The expression "scheme" means a scheme made under the Endowed Schools Acts, 1869 to 1889, or under the Charitable Trusts Acts, 1853 to 1894, with reference to an endowed school:

The expression "master" means any teacher or officer in the school, and includes the principal teacher.

Short title.

4. This Act may be cited as the Endowed Schools (Masters) Act, 1908, and may be cited with the Endowed Schools Acts, 1869 to 1889.

CHAPTER 40.

An Act to provide for Old Age Pensions.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Right to receive old age pension.

1.—(1) Every person in whose case the conditions laid down by this Act for the receipt of an old age pension (in this Act referred to as statutory conditions) are fulfilled, shall be entitled to receive such a pension under this Act so long as those conditions continue to be fulfilled, and so long as he is not disqualified under this Act for the receipt of the pension.

(2) An old age pension under this Act shall be at the rate set forth in the schedule to this Act.

(3) The sums required for the payment of old age pensions under this Act shall be paid out of moneys provided by Parliament.

(4) The receipt of an old age pension under this Act shall not deprive the pensioner of any franchise, right, or privilege, or subject him to any disability.

Statutory conditions for receipt of old age pension.

2. The statutory conditions for the receipt of an old age pension by any person are—

(1) The person must have attained the age of seventy:

(2) The person must satisfy the pension authorities that for at least twenty years up to the date of the receipt of any sum on account of a pension he has been a British subject, and has had his residence, as defined by regulations under this Act, in the United Kingdom:

(3) The person must satisfy the pension authorities that his yearly means as calculated under this Act do not exceed thirty-one pounds ten shillings.

Disqualification for old age pension.

3.—(1) A person shall be disqualified for receiving or continuing to receive an old age pension under this Act, notwithstanding the fulfilment of the statutory conditions—

(a) While he is in receipt of any poor relief (other than relief excepted under this provision), and, until the

thirty-first day of December nineteen hundred and ten unless Parliament otherwise determines, if he has at any time since the first day of January nineteen hundred and eight received, or hereafter receives, any such relief: Provided that for the purposes of this provision—

(i) any medical or surgical assistance (including food or comforts) supplied by or on the recommendation of a medical officer; or

(ii) any relief given to any person by means of the maintenance of any dependant of that person in any lunatic asylum, infirmary, or hospital, or the payment of any expenses of the burial of a dependant; or

(iii) any relief (other than medical or surgical assistance, or relief herein-before specifically exempted) which by law is expressly declared not to be a disqualification for registration as a parliamentary elector, or a reason for depriving any person of any franchise, right, or privilege;

shall not be considered as poor relief:

(*b*) If, before he becomes entitled to a pension, he has habitually failed to work according to his ability, opportunity, and need, for the maintenance or benefit of himself and those legally dependent upon him:

Provided that a person shall not be disqualified under this paragraph if he has continuously for ten years up to attaining the age of sixty, by means of payments to friendly, provident, or other societies, or trade unions, or other approved steps, made such provision against old age, sickness, infirmity, or want or loss of employment as may be recognised as proper provision for the purpose by regulations under this Act, and any such provision, when made by the husband in the case of a married couple living together, shall as respects any right of the wife to a pension, be treated as provision made by the wife as well as by the husband:

(*c*) While he is detained in any asylum within the meaning of the Lunacy Act, 1890, or while he is being maintained in any place as a pauper or criminal lunatic: 53 & 54 Vict. c. 5.

(*d*) During the continuance of any period of disqualification arising or imposed in pursuance of this section in consequence of conviction for an offence.

(2) Where a person has been before the passing of this Act, or is after the passing of this Act, convicted of any offence, and ordered to be imprisoned without the option of a fine or to suffer any greater punishment, he shall be disqualified for

receiving or continuing to receive an old age pension under this Act while he is detained in prison in consequence of the order, and for a further period of ten years after the date on which he is released from prison.

(3) Where a person of sixty years of age or upwards having been convicted before any court is liable to have a detention order made against him under the Inebriates Act, 1898, and is not necessarily, by virtue of the provisions of this Act, disqualified for receiving or continuing to receive an old age pension under this Act, the court may, if they think fit, order that the person convicted be so disqualified for such period, not exceeding ten years, as the court direct.

61 & 62 Vict. c. 60.

Calculation of means.

4.—(1) In calculating the means of a person for the purpose of this Act account shall be taken of—

(*a*) the income which that person may reasonably expect to receive during the succeeding year in cash, excluding any sums receivable on account of an old age pension under this Act, that income, in the absence of other means for ascertaining the income, being taken to be the income actually received during the preceding year;

(*b*) the yearly value of any advantage accruing to that person from the use or enjoyment of any property belonging to him which is personally used or enjoyed by him;

(*c*) the yearly income which might be expected to be derived from any property belonging to that person which, though capable of investment or profitable use, is not so invested or profitably used by him; and

(*d*) the yearly value of any benefit or privilege enjoyed by that person.

(2) In calculating the means of a person being one of a married couple living together in the same house, the means shall not in any case be taken to be a less amount than half the total means of the couple.

(3) If it appears that any person has directly or indirectly deprived himself of any income or property in order to qualify himself for the receipt of an old age pension, or for the receipt of an old age pension at a higher rate than that to which he would otherwise be entitled under this Act, that income or the yearly value of that property shall, for the purposes of this section, be taken to be part of the means of that person.

Mode of paying pensions.

5.—(1) An old age pension under this Act, subject to any directions of the Treasury in special cases, shall be paid weekly in advance in such manner and subject to such conditions as to identification or otherwise as the Treasury direct.

(2) A pension shall commence to accrue on the first Friday after the claim for the pension has been allowed, or, in the case of a claim provisionally allowed, on the first Friday after

the day on which the claimant becomes entitled to receive the pension.

Old age pension to be inalienable.

6. Every assignment of or charge on and every agreement to assign or charge an old age pension under this Act shall be void, and, on the bankruptcy of a person entitled to an old age pension, the pension shall not pass to any trustee or other person acting on behalf of the creditors.

Determination of claims and questions.

7.—(1) All claims for old age pensions under this Act and all questions whether the statutory conditions are fulfilled in the case of any person claiming such a pension, or whether those conditions continue to be fulfilled in the case of a person in receipt of such a pension, or whether a person is disqualified for receiving or continuing to receive a pension, shall be considered and determined as follows:—

(*a*) Any such claim or question shall stand referred to the local pension committee, and the committee shall (except in the case of a question which has been originated by the pension officer and on which the committee have already received his report), before considering the claim or question, refer it for report and inquiry to the pension officer:

(*b*) The pension officer shall inquire into and report upon any claim or question so referred to him, and the local pension committee shall, on the receipt of the report of the pension officer and after obtaining from him or from any other source if necessary any further information as to the claim or question, consider the case and give their decision upon the claim or question:

(*c*) The pension officer, and any person aggrieved, may appeal to the central pension authority against a decision of the local pension committee allowing or refusing a claim for pension or determining any question referred to them within the time and in the manner prescribed by regulations under this Act, and any claim or question in respect of which an appeal is so brought shall stand referred to the central pension authority, and shall be considered and determined by them:

(*d*) If any person is aggrieved by the refusal or neglect of a local pension committee to consider a claim for a pension, or to determine any question referred to them, that person may apply in the prescribed manner to the central pension authority, and that authority may, if they consider that the local pension committee have refused or neglected to consider and determine the claim or question within a reasonable time, themselves consider and determine the claim or question in the same manner as on an appeal from the decision of the local pension committee:

(2) The decision of the local pension committee on any claim or question which is not referred to the central pension authority, and the decision of the central pension authority on any claim or question which is so referred to them, shall be final and conclusive.

Local pension committee, central pension authority, and pension officers.

8.—(1) The local pension committee shall be a committee appointed for every borough and urban district, having a population according to the last published census for the time being of twenty thousand or over, and for every county (excluding the area of any such borough or district), by the council of the borough, district, or county.

The persons appointed to be members of a local pension committee need not be members of the council by which they are appointed.

(2) A local pension committee may appoint such and so many sub-committees, consisting either wholly or partly of the members of the committee as the committee think fit, and a local pension committee may delegate, either absolutely or under such conditions as they think fit, to any such sub-committee any powers and duties of the local pension committee under this Act.

(3) The central pension authority shall be the Local Government Board, and the Board may act through such committee, persons, or person appointed by them as they think fit.

(4) Pension officers shall be appointed by the Treasury, and the Treasury may appoint such number of those officers as they think fit to act for such areas as they direct.

(5) Any reference in this Act to pension authorities shall be construed as a reference to the pension officer, the local pension committee, and the central pension authority, or to any one of them, as the case requires.

Penalty for false statements, &c., and repayment where pensioner is found not to have been entitled to pension.

9.—(1) If for the purpose of obtaining or continuing an old age pension under this Act, either for himself or for any other person, or for the purpose of obtaining or continuing an old age pension under this Act for himself or for any other person at a higher rate than that appropriate to the case, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months, with hard labour.

(2) If it is found at any time that a person has been in receipt of an old age pension under this Act while the statutory conditions were not fulfilled in his case or while he was disqualified for receiving the pension, he or, in the case of his death, his personal representative, shall be liable to repay to the Treasury any sums paid to him in respect of the pension while the statutory conditions were not fulfilled or while he was disqualified for receiving the pension, and the amount of those sums may be recovered as a debt due to the Crown.

Regulations and expenses.

10.—(1) The Treasury in conjunction with the Local Government Board and with the Postmaster-General (so far as relates to the Post Office) may make regulations for carrying this Act into effect, and in particular—

(*a*) for prescribing the evidence to be required as to the fulfilment of statutory conditions and for defining the meaning of residence for the purposes of this Act; and

(*b*) for prescribing the manner in which claims to pensions may be made, and the procedure to be followed on the consideration and determination of claims and questions to be considered and determined by pension officers and local pension committees or by the central pension authority, and the mode in which any question may be raised as to the continuance, in the case of a pensioner, of the fulfilment of the statutory conditions, and as to the disqualification of a pensioner; and

(*c*) as to the number, quorum, term of office, and proceedings generally of the local pension committee and the use by the committee, with or without payment, of any offices of a local authority, and the provision to be made for the immediate payment of any expenses of the committee which are ultimately to be paid by the Treasury.

(2) The regulations shall provide for enabling claimants for pensions to make their claims and obtain information as respects old age pensions under this Act through the Post Office, and for provisionally allowing claims to pensions before the date on which the claimant will become actually entitled to the pension, and for notice being given by registrars of births and deaths to the pension officers or local pension committees of every death of a person over seventy registered by them, in such manner and subject to such conditions as may be laid down by the regulations, and for making the procedure for considering and determining on any claim for a pension or question with respect to an old age pension under this Act as simple as possible.

(3) Every regulation under this Act shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such regulation is laid before it, praying that the regulation may be annulled, His Majesty in Council may annul the regulation, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(4) Any expenses incurred by the Treasury in carrying this Act into effect, and the expenses of the Local Government Board and the local pension committees under this Act up to an

amount approved by the Treasury, shall be defrayed out of moneys provided by Parliament.

Application to Scotland, Ireland, and the Scilly Isles.

11.—(1) In the application of this Act to Scotland, the expression "Local Government Board" means the Local Government Board for Scotland; the expression "borough" means royal or parliamentary burgh; the expression "urban district" means police burgh; the population limit for boroughs and urban districts shall not apply; and the expression "Lunacy Act, 1890," means the Lunacy (Scotland) Acts, 1857 to 1900.

(2) In the application of this Act to Ireland, the expression "Local Government Board" means the Local Government Board for Ireland; ten thousand shall be substituted for twenty thousand as the population limit for boroughs and urban districts; and the expression "asylum within the meaning of the Lunacy Act, 1890," means a lunatic asylum within the meaning of the Local Government (Ireland) Act, 1898.

61 & 62 Vict. c. 37.

(3) In the application of this Act to the Isles of Scilly, those isles shall be deemed to be a county and the council of those isles the council of a county.

Commencement and short title.

12.—(1) A person shall not be entitled to the receipt of an old age pension under this Act until the first day of January nineteen hundred and nine and no such pension shall begin to accrue until that day.

(2) This Act may be cited as the Old Age Pensions Act, 1908.

Section 1.

SCHEDULE.

Means of Pensioner.	Rate of Pension per Week.
	s. *d.*
Where the yearly means of the pensioner as calculated under this Act—	
Do not exceed 21*l.* - - - - - -	5 0
Exceed 21*l.*, but do not exceed 23*l.* 12*s.* 6*d.* - -	4 0
Exceed 23*l.* 12*s.* 6*d.*, but do not exceed 26*l.* 5*s.* -	3 0
Exceed 26*l.* 5*s.*, but do not exceed 28*l.* 17*s.* 6*d.* - -	2 0
Exceed 28*l.* 17*s.* 6*d.*, but do not exceed 31*l.* 10*s.* -	1 0
Exceed 31*l.* 10*s.* - - - - - -	No pension.