



CHAPTER 5

An Act to promote impartiality and rapidity in the payment of old age pensions

[Assented to, the 12th of November, 1936]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

1. Section 2 of the Quebec Old Age Pensions Act ^{1 Ed. VIII,} (1 Edward VIII, chapter 1) is repealed and replaced ^{c. 1, s. 2,} by the following: ^{replaced.}

“**2.** The Lieutenant-Governor in Council may ^{Entering into} enter into any agreement with the Governor-General in ^{agreement} Council with respect to a general scheme of old age ^{on old age} pensions in this Province and to the payment of such ^{pensions.} pensions.”

2. The said act is amended by adding thereto, after ^{1 Ed. VIII,} section 2 thereof, the following: ^{c. 1, s. 2a,} ^{added.}

“**2a.** The Lieutenant-Governor in Council is in ^{Additional} addition authorized to come to any agreement with the ^{agreements} Governor-General in Council with respect to any matter ^{authorized.} concerning old age pensions since the coming into force of the Federal act relating thereto and with respect to any amendment that he may deem advantageous to the population of the Province.”

3. Section 3 of the said act is replaced by the follow- ^{1 Ed. VIII,} ing: ^{c. 1, s. 3,} ^{replaced.}

“**3.** The payment of the old age pension to any ^{Payment} person legally entitled thereto shall be obligatory.” ^{obligatory.}

1 Ed. VIII, c. 1, s. 7, replaced. **4.** Section 7 of the said act is replaced by the following:

Addressing of application. **"7.** The application for a pension under this act shall, at the applicant's option, be addressed to the Commission or to one of the officials contemplated by section 4.

Forwarding of application. The Commission shall forward, for investigation, all the applications received by it from the applicants, to the official concerned.

Recommendation by official after investigation. The official contemplated by section 4 shall, after investigation, make a recommendation in writing to the Quebec Old Age Pensions Commission, upon the applications received by him and upon those forwarded to him by the Commission, with all papers and documents relating thereto.

Powers of such official. For the purpose of any such investigation by the said official he shall possess and exercise all the powers conferred upon a commissioner appointed under the Public Inquiry Commission Act (Revised Statutes, 1925, chapter 8)."

1 Ed. VIII, c. 1, s. 7a, added. **5.** The said act is amended by adding thereto, after section 7 thereof, the following section:

Petition if application neglected, etc. **"7a.** If the official charged to investigate an application for a pension neglects or refuses to do so within a reasonable delay, a petition may be presented to a district magistrate in the municipality in which the applicant resides or at the chief place of the district in which such municipality is situated.

Hearing upon petition. Such magistrate shall proceed to a hearing upon such petition, by witnesses or affidavits, without costs, and shall forward his recommendations in writing to the Quebec Old Age Pensions Commission."

1 Ed. VIII, c. 1, s. 8, am. **6.** Section 8 of the said act is amended:

a. By striking out the words: "and its decisions shall be final", in the second and third lines of the first paragraph thereof;

b. By adding thereto the following paragraphs:

Appeal. **"An appeal shall lie to a judge of the Superior Court of the district of the applicant's domicile, from any decision of the Commission refusing an application for a pension.**

Priority of hearing. Such appeal shall be effected by a petition served upon the Commission with at least two days' notice of its presentation, and shall be given prior hearing

over all other cases, even over those to which a previous act has granted priority.

The judgment rendered upon such petition shall be final and without appeal.” Judgment final.

7. The said act is amended by adding thereto, after section 8 thereof, the following section: 1 Ed. VIII, c. 1, s. 8a, added.

“**8a.** The decisions of the Commission on applications for pension must be based upon the conditions laid down by any act of the Parliament of Canada already enacted or which may be enacted respecting old age pensions, and by the regulations adopted under any such act, and the Commission shall, moreover, in rendering its decision, take into consideration the rules established under Chapter Fifth of Title Fifth of Book First of the Civil Code with respect to alimentary pensions.” Decisions of Commission.

8. Section 10 of the said act is replaced by the following: 1 Ed. VIII, c. 1, s. 10, replaced.

“**10.** The Minister, on behalf of the Crown in the rights of the Province, is authorized to exercise, against any pensioner under this act, the usual recourse at law and especially the recourses granted by the act of the Parliament of Canada respecting old age pensions.” Exercising of recourse against pensioner.

Notwithstanding any law to the contrary, the Minister of Labour shall have charge of the carrying out of this act, and it is he who is designated by the word “Minister” in this section.” “Minister”.

9. The said act is amended by adding thereto, after section 17 thereof, the following section: 1 Ed. VIII, c. 1, s. 17a, added.

“**17a.** No duty, charge or fee shall be collected by the prothonotary or the clerk in connection with the carrying out of the provisions of sections 7a and 8.” Gratuitous services.

10. This act shall come into force on the day of its sanction. Coming into force.

