BERMUDA
2009 : 11
PENSIONS AND GRATUITIES (WAR SERVICE) AMENDMENT ACT 2009

[Date of assent: 25 March 2009]
[Operative Date: 25 March 2009]

ARRANGEMENT OF SECTIONS

1 Short title
2 Amends section 1
3 Amends section 2
4 Amends section 3
5 Amends section 4
6 Amends section 5
7 Amends section 6
8 Amends section 7
9 Repeals and replaces section 11
10 Amends heading for section 12
11 Repeals and replaces section 13
12 Amends heading for section 14
13 Repeals sections 17 to 21
14 Repeals sections 23 to 26
15 Amends section 28
16 Amends section 29
17 Amends section 31
18 Amends section 32
19 Repeals and replaces section 33
20 Amends section 34
21 Amends section 35
22 Date for entitlement to pensions and benefits
23 Related amendment

Be it enacted by The Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Short title
1 This Act may be cited as the Pensions and Gratuities (War Service) Amendment Act 2009.
PENSIONS AND GRATUITIES (WAR SERVICE) AMENDMENT
ACT 2009

Amends section 1
2 Section 1 of the Pensions and Gratuities (War Service) Act 1947 (the “principal Act”) is amended—

(a) by repealing the definitions “business gratuity”, “dependent”, “gratuity”, “material date”, “other dependant”, “overseas service gratuity”, “spouse”, “termination”, “unmarried dependant living as a spouse” and “vocational gratuity”;

(b) in the definition “benefit”—

(i) by deleting the words “or gratuity”, and

(ii) by deleting the words “and special allowances awarded and paid under section 32” and substituting the words “special allowances under section 32 and defrayal of costs of respite care under section 33A”;

(c) in the definition “member of the armed forces” by deleting the semicolon at the end of subparagraph (iii) and substituting the following—

“, or

(iv) the Bermuda Volunteer Force or Home Guard;”;

(d) by repealing the definition “pension” and replacing it with the following—

““pension” means a pension awarded under this Act;”;

and

(e) in the definition “the Second World War” by deleting the words “such date as may, for the purposes of this Act, be declared by the Governor to be the end of the war” and substituting the words “the fifteenth day of August, 1945”.

Amends section 2
3 Section 2(9) of the principal Act is amended by deleting the words “Insurance Officer appointed under the Contributory Pensions Act 1970” and substituting the words “Director of Social Insurance for the Ministry of Finance”, and by deleting the words “Insurance Officer” and substituting the words “Director of Social Insurance”.

Amends section 3
4 Section 3 of the principal Act is amended by deleting the words “, gratuity,” and “, gratuities” wherever they occur.
PENSIONS AND GRATUITIES (WAR SERVICE) AMENDMENT ACT 2009

Amends section 4
5 Section 4 of the principal Act is amended by inserting the following after subsection (3)—

“(4) The negative resolution procedure applies to regulations made under subsection (1).”.

Amends section 5
5A Section 5(1) of the principal Act is amended by deleting the word “, gratuity”.

Repeals and replaces section 6
6 Section 6 of the principal Act is repealed and replaced by the following—

“Evidence of entitlement to pension or benefit
6 The Commissioners may require an applicant for an award of a pension or benefit to submit such information and documentation as the Commissioners see fit in support of their entitlement to the pension or benefit, including service records, medical reports and affidavits.”.

Amends section 7
7 Section 7 of the principal Act is amended—

(a) by repealing subsection (1) and replacing it with the following—

“(1) Where the Commissioners have decided to—
(a) refuse the award of any pension or benefit; or
(b) reduce or terminate any benefit,
then the applicant for the pension or benefit shall be notified by the Commissioners in writing in accordance with subsection (2).”; and

(b) in subsection (2)(c) by deleting the word “, gratuity”.

Repeals and replaces section 11
8 Section 11 of the principal Act is repealed and replaced by the following—

“Award of pension for war service
11 Subject to this Act, a pension in respect of war service may be awarded to any person who was a member of the armed forces or a mercantile mariner and who performed war service.”.

Amends heading for section 12
9 The headnote to section 12 of the principal Act is amended by deleting the word “disablement”.

3
PENSIONS AND GRATUITIES (WAR SERVICE) AMENDMENT
ACT 2009

Repeals and replaces section 13
10 Section 13 of the principal Act is repealed and replaced by the following—

“Award of pension to surviving spouse
13 Subject to this Act, a pension may be awarded to the surviving spouse of a person who was in receipt of a pension under section 11 at the time of their death.”.

Amends heading for section 14
11 The headnote to section 14 of the principal Act is amended by deleting the words “in respect of death”.

Repeals sections 17 to 21
12 Sections 17, 18, 19, 20 and 21 of the principal Act are repealed.

Repeals sections 23 to 26
13 Sections 23, 24, 25 and 26 of the principal Act are repealed.

Amends section 28
14 Section 28(1) of the principal Act is amended by deleting all the words before the word “then” and substituting the following—

“(1) Where any person who was a member of the armed forces or a mercantile mariner and who performed war service suffers any illness or other disablement which, in the opinion of the Commissioners, necessitates medical or surgical treatment or palliative or hospice care,”.

Amends section 29
15 Section 29 of the principal Act is repealed and replaced by the following—

“Hospital costs for surviving spouse
29 The surviving spouse of a person who was a member of the armed forces or a mercantile mariner and who performed war service shall be entitled to the same defrayal of costs as that person was entitled to under section 28.”.

Repeals section 31
16 Section 31 of the principal Act is repealed.

Amends section 32
17 Section 32 of the principal Act is amended—

(a) by repealing subsections (1) and (4); and

(b) in subsections (2) and (3) by deleting the words “an ex-serviceperson” and substituting the words “a pensioner”.

4
PENSIONS AND GRATUITIES (WAR SERVICE) AMENDMENT ACT 2009

Repeals and replaces section 33
18 Section 33 of the principal Act is repealed and replaced by the following—

“Burial expenses
33 The Commissioners may defray all or part of the burial expenses for a pensioner up to a maximum of $5,000.

Respite care
33A (1) The Commissioners may defray all or part of the cost of respite care for a pensioner, subject to such terms and conditions as may be prescribed.

(2) In this section, “respite care” means the provision of alternative care arrangements for a pensioner in order to provide short term temporary relief to a person who cares for the pensioner at home.”.

Amends section 34
19 Section 34 of the principal Act is amended by—

(a) deleting the word “, gratuity”; and

(b) deleting the amount “$3,360” and substituting the amount “$5,000”.

Amends section 35
20 Section 35 of the principal Act is amended by—

(a) deleting the word “, gratuity” wherever it occurs; and

(b) deleting the amount “$1,680” and substituting the amount “$2,500”.

Date for entitlement to pensions and benefits
21 (1) The provisions of this Act and the Pensions and Gratuities (War Service) Amendment Act 2007 that entitle a person to, or authorize the payment of, a pension or a benefit shall take effect from April 1, 2007.

(2) For greater certainty, no person is entitled to any pension or benefit that is conferred by this Act, or by the Pensions and Gratuities (War Service) Amendment Act 2007, for any period before April 1, 2007.

Related amendment
22 Section 1 of the Pensions and Gratuities (War Service) Amendment Act 2007 is amended by deleting the words “Pensions and Gratuities (War Service) Amendment Act 1947” and substituting the words “Pensions and Gratuities (War Service) Act 1947”.

5