Disability Pensions for Veterans of the British Forces of World War II

Issuing Authority: Director General, Policy
Effective Date: 28 November 2013
Document ID: 1140

This policy replaces the following PPM policy: Article 65 - Supplementary Pensions - World War II.

Table of Contents

Purpose
Policy
Date of Application
Disability
Additional Pension
Survivor Benefits
Application of Paragraph 65(1)(a) - Pension Review Board Interpretation I-26 (E-2413)
Effective Date
References

Purpose

The following policy provides guidance in the adjudication of disability pension applications submitted by or in respect of individuals domiciled in Canada on the date of commencement of World War II, who served in the British forces during World War II.

Policy

Date of Application

1. The date of application is the date an applicant first approached the British government or the Canadian authorities for pension entitlement in respect of a condition for which entitlement is subsequently granted by any of the authorities concerned.
2. Where the date an applicant first approached the British government or the Canadian authorities is not known, the date that one of these authorities renders a decision is the date of application.

Disability

3. The Minister will not consider a claim for a disability pension before the ruling has been made by the appropriate British authorities.
4. Where the British authorities have ruled that no entitlement to a disability pension exists under British law, and subsequently entitlement is granted under the *Pension* Act, a claim for a condition as consequential to an already pensioned condition under the Act, will be considered by the Minister without reference to the

British authorities.

Additional Pension

5. A claim for additional pension will be considered by the Minister without prior reference to the British authorities.

Survivor Benefits

6. Where an application for survivor benefits is received and the provisions of section 65 are applicable, the adjudication of the application shall not be delayed pending adjudication by the British government. The Minister shall deal with the application upon receipt and any subsequent award made by the British government shall be applied to offset any award in payment under the *Pension Act*.
7. The Minister will continue to forward copies of such applications to the British government on behalf of the applicant.

Application of Paragraph 65(1)(a) - Pension Review Board Interpretation I-26 (E-2413)

8. In the course of a hearing (E-2413) a question of the interpretation of paragraph 65(1) of the *Pension Act* arose. The Chief Pensions Advocate requested a hearing under the provisions of section 103.1 to consider the questions:
    a. whether a decision, pursuant to paragraph 65(1)(a) of the *Pension Act*, to supplement a British pension is subject to the considerations which govern the award of a Canadian pension;
    b. whether an award of pension made by the British authorities in exercise of a discretion precludes the Canadian Pension Commission from applying its discretionary policy in determining whether such award shall be supplemented.
9. The majority decision of the Board, dated November 8, 1978, reads:
    a. that a decision, pursuant to paragraph 65(1)(a) of the *Pension Act* to supplement a British pension, is subject to the considerations which govern the award of a Canadian pension;
    b. that the same principle applies to a United Kingdom award made in the exercise of a discretion.

Effective Date

10. The effective date of any award authorized under section 65 of the *Pension Act* will be determined under the provisions of section 39 or 56 of the Act in a like manner as claims granted under the provisions of section 21 of the Act for members of the Canadian Armed Forces and section 21.1 for members of the Merchant Navy.

References

Pension Act, sections 39, 56, 65, 67, 68, 69, and 70