

**CONSOLIDATION OF SENIOR CITIZENS BENEFITS ACT**  
R.S.N.W.T. 1988,c.S-7

*(Current to: May 20, 2010)*

**AS AMENDED BY:**

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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## SENIOR CITIZENS BENEFITS ACT

### Definitions

**1.** In this Act,

"beneficiary" means a person in receipt of a benefit and either a supplement or a spouse's allowance; (*prestataire*)

"benefit" means a monthly allowance authorized to be paid under this Act and the regulations; (*prestation*)

"Director" means the Director of Senior Citizens Benefits appointed under section 2; (*directeur*)

"spouse's allowance" means the spouse's allowance authorized to be paid under the *Old Age Security Act (Canada)*; (*allocation de conjoint*)

"supplement" means the monthly guaranteed income supplement authorized to be paid under the *Old Age Security Act (Canada)*. (*supplément*)

### Director of Senior Citizens Benefits

**2.** The Minister shall appoint a Director of Senior Citizens Benefits.

### Payment of benefits

**3.** (1) In accordance with the regulations, the Director may, out of moneys appropriated for the purpose, pay a benefit in the prescribed amount to every person who

- (a) is receiving a supplement or spouse's allowance in the Territories and not elsewhere; and
- (b) has made his or her home and is ordinarily resident in the Territories, excluding any tourists, transients or visitors to the Territories.

### *Idem*

(2) Payment of a benefit may be made in respect of each month in which the beneficiary receives a supplement or spouse's allowance.

### Termination of benefit

**4.** The eligibility of a beneficiary to receive a benefit ceases

- (a) on the payment of the benefit for the month in which the beneficiary dies; or
- (b) on the beneficiary ceasing to comply with paragraph 3(1)(a) or (b).

### Recovery of benefits

**5.** (1) A person who receives a sum of money paid as a benefit to which the person is not entitled shall without delay return that sum of money to the Director.

### Proceedings

(2) Where a person receives a sum of money paid as a benefit to which the person is not entitled, that sum of money may be recovered as a debt due to the Minister in proceedings commenced

- (a) at any time, where that person made a wilful misrepresentation or committed fraud for the purpose of receiving it; or
- (b) where paragraph (a) does not apply, within one year of its receipt.

### Deduction from benefit

(3) Where the person referred to in subsection (2) is or becomes a beneficiary, the amount of any indebtedness referred to in subsection (2) may be deducted and retained out of any benefit otherwise payable to that person.

### Assignment of benefits

**6.** A benefit may not be assigned, charged, attached, anticipated or given as security, and any transaction, instrument or part of a transaction or instrument purporting to assign, charge, attach, anticipate or give as security a benefit is void.

### Agreements

**7.** The Minister and the Commissioner may, on behalf of the Government of the Northwest Territories, enter into an agreement with the Government of Canada providing that benefits may be included with the amount of the benefit payable under the *Old Age Security Act* (Canada) and paid by the Government of Canada on behalf of the Government of the Northwest Territories in the manner and on the terms that the agreement may provide.

### Offence and punishment

**8.** Every person who

- (a) knowingly applies for or attempts to obtain a benefit to which he or she is not entitled, or
- (b) fails to comply with subsection 5(1),

is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 and, in default of payment, to imprisonment for a term not exceeding three months.

### Regulations

**9.** (1) The Commissioner, on the recommendation of the Minister, may make regulations

- (a) prescribing the manner of paying benefits;
- (b) fixing the amounts of benefits;
- (c) prescribing the forms for use under this Act;
- (d) prescribing the manner of deducting payments under subsection 5(3);
- (e) for the establishment and functioning of a fund comprising moneys mentioned in subsection 3(1) and payments into and out of the fund; and

- (f) respecting any matter required for the proper administration of this Act and the regulations.

Place of residence

(2) Notwithstanding anything in this Act, a regulation may make different provisions as between persons resident in different parts of the Territories.