

Bill No. 84 of 1952.

A BILL RESPECTING WIDOWS' PENSIONS.

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NOTE.

This Bill enacts a new Act to be known as "*The Widows' Pensions Act*".

A widow within the meaning of the Act includes the wife of a mental incompetent confined to a mental institute, and a wife deserted for a period of three years or more.

A widow may receive monthly payments not exceeding forty dollars per month if, at the date of the commencement of payments, she is over sixty years of age and under sixty-five years of age, was a resident of Alberta for the greater portion of the three years immediately prior to the date of application and a resident of Canada for fifteen years and is not in receipt of an allowance under either *The Blind Persons Act* (Canada) or *The Mothers' Allowance Act* (Alberta).

If the widow's income, inclusive of the widow's pension, exceeds seven hundred and twenty dollars a year, she will not be entitled to a pension under this Act.

The Lieutenant Governor in Council may make regulations dealing with the administration of this Act with respect to applications, investigations and the suspension or cancellation of pensions. Officers necessary to administer the Act may be appointed by the Lieutenant Governor in Council, who may also appoint a board of not less than three persons.

The board will receive applications for pensions, determine the eligibility of applicants and determine the amount of the pension where an applicant is eligible.

A trustee may be appointed by the board to receive the pension payments for the pensioner in cases where the pensioner is incapable of handling her own affairs or misuses the payments.

It is an offence for a person knowingly to obtain or receive a pension that she is not entitled to receive or knowingly to assist another to obtain or receive a pension that the other person is not entitled to receive.

The pensions and the expenses of administration of the Act are to be paid out of moneys appropriated for the purpose by the Legislature.

The Minister of Public Welfare is charged with the administration of this Act.

This Bill comes into force on the 1st day of April, 1952.

J. W. RYAN,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 84 of 1952.

An Act respecting Widows' Pensions.

(Assented to \_\_\_\_\_, 1952.)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

## Short Title.

1. This Act may be cited as "*The Widows' Pensions Act*". Short title.

## Interpretation.

2. In this Act, unless the context otherwise requires,—
- (a) "board" means the board appointed pursuant to section 6; Interpre-  
tation  
"board"
  - (b) "inspector" means an inspector of the Department of Public Welfare; "inspector"
  - (c) "Minister" means the Minister of Public Welfare; "Minister"
  - (d) "pension" means a pension paid under this Act; "pension"
  - (e) "recipient" means a person to whom a pension is granted; "recipient"
  - (f) "regulations" means regulations made under this Act; "regula-  
tions"
  - (g) "widow" includes a woman who is,— "widow"
    - (i) the wife of a person committed to a hospital under the provisions of *The Mental Diseases Act* and actually an inmate thereof; and
    - (ii) a married woman declared by the board to have been deserted, without reasonable cause, by her husband for a period of three years or more immediately preceding the date of the declaration.

3. The Minister may provide for the payment of a pension not exceeding the sum of forty dollars per month to a widow,— Amount of  
pension

- (a) who at the date of the proposed commencement of payments to her,—
  - (i) has attained the age of sixty years but not yet reached the age of sixty-five years; and
  - (ii) has resided in Canada or Newfoundland for the fifteen years immediately preceding the date she attained the age of sixty years and has

continued to so reside since that time, or if she has not so resided for fifteen years has been present in Canada or Newfoundland prior to those fifteen years for an aggregate period equal to twice the aggregate period of absences from Canada or Newfoundland during those fifteen years; and

- (iii) has resided in the Province for the greater portion of the three years immediately preceding that date;
- (b) who is not in receipt of an allowance under *The Blind Persons Act* (Canada), or of an allowance under *The Mothers' Allowance Act* (Alberta); and
- (c) whose income inclusive of the pension is not more than seven hundred and twenty dollars a year.

**Regulations**

**4.** The Lieutenant Governor in Council may make regulations,—

- (a) governing the manner of making application for a pension;
- (b) providing for the suspension or cancellation of pensions;
- (c) providing for the making of investigations by inspectors with respect to persons to whom pensions may be paid or by whom or on whose behalf application has been made for a pension or who are in receipt of pensions;
- (d) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before a pension is paid;
- (e) fixing the intervals at which, and the manner in which pensions are to be paid;
- (f) prescribing forms for use under this Act;
- (g) respecting any other matter necessary or advisable to carry out effectively the purpose of this Act.

**Appoint-  
ment of  
officers**

**5.** The Lieutenant Governor in Council, subject to *The Public Service Act, 1947*, may appoint the officers necessary for the proper administration of this Act.

**Appoint-  
ment of  
board**

**6.** (1) The Lieutenant Governor in Council may appoint a board.

**Board  
members**

(2) The board shall consist of not less than three persons, one of whom shall be designated chairman of the board.

**Duties of  
board**

**7.** The board shall,—

- (a) receive applications for pensions;
- (b) determine the eligibility of each applicant for a pension;

- (c) determine the amount of the pension where the applicant is eligible, and direct payment accordingly.

**8.** Where, in the opinion of the board, a recipient,— Appoint-  
ment of  
trustee

(a) is using or is likely to use the pension otherwise than for her own benefit; or

(b) is incapacitated or is incapable of handling her affairs, the board may appoint a trustee and may direct that the pension be paid to the trustee for the benefit of the recipient.

**9.** (1) A pension is not subject to alienation or transfer by the recipient. Pension  
not trans-  
ferable

(2) A pension is not subject to attachment or seizure in satisfaction of a claim against the recipient. Pension not  
subject to  
attachment

**10.** The receipt of a pension does not by itself constitute disqualification by a recipient for voting at a provincial or municipal election. Voting  
rights

**11.** (1) No person knowingly shall obtain or receive a pension that she is not entitled to obtain or receive under this Act or the regulations. Offences

(2) No person knowingly shall aid or abet another person to obtain or receive a pension that such person is not entitled to obtain or receive under this Act and the regulations.

(3) A person who violates subsections (1) or (2) of this section is guilty of an offence and is liable on summary conviction to a penalty of not more than fifty dollars or to imprisonment for a term of not more than three months, or to both penalty and imprisonment. Penalty

**12.** Pensions and the expenses of the administration of this Act and the regulations shall be paid out of moneys appropriated therefor by the Legislature. Appropriation

**13.** This Act shall come into force on the first day of April, 1952. Coming  
into force

No. 84.

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FIFTH SESSION  
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

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**BILL**

An Act respecting Widows' Pensions.

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Received and read the

First time .....

Second time.....

Third time.....

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HON. DR. CROSS.

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