

WESTERN PACIFIC HIGH COMMISSION.

No. 9 of 1920



[L.S.]

C. H. RODWELL,

High Commissioner.

16th September, 1920.

KING'S REGULATION

TO PROVIDE FOR THE GRANT BY THE GOVERNMENT OF THE BRITISH SOLOMON ISLANDS PROTECTORATE OF WAR PENSIONS.

Made by His Britannic Majesty's High Commissioner for the Western Pacific under the provisions of the Pacific Order in Council, 1893.

In the name of His Majesty, George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

1. This Regulation may be cited for all purposes as the SHORT TITLE.
Solomons War Pensions Regulation 1920.

2. In this Regulation unless the contrary intention DEFINITIONS.
appears the expression—

“Child” means any dependent under the age of sixteen years being a son daughter step-son step-daughter or adopted child of a member of the Forces;

“Dependents” means—

(a) the wife or widow of a person who is or has been a member of the Forces whose death or incapacity results from his employment in connection with warlike operations;

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- (b) the children of any such person;
- (c) any ex-nuptial children of that person born before the occurrence of the event resulting in his death or incapacity as aforesaid or within nine months after that event;
- (d) such other members of the family of that person as were wholly or in part dependent upon his earnings at any time within twelve months prior to his enlistment or appointment;
- (e) the parents of any such person who are at any time after the occurrence of the event resulting in his death without adequate means of support;
- (f) the ex-nuptial child (wholly or in part dependent on the earnings of any such person at any time within twelve months prior to his enlistment or appointment) of a son or daughter of that person; and
- (g) the parents or grandparents of any such person who is an ex-nuptial child who were so dependent;

“ Incapacity ” includes incapacity of a member of the Forces arising from disease not due to the default of the member contracted by him while employed on active service;

“ Instalment ” means an instalment of a pension;

“ Member of the Forces ” means a member of the Naval or Military Forces of the Commonwealth of Australia or of the Dominion of New Zealand a member of His Majesty's Imperial Regular or Reserve Forces whether Naval or Military in cases where any such member at the commencement of the great war with Germany and her Allies was *bona fide* resident in the Protectorate;

“ Member of a family ” means wife father mother grandfather grandmother step-father step-mother son daughter grandson granddaughter step-son step-daughter brother sister half-brother half-sister adopted child or mother-in-law;

“ Other dependents ” means dependents of a member of the Forces other than his wife (or widow) and children;

“ Pension ” means a pension under this Regulation;

“ Board ” means the Board of Pensions to be established under this Regulation;

“ European ” means a person who is not a native;

“ Native ” includes a person of mixed European and aboriginal native descent;

“ Rank of the member ” means the rank of the member of the Forces at the time of the occurrence of the casualty or the contraction of the disease which resulted in his death or incapacity;

“ This Regulation ” includes all Rules made thereunder.

PENSIONS UPON
DEATH OR
INCAPACITY IN
CONSEQUENCE
OF WARLIKE
OPERATIONS.

3. Upon the death or incapacity of any member of the Forces whose death or incapacity has resulted from his employment in connection with warlike operations in which His Majesty has been engaged in the great war with Germany and her Allies the Government of the Protectorate shall subject to this Regulation be liable to pay to the member or his dependents or both as the case may be pensions in accordance with this Regulation.

Provided that—

(a) a claim for payment of a pension in accordance with this Regulation is made—

(1) in case of the death of a member of the Forces—by a dependent not more than one year after the date of the death of the member except in the case of parents who though not dependent upon the earnings of the member at the time of his death are at any time without adequate means of support; and

(2) in case of the incapacity of a member of the Forces—by the member or a dependent not more than one year after the termination of the appointment or discharge of the member;

except where the High Commissioner is satisfied that failure to make the claim within the prescribed period was owing to some reason which in the opinion of the High Commissioner is adequate; and

(b) if the member or his dependents is or are entitled under any Imperial Act or Act of the Commonwealth of Australia or of the Dominion of New Zealand to receive any payment in respect of death or incapacity resulting from employment in connection with warlike operations in which His Majesty has in the great war with Germany and her Allies been engaged the rate or amount of that payment shall be taken into account in assessing the rate of pension payable under this Regulation.

4. There shall be a Board of Pensions who shall subject to the control of the High Commissioner have the general administration of this Regulation. Such Board shall consist of the Resident Commissioner (who shall be the Chairman thereof) and of such other persons as the High Commissioner shall appoint.

BOARD.

5.—(1) The Board of Pensions shall have the power to administer oaths and shall have such other powers and such duties and functions as are conferred or imposed upon it by this Regulation.

POWERS AND
DUTIES OF
BOARD.

(2) In particular it shall be the duty of the Board—

(a) to receive pension claims;

(b) to investigate pension claims as prescribed; and

(c) generally to keep such books and registers and do all such things as are prescribed or as the High Commissioner may direct.

6.—(1) The Board may—

(a) summon witnesses;

(b) take evidence on oath; and

(c) require the production of documents.

FURTHER
POWERS OF
BOARD ETC.

(2) Any person who has been summoned to appear as a witness before the Board and who without lawful excuse and after tender of reasonable expenses fails to appear in answer to the summons shall be liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment for any period not exceeding one month.

(3) Any person who appears before the Board as a witness and who without lawful excuse refuses to be sworn

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or to make an affirmation or to produce documents or to answer questions which he is lawfully required to answer shall be liable on conviction before the Court to a fine not exceeding fifty pounds or in default of payment to imprisonment for any period not exceeding two months.

DUTIES OF BOARD.

7. The Board shall be charged with the duties of—

- (a) determining whether the death or incapacity of a member of the Forces in fact resulted from his employment in connection with warlike operations and in the case of incapacity the nature and extent thereof;
- (b) determining the extent to which persons alleged to be dependent upon a member of the Forces were in fact so dependent;
- (c) assessing the rates of pensions of members of the Forces and their dependents and recommending for the approval of the High Commissioner the grant of such pensions and the dates of the commencement thereof; and
- (d) such other duties as are prescribed.

REVIEW BY HIGH COMMISSIONER.

8. Whenever it appears to the High Commissioner that under this Regulation sufficient reason exists for reviewing any assessment or determination under this Regulation the High Commissioner may require the Board to review the assessment or recommendation.

SUSPENSION OF PENSION OR FORFEITURE OF INSTALMENT.

9. If any pensioner is convicted of an offence and sentenced to any term of imprisonment the High Commissioner may suspend his pension during the term of his imprisonment or any portion thereof or forfeit any instalment thereof accruing during such term or portion. Provided that in the case of a pensioner with dependents upon him the amount forfeited during the term of his imprisonment may be paid to such dependents.

RATES OF PENSION TO EUROPEANS.

10.—(1) The rates of pensions payable under this Regulation shall be as follows in the case of members of the Forces and their European dependents:

- (a) In case of the death of a member of the Forces—
 - (1) to the widow the rate specified in column two of the First Schedule opposite to the rank of the member and
 - (2) to each child the rate of two pounds per month for the first child one pound ten shillings per month for the second child and one pound per month for the third and each subsequent child and
 - (3) to the other dependents such rates as are approved by the High Commissioner but not exceeding in the aggregate the rate specified in column two of the First Schedule opposite to the rank of the member and in addition an amount not exceeding twelve pounds per quarter. Provided that the maximum rate of pension payable to any one dependent of a member including that to be paid by the Government of the Protectorate and by the Imperial Government or by any of His Majesty's Dominions shall not in any case exceed in the aggregate the amount specified in column two of the First Schedule opposite to the rank of the member.

- (b) In the case of the total incapacity of a member of the Forces—
- (1) to the member the rate specified in column three of the First Schedule opposite to the rank of the member and
 - (2) to the wife of the member fifty per centum of that rate and
 - (3) to each child of the member the rate of two pounds per month for the first child one pound ten shillings per month for the second child and one pound per month for the third child and each subsequent child and
 - (4) to the other dependents such rates as are approved by the High Commissioner but not exceeding in the aggregate the rate specified in column two of the First Schedule opposite to the rank of the member and in addition an amount not exceeding twelve pounds per quarter. Provided that the maximum rate of pension payable to any one dependent of a member including that to be paid by the Government of the Protectorate and by the Imperial Government or by any of His Majesty's Dominions shall not in any case exceed the amount specified in column two of the First Schedule opposite to the rank of the member.
- (c) In case of the partial incapacity of a member of the Forces such less rates than those referred to in paragraph (b) as are approved by the High Commissioner having regard to the nature and probable duration of the incapacity.
- (2) Notwithstanding anything contained in this section the maximum rate of pension payable to a child both of whose parents are dead shall be—
- (1) up to ten years of age two pounds per month;
 - (2) from ten to fourteen years of age two pounds ten shillings per month; and
 - (3) from fourteen to sixteen years of age three pounds per month.
- (3) The amount of pension granted and payable to a member of the Forces shall not be reduced within the period of six months from the date of the commencement of the pension.
- (4) Any member of the Forces who is incapacitated by reason of a disability specified in the Second Schedule shall receive the rate of pension shown opposite to the description of the disability in that Schedule.
- (5) If a member of the Forces who is unmarried or whose wife is either dead or a permanent invalid is incapacitated to an extent which necessitates the constant services of an attendant and the member has not the means to pay for such services the rate of his pension may be increased by a sum not exceeding two pounds per month.

11. The pension payable under this Regulation to the native widow or child of a member of the Forces whose death has resulted as aforesaid shall be at the rate specified in the third Schedule hereto and no pension shall be payable to any native dependent other than a widow or child.

RATES OF
PENSIONS TO
NATIVE WIDOWS
AND CHILDREN.

PAYMENTS OF PENSION INSTALMENTS.**PAYMENT OF LUMP SUM MAY BE SUBSTITUTED IN CERTAIN CASES.**

12. Pensions shall be paid in quarterly instalments in advance.

13. Where the Board is satisfied that in the case of any member of the Forces the rate of pension payable under this Regulation is not more than thirty per centum of the rate which would be payable as for the total incapacity of the member the Board may assess the lump sum which would in its opinion be equivalent to the payment of a pension under this Regulation and in that case the liability to payment of the lump sum so assessed shall be substituted for the liability to payment of a pension under this Regulation.

PENSIONS PAYABLE FOR LIMITED PERIOD IN CERTAIN CASES.

14.—(1) A pension payable to any dependent who at the date of the granting of the pension is under sixteen years of age shall cease upon the pensioner attaining that age or after the expiration of two years from the date of the commencement of the pension whichever occurs later.

(2) Except in the case of a child or of the wife widow father mother grandfather or grandmother of a member of the Forces no pension shall be payable for a period exceeding two years to any dependent who in the opinion of the Board is able to earn a livelihood.

(3) A child to whom a pension has been granted who on attaining the age of sixteen years is in the opinion of the Board unable to earn a livelihood may then be granted a pension at such rate as may be assessed by the Board but not exceeding the rate specified in column two of the First Schedule opposite the rank of the member. Provided that an application for the pension shall be made to the Board within six months of the child attaining the age of sixteen years.

PENSIONS TO FEMALE DEPENDENTS TO CEASE UPON MARRIAGE OR REMARRIAGE.**PENSION TO DE FACTO WIFE OF MEMBER.**

15. A pension payable under this Regulation to any female dependent of a member of the Forces shall not be continued after her marriage or remarriage.

16. In the case of any person who at the time of the occurrence of the event resulting in the death or incapacity of a member of the Forces was recognised as the wife of that member though not legally married to him if the Board is satisfied that that person was wholly or partly dependent upon the earnings of the member a pension at a rate not exceeding the rate of pension which may be allowed to the wife or widow of any such member of the Forces may be allowed to that person.

PENSIONS PAYABLE FROM MONEYS APPROPRIATED.

17. Pensions granted pursuant to this Regulation shall be payable out of moneys from time to time appropriated for the purpose by the High Commissioner.

PENSION ABSOLUTELY INALIENABLE.

18. Subject to this Regulation a pension shall be absolutely inalienable whether by way or in consequence of sale assignment charge execution insolvency or otherwise howsoever.

OFFENCES.

19. Any person who—

- (a) obtains any pension or instalment which is not payable;
- (b) obtains payment of any pension or instalment by means of any false or misleading statement; or
- (c) presents to the Board or to any officer doing duty in relation to this Regulation or to the Rules any statement or document which he knows to be false in any particular

shall be guilty of a misdemeanour and shall be liable on conviction thereof to a fine not exceeding two hundred pounds or to imprisonment with hard labour for any term not exceeding two years.

20. The High Commissioner may make Rules not inconsistent with this Regulation prescribing all matters which by this Regulation are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Regulation and in particular for prescribing the manner in which pensions or instalments due to persons who are under any incapacity or disability may be dealt with. Such Rules may provide for penalties not exceeding fifty pounds in the case of the infringement of any of them.

RULES.

21. Any person who knowingly and wilfully makes a statement false in a material particular in any certificate declaration report or other document required for the purposes of this Regulation or of the abovementioned Rules shall be guilty of a misdemeanour and shall be liable on conviction thereof to imprisonment with or without hard labour for any term not exceeding two years or to a fine not exceeding two hundred pounds or to both such imprisonment and fine.

PENALTY FOR MAKING FALSE DECLARATION ETC.

22. This Regulation shall come into operation on such date as the High Commissioner by Proclamation published in the Gazette shall appoint.

COMMENCEMENT.

THE FIRST SCHEDULE (Section 10).

SCALE OF PENSION PAYABLE TO EUROPEAN WIDOW ON DEATH OF A MEMBER OF THE FORCES, OR TO A MEMBER UPON TOTAL INCAPACITY.

Column One—Rank of the Member.	Column Two—Pension payable to Widow on death of Member.	Column Three—Pension payable to Member upon Total Incapacity.	
	Rate per quarter (13 weeks). £ s. d.	Rate per quarter (13 weeks). £ s. d.	
Private, Bombardier, Lance-Corporal, Trooper, Gunner, Driver, Sapper, Trumpeter, Bugler	19 10 0	} 26 0 0	
Able Seaman and equivalent ratings ..	20 3 0		
Corporal			
Lance-Sergeant (not paid as such) ..	20 16 0		
Leading Seaman and equivalent rating			
Sergeant, Farrier-Corporal, Shoemaker-Corporal, Saddler-Corporal, Corporal-Fitter, Farrier-Sergeant, Saddler-Sergeant, Armourer-Sergeant, Sergeant-Fitter			
Lance-Sergeant (paid as such) ..			
Petty Officer and equivalent ratings ..			
Squadron, Battery or Company Sergeant-Major, Quartermaster-Sergeant, Colour-Sergeant, Staff-Sergeant, Pay-clerk			
Chief Petty Officer and equivalent ratings			
Regimental Sergeant-Major, Regimental Quartermaster-Sergeant, ..			
Warrant Officer and equivalent ranks (Navy)			
Second Lieutenant, Lieutenant (Army)			29 5 0
Commissioned Warrant Officer and equivalent ranks; Sub-Lieutenant and equivalent ranks (Navy) ..			
Captain (Army)	32 10 0		29 5 0
Lieutenant under eight years' seniority and equivalent ranks (Navy) ..			
Major	37 1 0	33 16 0	
Lieutenant of eight years' seniority and equivalent ranks (Navy) ..			
Lieutenant-Colonel	42 18 0	39 13 0	
Colonel	44 4 0	40 19 0	

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THE SECOND SCHEDULE (Section 10 (4)).

<i>Description of disability.</i>	<i>Rate of Pension payable.</i>
Loss of leg or foot	The maximum rate for six months thereafter three-fourths of the maximum rate.
Loss of hand or arm	The maximum rate for six months, thereafter three-fourths of the maximum rate.
Loss of one eye	Half of the maximum rate.
Loss of both legs	} The maximum rate.
Loss of both feet	
Loss of both arms	
Loss of both hands	
Loss of arm and leg	
Loss of hand and foot	
Loss of both eyes	} The maximum rate.
Loss of one eye, together with loss of leg, foot, hand or arm }	

For the purposes of this Schedule a leg, foot, hand, or arm, or eye shall be deemed to be lost if it is rendered permanently and wholly useless.

THE THIRD SCHEDULE (Section 11).

SCALE OF PENSIONS PAYABLE TO NATIVE WIDOW AND CHILDREN ON DEATH OF A MEMBER OF THE FORCES.

Pension payable to widow.	Pension payable to each child.
<i>Per quarter.</i> £4 10 0	<i>Per quarter.</i> £1 10 0

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this sixteenth day of September one thousand nine hundred and twenty.

By Command,

ROGER GREENE,
Secretary to His Britannic Majesty's High
Commissioner for the Western Pacific.

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