection (4) or paragraph (b) of subsection (6) of section 30, except that he had not resided in Canada for a total period of at least ten years, but the total of the time he had resided in Canada prior to his death and the time that has elapsed since his death is at least ten years.

(3) Notwithstanding anything in this Act, a woman who

(a) was residing with a veteran at the time of his death and was prohibited from celebrating a marriage with him by reason of a previous marriage either of that veteran or of herself with another person; and

(b) shows to the satisfaction of the Board that that veteran had, during the seven years immediately prior to the date of his death, continuously maintained and publicly represented her as his wife,

may be deemed by the Board to be the widow of that veteran for the purposes of this Act.

Persons
Board may
deem
widows.
New.
1960-61,
c. 39, s. 2 (2).

ALLOWANCES TO VETERANS, WIDOWS AND ORPHANS.

3. (1) Subject to this Act, an allowance is payable to

Veterans,
widows and
orphans.

- (a) any male veteran who has attained the age of sixty years;
- (b) any female veteran or widow who has attained the age of fifty-five years;
- (c) any veteran or widow who, in the opinion of the District Authority,
 - (i) is permanently unemployable because of physical or mental disability, or
 - (ii) is, because of physical or mental disability or insufficiency combined with economic handicaps, incapable and unlikely to become capable of maintaining himself or herself; and
- (d) an orphan; who is resident in Canada.

(2) The allowances payable under this section to a veteran, widow or orphan shall be paid at the lesser of the following rates, namely,

Amount.

- (a) the monthly rate specified for such veteran, widow or orphan in Column II of Schedule A, or
- (b) the monthly rate that will produce the total income, including allowances, specified for such veteran, widow or orphan in Column III of Schedule A.

(3) Notwithstanding subsection (1), the allowance payable under this section to a veteran, widow or orphan may be paid to that veteran, widow or orphan who absents himself from Canada after the coming into force of this Act if, on the day that he leaves Canada, he

Payment
where
recipient
absent from
Canada.
New. 1960,
c. 36, s. 1.

- (a) is a recipient of an allowance under this section or section 5; and
- (b) had been resident in Canada for the twelve months immediately preceding that day.

Rep. and
new. 1965,
c. 20, s. 2 (1).

(4) Notwithstanding anything in this section, the allowance payable under this section to a widow or orphan may be paid to

Payment to
widows and
orphans
resident
outside
Canada.
New.
1960-61,
c. 39, s. 3.

- (a) the widow of a recipient who dies outside of Canada if that widow resides outside of Canada and
 - (i) left Canada with that recipient or within a period of three months of the day on which that recipient left Canada,
 - (ii) had been resident in Canada for twelve months immediately preceding the day she left Canada, and

- (iii) was living with and being maintained by that recipient at the time of his death; and
- (b) an orphan of a recipient who dies outside of Canada if that orphan resides outside of Canada and
 - (i) left Canada with that recipient or within a period of three months of the day on which that recipient left Canada, or
 - (ii) was born outside of Canada to that recipient and his spouse, both of whom left Canada at the same time or within a period of three months of one another.
- (5) Where both parties to a marriage are residing together and are veterans to whom an allowance is payable under this section, each may be paid an allowance as a recipient described in paragraph (a) of Item 1 of Schedule A.

Where both parties to a marriage are veterans.
New. 1965, c. 20, s. 2 (2).

Determination of allowance payable.
New. 1965, c. 20, s. 2 (2).

- (6) In determining the allowance payable to each party to a marriage under subsection (5),
 - (a) each may be paid at the lesser of the following rates:

- (i) the monthly rate specified in Column II of Schedule A for a veteran described in paragraph (a) of Item 1 of Schedule A, or
 - (ii) the monthly rate that will produce the total income, including allowance, specified in Column III of Schedule A for a veteran described in paragraph (a) of Item 1 of Schedule A,

but their combined annual incomes shall not exceed two times the maximum total annual income specified in Column III of Schedule A for a veteran described in paragraph (a) of Item 1 of Schedule A;

- (b) their combined personal property shall not exceed in value the amount set out in paragraph (b) of subsection (1) of section 8;
 - (c) their combined real property holdings, for the purposes of subsection (2) of section 6, shall not exceed in value the amount set out in that subsection; and
 - (d) their combined casual earnings shall not exceed the amount defined by the regulations in the case of a married recipient.

4. Repealed. 1965, c. 20, s. 3.

SPECIAL AWARDS.

5. (1) On the death of a veteran who, at the time of his death or at any time within the last twelve months of his life, was a recipient of an allowance under section 3, the District Authority may, in its discretion, and within six months from the date of such death, award to his surviving spouse an allowance not exceeding in the aggregate twelve times the lesser of the following rates, namely:

Surviving spouse.
Rep. and new.
1965, c. 20, s. 4 (1).

- (a) one hundred and sixty-one dollars a month, or
- (b) the monthly rate that will produce a total income, including allowance, to the surviving spouse of two thousand and six hundred and sixty-four dollars a year.

(2) On the death of a spouse or child in respect of whom a veteran was, at the time of such death or at any time within the twelve months immediately preceding that death, a recipient of an allowance under section 3, the District Authority may, in its discretion, and within six months from the date of such death, award to such veteran an allowance not exceeding in the aggregate twelve times the lesser of the rates specified in paragraphs (a) and (b) of subsection (1).

Dependant.
Rep. and New.
1960-61, c. 39, s. 4 (2).

(3) Repealed. 1965, c. 20, s. 4(2).

(4) Notwithstanding anything in this Act, no allowance under this section is payable on the death of a veteran or of a spouse or child of a veteran in respect of any period more than twelve months after the date of such death, and no other allowance is payable under this Act to a person to whom any allowance under this section has been awarded, during any period in respect of which the allowance so awarded is payable to that person.

Limitation on allowance payable.
New.
1955, c. 13, s. 3 (1).

(5) Where, at any time after the coming into force of this section, a veteran dies and, at the time of his death,

- (a) the veteran was eligible for an allowance under section 3, and

Applications pending at time of death.
New.

- (b) an application for such allowance made by him and received by the District Authority was pending,

1955, c. 13, s. 3 (1).
Rep. and new.
1965, c. 20, s. 4 (3).

the veteran shall, if the District Authority so directs, be deemed, for the purposes of subsection (1), to have been a recipient of that allowance at the time of his death.

(6) Notwithstanding the time limitation of six months within which the District Authority may make an award under subsection (1) or (2), the Board may direct the District Authority to make an award under that subsection where the failure to make an award within those six months was caused by administrative oversight.

Saving.
New.
1965, c. 20, s. 4 (4).

PAYMENT OF ALLOWANCES.

New. 1965, C.20, S.5

Allowance
to cease
with death.
New. 1965,
c. 20, s. 5.

Exception.
New.
1965,
c. 20, s. 5.

5A. (1) Subject to this Act, an allowance payable under section 3 or awarded under section 5 shall continue to be paid during the lifetime of the recipient but shall cease with his death.

(2) Notwithstanding subsection (1), where the death of a recipient occurs after the day of the mailing of an allowance cheque to him for the month in which the death occurs, the allowance shall be paid for the whole of that month.

EXEMPT INCOME.

What
receipts
not income.

6. (1) Notwithstanding anything in this Act or the regulations, the following receipts are not income for the purposes of this Act:

- (a) any sum payable under section 30 of the *Pension Act* or under similar or equivalent laws of the country in whose forces the recipient served;
- (b) any additional allowance payable under the *Pension Act* in respect of any child or parent of a veteran or under similar or equivalent laws of the country in whose forces the veteran served;
- (c) any pension or grant received by reason of a military decoration;
- (d) any casual earnings of the recipient;
- (e) any gratuity paid or credit granted under the *War Service Grants Act*;
- (f) receipt of money or assistance from any province or municipality by way of mothers' allowance or by way of relief to dependent children;
- (g) any allowance paid under the *Family Allowances Act*;
- (h) Repealed. 1957-58, c. 7, s. 3 (1).
- (i) interest on bank deposits and bonds and dividends on shares in the capital stock of any company to the extent of fifty dollars per annum from all such sources; and
- (j) any other receipts, whether in cash or in kind, prescribed by the regulations.

Rep. and
New.
1960-61,
c. 39, s. 5 (1).

Home of
recipient.
Rep. and
New. 1965,
c. 20, s. 6.

(2) In determining what shall be deemed to be the income of a recipient from any interest in real property, the value of any premises in which the recipient resides shall be taken into account only to the extent that it exceeds ten thousand dollars.

LIMITATIONS.

7. No allowance is payable under section 3 unless an application therefor has been made in accordance with this Act and the regulations and the allowance has been awarded.

Application
for allowance.
Rep. and
New. 1965,
c. 20, s. 7.
Limitation
on payment
of
allowance.
Amended.
1965,
c. 20, s. 8.

8. (1) No allowance is payable under section 3 to

- (a) a veteran, widow or widower described in Item 1 of Schedule A or an orphan described in Item 5 of Schedule A, who owns personal property of a value in excess of one thousand two hundred and fifty dollars;
- (b) a veteran described in Item 2 or 4 of Schedule A who, together with his spouse, owns personal property of a value in excess of two thousand five hundred dollars;
- (c) a veteran, widow or widower described in Item 3 of Schedule A who, together with his child, owns personal property of a value in excess of two thousand five hundred dollars; or
- (d) orphans described in Item 6 or 7 of Schedule A who, either jointly or separately, own personal property of a value in excess of two thousand five hundred dollars.

(2) No allowance is payable under section 5 to a veteran or to the surviving spouse of a veteran described in that section where the personal property owned by that spouse and the deceased veteran or by that veteran and his deceased spouse or child is in excess of two thousand five hundred dollars.

Idem.
New.
1960-61,
c. 39, s. 6.

9. No allowance shall be paid to any person who served in enemy forces in World War II.

Enemy
forces.

10. (1) Subject to subsection (2), no allowance shall be paid to a widow unless she was residing with or being maintained by her husband at the time of his death.

Widow.

(2) The Board may exempt any widow from the operation of subsection (1) in any case where it deems it just and reasonable so to do.

Exemption.

11. Notwithstanding anything in this Act, no allowance under section 3 shall be paid to a widow of a veteran and no allowance under section 5 shall be awarded to the surviving spouse of a veteran if such veteran dies within one year from the date of his or her marriage, unless, in the opinion of the Board

Recent
marriage.
Rep. and
New.
1965,
c. 20, s. 9.

- (a) such veteran was at the time of that marriage in such a condition of health as to justify him or her in having an expectation of life of at least one year; or
- (b) the circumstances surrounding the marriage and subsequent death of the veteran are of such a special nature as to merit the payment or award of an allowance.

Child. 12. (1) No allowance shall be paid to, in respect of or on behalf of a child unless the child is

- (a) a male child under the age of sixteen years;
- (b) a female child under the age of seventeen years;
- (c) under the age of twenty-one years and is following and making satisfactory progress in a course of instruction approved by the District Authority; or
- (d) under the age of twenty-one years and is prevented by physical or mental incapacity from earning a livelihood.

Exception. (2) Notwithstanding subsection (1), an allowance may be paid to, in respect of or on behalf of a child over the age of twenty-one years who is prevented by physical or mental incapacity from earning a livelihood where the child is residing with a surviving parent, but no allowance shall be paid unless the incapacity occurred before the child attained the age of twenty-one years.

Rights under Pension Act. 13. Except as provided in subsection (9) of section 24 of the *Pension Act*, the right of any veteran to receive a pension under the *Pension Act* is not affected by anything in this Act or by the receipt of any allowance.

SUSPENSION OF ALLOWANCE.

Absence from Canada. Rep. and New. 1960, c. 36, s. 2. 14. (1) Where a recipient of an allowance under section 3 absents himself from Canada, payment of his allowance shall, subject to subsection (3) of that section, be suspended immediately following the payment for the month in which he so absents himself, but may be resumed when the recipient returns to Canada.

Conviction for offence. (2) Where a recipient of an allowance is convicted of an offence and sentenced to a term of imprisonment exceeding thirty days, payment of his allowance shall be suspended when the term of imprisonment commences, but may be resumed upon the release of the recipient from imprisonment.

Inmate of institution. Rep. and New. 1956, c. 20, s. 10. (3) Where a recipient is maintained at the expense of the Department as an inmate of any institution, payment of his allowance shall be suspended during the time he is so maintained, except that the District Authority may, in its discretion, continue payment, for a period not exceeding three months in any period of twelve consecutive months, of the allowance to a recipient without dependants where he would suffer hardship if no allowance were paid for those three months.

Discretionary payments. Rep. and New. 1965, c. 20, s. 10. (4) Notwithstanding anything in this section, the District Authority may, in its discretion, continue payment of the allowance to the dependants of any recipient described in this section for a period not exceeding twelve months when such recipient is

serving a term of imprisonment or for such time as the recipient is being maintained at the expense of the Department as an inmate of any institution.

PAYMENT ON BEHALF OF RECIPIENT.

15. Where in any case a District Authority is of opinion that the recipient would be likely to apply the amount of any allowance otherwise than to the best advantage, it may direct the payments to be made to and administered by such person as it selects.

16. For the purpose of ensuring continued occupancy by a recipient of a home acquired by him under the *Soldier Settlement Act* or the *Veterans' Land Act*, a District Authority may, with the consent in writing of the recipient, enter into an arrangement with the Director of Soldier Settlement, or The Director, The Veterans' Land Act, as the case may be, to pay to him out of the recipient's allowance an amount not exceeding forty dollars per month to be applied against the indebtedness of the recipient under the *Soldier Settlement Act* or the *Veterans' Land Act*.

ASSIGNMENT OF ALLOWANCE.

17. Except as provided in this Act, no allowance is subject to assignment, alienation or transfer by the recipient or to seizure in satisfaction of any claim against him.

TRANSFER OF PROPERTY.

18. When it appears to a District Authority or the Board that any applicant or recipient or his spouse has disposed of property for the purpose of qualifying for an allowance or for a larger allowance than he might otherwise have been entitled to, the value of such property shall, in determining the amount of allowance, if any, that such person should receive, be taken into account as if that disposition had not been made.

RECOVERIES.

19. Where a person has received or obtained an allowance payment to which he was not entitled, the amount thereof may be recovered at any time as a debt due to the Crown.

PENALTIES.

20. (1) Every person who, for the purpose of obtaining an allowance either for himself or for any other person, knowingly, in any application or otherwise, makes a false or misleading statement or fails to disclose any material fact, is guilty of an offence and liable on summary conviction to a fine of not less than fifteen dollars and not more than one hundred dollars or to

Payments to other persons.

Indebtedness to Director of Soldier Settlement or Veteran's Land Act. Rep. and New. 1960-61, c. 39, s. 7.

No assignment, etc., permitted.

Transfer of property to qualify. Rep. and New. 1960-61, c. 39, s. 8.

Recoveries.

Offence.

imprisonment for a term not exceeding three months or to both fine and imprisonment.

Procedure.

(2) Any complaint or information in respect of an offence under this Act or the regulations may be heard, tried or determined in the place in which the offence was committed or the matter of the complaint or information arose or in any place in which the accused is apprehended or happens to be.

Limitation.

(3) A prosecution of an offence under this Act or the regulations may be instituted at any time within twelve months from the time when the subject matter of the prosecution arose.

EVIDENCE.

Certificates
prima facie
evidence.

21. In any trial, prosecution or other proceeding

(a) a certificate purporting to be signed by the Chairman of the Board and setting forth the amount of allowance obtained and the portion thereof that remains unpaid or unrecovered as of any day, is receivable in evidence as *prima facie* proof of the amount of the allowance obtained and the portion thereof that remains unpaid or unrecovered as of that day; and

(b) a document purporting to be an adjudication of a District Authority or of the Board is receivable in evidence as *prima facie* proof of the facts stated therein; without proof of the signature or official character of any person appearing to have signed the certificate or document and without further proof thereof.

REGULATIONS.

Regulations.

22. On the advice of the Board and with the approval of the Governor in Council the Minister may make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations

- (a) prescribing the manner and form of making applications for allowances and the information and evidence to be furnished in connection therewith;
- (b) prescribing the times and manner of payment of allowances and providing for adjustment of such payments in relation to the income of the recipient;
- (c) defining residence and defining intervals of absence from Canada that shall be deemed not to have interrupted residence in Canada;
- (d) for determining whether any veteran is unable to maintain himself by following his former ordinary occupation or is capable of taking light or intermittent employment;

- (e) defining income for the purposes of this Act, and prescribing the manner in which income is to be determined, including the income of a recipient and his spouse and the determination of an amount thereof that each shall be deemed to receive;
- (f) for determining the amount that, for the purposes of this Act, shall be deemed to be the income of a recipient from any interest in real or personal property owned or acquired by the recipient or his spouse;
- (g) requiring recipients to report any change in their financial or domestic circumstances;
- (h) providing, by the suspension or withholding of allowances, for the recovery of any allowance payments to which a recipient was not entitled;
- (i) providing for the circumstances justifying or requiring the suspension of payment of allowance and the resumption of payment;
- (j) prescribing the quorum of a District Authority and the procedure to be followed in matters coming before District Authorities;
- (k) prescribing the procedure to be followed in appeals from adjudications of District Authorities and to give effect to adjudications of the District Authorities and of the Board;
- (l) prescribing a fine or a term of imprisonment that may be imposed upon summary conviction as a penalty for violation of any regulation, but a fine so prescribed shall not exceed fifteen dollars and a term of imprisonment so prescribed shall not exceed one month; and
- (m) defining "casual earnings" and "personal property" for the purposes of this Act.

DISTRICT AUTHORITIES.

23. (1) The Minister may establish regional districts of the Department for any area and, with the approval of the Governor in Council, may appoint for each district a District Authority consisting of such number of persons employed in the Department as the Minister may prescribe.

(2) An application for an allowance shall be made to the District Authority established for the regional district in which the applicant resides.

(3) A District Authority has full and unrestricted power and authority and exclusive jurisdiction to deal with and adjudicate upon all matters and questions arising under this Act in the district for which the District Authority was established, relating to the award, increase, decrease, suspension, or cancellation of any allowance awarded or paid under this Act.

New.
1960-61,
c. 39, s. 9.

District
Authorities.

Applications
for allowance.

Adjudica-
tion.

Review of
adjudication.

24. Every adjudication by a District Authority is subject to review from time to time by the District Authority and it may, for the purpose of any such review, require the recipient to submit a statement of such facts as it may consider relevant to determine his right to have any allowance continued; such statement shall be verified in such manner as the District Authority may direct and in the event the recipient fails to furnish a statement as required, the District Authority may reduce, suspend or cancel payment of the allowance.

WAR VETERANS ALLOWANCE BOARD.

War
Veterans
Allowance
Board
established.

25. (1) There shall be a Board to be known as the War Veterans Allowance Board which, subject to subsection (3), shall consist of not less than three nor more than five members to be appointed by the Governor in Council.

Chairman
and Deputy
Chairman.
Rep. and
New, 1960-61,
c. 39, s.
10 (1).

(2) The Governor in Council shall designate one of the members to be Chairman of the Board and one of the members to be Deputy Chairman of the Board.

Additional
temporary
members.

(3) The Governor in Council may from time to time appoint not more than three additional temporary members, and in addition, may appoint to be additional members of the Board, without remuneration as such, the Deputy Minister and, as his alternate, the Assistant Deputy Minister and one other person who is not on the staff of the Department.

Tenure of
temporary
members.

(4) Every temporary member shall be appointed for a period not exceeding one year, but on the expiration of his term of office he is eligible for re-appointment.

Authority of
Chairman.

(5) The Chairman of the Board has control and direction over the duties to be performed by the other members of the Board and the duties to be performed by such members of the staff of the Department as may be assigned to the Board by the Minister.

Duties of
Deputy
Chairman.
Rep. and
New, 1960-61,
c. 39,
s. 10 (2).

(6) If the Chairman is absent or is unable to act or if the office is vacant, the Deputy Chairman has and may exercise all the powers and functions of the Chairman.

Salaries.
New.
1960-61,
c. 39,
s. 10 (2).

(6a) The Chairman, Deputy Chairman, the other members and the temporary members shall each be paid a salary to be fixed by the Governor in Council, except that the salary to be paid to the temporary members and to the other members shall be fixed at the same rate.

Quorum.

(7) Two members of the Board constitute a quorum.

(8) Each member shall devote the whole of his time to the performance of his duties under this Act, and shall not accept or hold any office or employment that the Governor in Council may declare to be inconsistent with the performance of his duties under this Act. Other duties.

(9) The Governor in Council, upon the retirement of any member of the Board who is not entitled to any benefit under the *Public Service superannuation Act* and who has served on the Board Pension. Amended, 1955, c. 13, s. 6 (2).

(a) at least twenty years, or

(b) at least ten years, and

(i) has reached the age of sixty-five years, or

(ii) is physically or mentally incapacitated,

may grant to him a pension for his life not exceeding one-third of the salary to which he was entitled as such member and on his death to his widow a pension for her life not exceeding one-sixth of such salary. Rep. and New, 1955, c. 13, s. 6 (3).

(10) A member of the Board, including an additional temporary member who, at the time of his appointment as such, held a position in the civil service or was an employee within the meaning of the *Civil Service Act*, retains and is eligible to receive all the benefits, except salary as a civil servant, that he would have been eligible to receive had he remained under that Act. Civil Service status.

POWERS OF DISTRICT AUTHORITIES AND BOARD.

26. The District Authority and the Board and any person acting under the authority of the Board in that behalf, have all the powers of a commissioner under Part II of the *Inquiries Act* for the purpose of any investigation required to be made in order to determine whether any allowance should be made, suspended or revoked, what should be the amount of any allowance or whether payment of any allowance should be made to the recipient or to some other person for administration on his behalf. Investigation.

27. The District Authority and the Board have the right, for the purpose of ascertaining the age of any applicant, to obtain any information from the Dominion Bureau of Statistics on the subject of the age of such applicant that may be contained in the returns of any census taken more than twenty years before the date of the application for such information. Census information.

27A. The Governor in Council may impose upon the Board or a District Authority duties similar to those performed by a District Authority under this Act in respect of any allowances authorized to be paid under any other Act, and such effect shall be given to any such adjudication by the Board or a District Authority as the Governor in Council may direct. Additional duties of Board and District Authority. New, 1960-61, c. 39, s. 11.

APPEALS.

Appeals. 28. (1) An appeal may be taken in accordance with the regulations from an adjudication of a District Authority to the Board by an applicant or recipient aggrieved by the adjudication.

Review. (2) The Board may on its own motion review any adjudication of a District Authority and shall deal with it as though an appeal from the adjudication had been taken pursuant to subsection (1).

Adjudication. (3) The Board may on any appeal from or review of an adjudication under this section dismiss the appeal or decline to alter the adjudication or may alter or reverse the adjudication.

Alteration of adjudication. (4) The Board may at any time review and alter any adjudication made by the Board under this section.

ADMINISTRATION OF ACT.

Administration. 29. Except as to the power, authority and jurisdiction to deal with and adjudicate upon applications for allowances under this Act, the Minister shall be charged with the administration of this Act.

VETERANS DESCRIBED.

Veterans described. 30. (1) The veterans referred to in paragraph (k) of section 2 are those described in this section.

Veteran of South African War. (2) A veteran of the South African War is
 (a) any former member of a Canadian contingent who served in a theatre of actual war during the South African War or who had landed in or had embarked for South Africa prior to the 1st day of June, 1902; or
 (b) any former member of His Majesty's forces who served in a theatre of actual war during the South African War or who had landed in or had embarked for South Africa prior to the 1st day of June, 1902, and who was domiciled in Canada immediately prior to the 11th day of October, 1899, or has resided in Canada for a total period of at least ten years.

Canadian veterans of World War I or World War II. (3) A Canadian veteran of World War I or World War II is any former member of His Majesty's Canadian forces

(a) who served during World War I or World War II, and
 (i) served in a theatre of actual war,
 (ii) is in receipt of a pension for injury or disease incurred or aggravated during his service in such forces or is declared to have been eligible for, or awarded, such a pension subsequent to his death, or

(iii) has accepted a commuted pension, or

(b) who served in the United Kingdom during World War I for at least three hundred and sixty-five days prior to the 12th day of November, 1918.

(3a) Repealed. 1965, c. 20, s. 11 (1).

(4) An allied veteran is

(a) any former member

(i) of any of His Majesty's forces who served during World War I or World War II,

(ii) of any of the forces of any of His Majesty's allies who served during World War I or World War II, or

(iii) of any of the forces of any power associated with His Majesty in World War I who served during World War I,

who was domiciled in Canada at the time he joined such force for the purpose of such war and

(iv) served in a theatre of actual war,

(v) is in receipt of a pension for an injury or disease incurred or aggravated during his service in such force or is declared to have been eligible for, or awarded, such a pension subsequent to his death,

(vi) has accepted a commuted pension; or

(vii) served in the United Kingdom during World War I for at least three hundred and sixty-five days prior to the 12th day of November, 1918; or

(b) any former member of His Majesty's forces, or of any of the forces of any of His Majesty's allies or powers associated with His Majesty in any war concluded or terminated on or before the 15th day of August, 1945, who served during any such war, and has resided in Canada for a total period of at least ten years, and

(i) served in a theatre of actual war,

(ii) is in receipt of a pension for an injury or disease incurred or aggravated during his service in any such force during such war or is declared to have been eligible for, or awarded, such a pension subsequent to his death, or

(iii) has accepted a commuted pension.

(4a) In calculating for the purposes of paragraph (b) of subsection (3) and subparagraph (vii) of paragraph (a) of subsection (4) the period served in the United Kingdom during World War I by a former member of one of the forces described

Rep. and New.
1957-58,
c. 7, s. 7 (1).

Allied
veteran.

Rep. and New.
1960-61,
c. 39,
s. 12 (4).

New.
1965,
c. 20,
s. 11 (2).

Amended.
1960, c. 36,
s. 3.

Rep. and New.
1960-61,
c. 39,
s. 12 (5).

Service in United Kingdom.
New.
1965, c. 20,
s. 11 (3).

in subsections (3) and (4), there shall be included the travelling time of that member

(a) from the date of his embarkation for the United Kingdom until his arrival in that country; and

(b) from the date of his embarkation for Canada until his arrival in this country.

(5) A Canadian dual service veteran is a person who

(a) served during World War I and World War II as a member of His Majesty's Canadian forces,

(b) was enlisted or obligated to serve in such forces without territorial limitation, and

(c) has been honourably discharged or has been permitted honourably to resign or retire from such forces.

(6) An allied dual service veteran is

(a) a person who

(i) served during World War I as a member of His Majesty's forces,

(ii) was domiciled in Canada when he became a member of such forces,

(iii) was a member of His Majesty's Canadian forces during World War II, enlisted or obligated to serve without territorial limitation, and

(iv) has been honourably discharged or has been permitted honourably to resign or retire from such forces; or

(b) a person who

(i) served during World War I as a member of His Majesty's forces or of any of the forces of any of His Majesty's allies or powers associated with His Majesty,

(ii) was a member of His Majesty's Canadian forces during World War II, enlisted or obligated to serve without territorial limitation,

(iii) has resided in Canada for a total period of at least ten years, and

(iv) has been honourably discharged or has been permitted honourably to resign or retire from such forces.

(7) A Canadian Forces veteran is a person who,

(a) as a member of the forces referred to in section 15 of the *National Defence Act*, left Canada or the United States of America, including Alaska, at any time prior to the 27th day of July, 1953, to participate in military operations undertaken by the United Nations to restore peace in the Republic of Korea, or

Canadian
dual service
veteran.

Allied dual
service
veteran.

Rep. and
New.
1960-61,
c. 39,
s. 12 (6).

Rep. and
new.
1957-58,
c. 7, s. 7 (3).

Canadian
Forces
veteran.
Rep. and
New.
1955, c. 13,
s. 7 (1).

(b) is

(i) in receipt of a pension under the *Pension Act*, or

(ii) declared to have been eligible for, or awarded, a pension under the *Pension Act* subsequent to his death,

having become eligible for such pension by virtue of section 5 of *The Veterans Benefit Act, 1951*, or by virtue of section 5 of the *Veterans Benefit Act, 1954*.

(8) For the purposes of this section "theatre of actual war" means

(a) in the case of the South African War, the zone of the military operations in South Africa in which the forces of the United Kingdom of Great Britain and Ireland were engaged prior to the 1st day of June, 1902;

(b) in the case of World War I,

(i) as applied to the army or air forces, the zone of the allied armies of the continents of Europe, of Asia, or of Africa, or wherever the veteran has sustained injury or contracted disease directly by a hostile act of the enemy;

(ii) as applied to the naval forces, the high seas or wherever contact has been made with hostile forces of the enemy, or wherever the veteran has sustained injury or contracted disease directly by a hostile act of the enemy; and

(c) in the case of World War II

(i) with respect to a former member of His Majesty's Canadian forces, any place where he has been on service involving duties performed outside the Western Hemisphere, including service involving duties performed outside of Canada, Newfoundland and the United States of America and the territorial waters thereof in aircraft or anywhere in a ship or other vessel, which service is classed as "sea time" for the purpose of advancement of naval ratings, or which would be so classed were the ship or other vessel in the service of the naval forces of Canada, and

(ii) with respect to a former member of His Majesty's forces other than His Majesty's Canadian forces, or of any of the forces of His Majesty's Allies or powers associated with His Majesty in World War II, such places, zones or areas as the Board may prescribe.

(9) For the purposes of this section "commuted pension" means a final payment under the *Pension Act* in lieu of annual

Rep. and
New.
1960-61,
c. 39,
s. 12 (7).

"Theatre
of actual
war"
defined.

Rep. and
New.
1960-61,
c. 39,
s. 12 (8).

"Commuted
pension"
defined.

pension in respect of a disability rated at five per cent or more of total disability, or a similar or analogous final payment under the laws relating to the forces with which the veteran served.

Commence-
ment and
duration
of wars.

(10) For the purposes of this section,

(a) the South African War shall be deemed to have commenced on the 11th day of October, 1899, and to have concluded on the 31st day of May, 1902;

(b) World War I shall be deemed to have commenced on the 4th day of August, 1914, and to have concluded on the 31st day of August, 1921; and

Amended.
1955, c. 13,
s. 7 (2).

(c) World War II shall be deemed to have commenced on the 1st day of September, 1939, and to have terminated

(i) in respect of service in connection with operations in the European and Mediterranean theatres of war, on the 8th day of May, 1945, and

(ii) in respect of service in connection with operations in the Pacific theatre of war, on the 15th day of August, 1945.

(11) For the purposes of this Act,

Application
to New-
foundland.

(a) the expression "Canadian forces" includes any forces raised in Newfoundland and "domicile in Canada" and "residence in Canada" include respectively domicile and residence in Newfoundland, whether before or after the union of Newfoundland with Canada; and

(b) a veteran who

Veteran
deemed
married.

(i) is residing with a woman with whom he is prohibited from celebrating a marriage by reason of a previous marriage either of such woman or of himself with another person, and

(ii) shows to the satisfaction of the District Authority that he has, for seven years or more, continuously maintained and publicly represented such woman as his wife,

Amended.
1955, c. 13,
s. 7 (3).

shall be deemed to be married to that woman, and upon the death of the veteran at any time while so deemed to be married, such woman shall be deemed to be his widow.

Limitation
on amount
payable as
allowance
and pension
New.
1955, c. 13,
s. 7 (4).

(12) Where, in respect of the death of any veteran either before or after the coming into force of his subsection,

(a) an allowance under this Act is payable to the widow of such veteran, and

(b) a pension under section 36 of the *Pension Act* is payable to one or more persons described in that section,

the total amount that may be paid by way of allowance and pension as specified in paragraphs (a) and (b) at any time under

this Act and the *Pension Act* shall not exceed the greater of the following rates, namely,

(c) the monthly rate that will produce an annual amount equal to the maximum total annual income (income including allowance) specified for the widow of such veteran in Column III of Schedule A to this Act, or

(d) the monthly rate that will produce the amount per annum specified for a widow in Schedule B to the *Pension Act*;

which total amount shall be apportioned between the persons to whom any such allowance or pension is payable, in such shares as are fixed by the Board and the Canadian Pension Commission, having regard to the circumstances of each such person and of any children involved.

TRANSITIONAL AND REPEAL.

31. (1) Subject to this section, every person who, immediately prior to the coming into force of this Act, was eligible for and in receipt of an allowance under *The War Veterans' Allowance Act, 1946* shall be deemed to have been awarded, on the day this Act comes into force, the allowance under this Act for which he is eligible.

Continuation
of
allowances

(2) Every person who, immediately prior to the coming into force of this Act, was in receipt of an allowance under *The War Veterans' Allowance Act, 1946* may be paid an additional allowance equal to the amount that he would have been eligible to receive under this Act in respect of the period between the 1st day of January, 1952, and the coming into force of this Act, if this Act, except section 4, had been in force during that period, less any amount that he was eligible to receive under *The War Veterans' Allowance Act, 1946* in respect of that period.

Increase of
allowances
for 1952.

(3) Every person

(a) who was awarded an allowance under *The War Veterans' Allowance Act, 1946*, whose allowance was discontinued and was not being paid immediately prior to the coming into force of this Act, for the reason that the amount of his income rendered him ineligible for the allowance, or

(b) who, prior to the coming into force of this Act, applied for an allowance under *The War Veterans' Allowance Act, 1946* but was not granted the allowance for the reason that the amount of his income rendered him ineligible for such an allowance,

Application
for
allowances.

may apply for and be granted an allowance in respect of the period between the 1st day of January, 1952, and the coming into force of this Act equal to the amount that he would have been

eligible to receive under this Act in respect of that period if this Act, except section 4, had been in force during that period, less any amount that he was eligible to receive under *The War Veterans' Allowance Act, 1946* in respect of that period.

Recovery of overpayments.

(4) The provisions of this Act and the regulations relating to the recovery of overpayments of allowances apply in respect of overpayments of allowances made under *The War Veterans' Allowance Act, 1946*, or *The War Veterans' Allowance Act*, chapter 48 of the statutes of 1930.

Repeal.

32. *The War Veterans' Allowance Act*, chapter 290 of the Revised Statutes of Canada, 1952, is repealed.

SCHEDULE A.

Rep. and New. 1965, c. 20, s. 12.

TABLE OF ALLOWANCES.

I Class of Recipient	II Monthly Rate	III Maximum total annual income (income including allowance)
1. (a) Unmarried veteran without child or not residing with child.	\$94	\$1,596
(b) Widow without child or not residing with child.		
(c) Widower without child or not residing with child.		
(d) Married veteran not residing with spouse, and without child or not residing with child.		
(e) A person described in paragraph (a), (b), (c) or (d) who is blind within the meaning of the <i>Blind Persons Act</i> .	\$94	\$1,716
2. Married veteran residing with spouse.	\$161	\$2,664 total for veteran and spouse
3. (a) Unmarried veteran residing with child.	\$161	\$2,664
(b) Widow residing with child.		
(c) Widower residing with child.		
(d) Married veteran not residing with spouse and residing with child.	\$161	\$2,784
(e) A person described in paragraph (a), (b), (c) or (d) who is blind within the meaning of the <i>Blind Persons Act</i> .		
4. (a) Married veteran residing with spouse who is blind within the meaning of the <i>Blind Persons Act</i> .	\$161	\$2,784 total for veteran and spouse
(b) Married veteran who is blind within the meaning of the <i>Blind Persons Act</i> and residing with spouse.		
5. One orphan.	\$60	\$1,008
6. Two orphans of one veteran.	\$105 total for the two orphans	\$1,608 total for the two orphans
7. Three or more orphans of one veteran.	\$141 total for the three or more orphans	\$2,016 total for the three or more orphans

SCHEDULE B.

Repealed. 1965, c. 20, s. 12.