

Veterans Well-being Act, SC 2005, c 21 

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Veterans Well-being Act

S.C. 2005, c. 21

Assented to 2005-05-13

An Act to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Short title

1 This Act may be cited as the *Veterans Well-being Act*.

2005, c. 21, s. 1; 2017, c. 20, s. 270.

Interpretation

Definitions

2 (1) The following definitions apply in this Act.

aggravated by service, in respect of an injury or a disease, means an injury or a disease that has been aggravated, if the aggravation

(a) was attributable to or was incurred during special duty service; or

(b) arose out of or was directly connected with service in the Canadian Forces. (*due au service*)

Board means the Veterans Review and Appeal Board established by [section 4](#) of the *Veterans Review and Appeal Board Act*. (*Tribunal*)

Canadian Forces means the armed forces referred to in [section 14](#) of the *National Defence Act*, and includes any predecessor naval, army or air forces of Canada or Newfoundland. (*Forces canadiennes*)

common-law partner, in relation to a member or a veteran, means a person who is cohabiting with the member or veteran in a conjugal relationship, having so cohabited for a period of at least one year. (*conjoint de fait*)

compensation means any of the following benefits under this Act, namely, an education and training benefit, an education and training completion bonus, an income replacement benefit, a Canadian Forces income support benefit, a critical injury benefit, a disability award, pain and suffering compensation, additional pain and suffering compensation, a death benefit, a clothing allowance, a detention benefit or a caregiver recognition benefit. (*indemnisation*)

dependent child, in relation to a member or a veteran, means their child, or a child of their spouse or common-law partner who is ordinarily residing in the member's or veteran's household, who is

(a) under the age of 18 years;

(b) under the age of 25 years and following a course of instruction approved by the Minister; or

(c) over the age of 18 years and prevented by physical or mental incapacity from earning a livelihood, if the incapacity occurred

(i) before the child attained the age of 18 years, or

(ii) after the age of 18 years and before the age of 25 years while the child was following a course of instruction approved by the Minister. (*enfant à charge*)

disability means the loss or lessening of the power to will and to do any normal mental or physical act. (*invalidité*)

disability award means a disability award paid under [section 45, 47 or 48](#) of this Act as it read immediately before April 1, 2019. (*indemnité d'invalidité*)

medical assistance in dying has the same meaning as in [section 241.1](#) of the *Criminal Code*. (*aide médicale à mourir*)

medical rehabilitation includes any physical or psychological treatment whose object is to stabilize and restore the basic physical and psychological functions of a person. (*réadaptation médicale*)

member means an officer or a non-commissioned member of the Canadian Forces, as those terms are defined in [subsection 2\(1\)](#) of the *National Defence Act*. (*militaire*)

Minister means the Minister of Veterans Affairs. (*ministre*)

orphan, in relation to a deceased member or a deceased veteran, means their child, or a child of their survivor who at the time of the member's or veteran's death was ordinarily residing in the member's or veteran's household, who is

(a) under the age of 18 years;

(b) under the age of 25 years and following a course of instruction approved by the Minister; or

(c) over the age of 18 years and prevented by physical or mental incapacity from earning a livelihood, if the incapacity occurred

- (i) before the child attained the age of 18 years, or
- (ii) after the age of 18 years and before the age of 25 years while the child was following a course of instruction approved by the Minister. (*orphelin*)

personal information has the same meaning as in [section 3](#) of the *Privacy Act*. (*renseignements personnels*)

prescribed means prescribed by regulation.

psycho-social rehabilitation includes any psychological or social intervention whose object is to restore a person to a state of independent functioning and to facilitate their social adjustment. (*réadaptation psychosociale*)

rehabilitation services means all services related to the medical rehabilitation, psycho-social rehabilitation or vocational rehabilitation of a person. (*services de réadaptation*)

service-related injury or disease means an injury or a disease that

(a) was attributable to or was incurred during special duty service; or

(b) arose out of or was directly connected with service in the Canadian Forces. (*liée au service*)

special duty service means service as a member in a special duty area designated under [section 69](#), or as a member as part of a special duty operation designated under [section 70](#), during the period in which the designation is in effect. It includes any

of the following that occurred during that period but not earlier than September 11, 2001:

(a) periods of training for the express purpose of service in that area or as part of that operation, wherever that training takes place;

(b) travel to and from the area, the operation or the location of training referred to in paragraph (a); and

(c) authorized leave of absence with pay during that service, wherever that leave is taken. (*service spéciale*)

survivor, in relation to a deceased member or a deceased veteran, means

(a) their spouse who was, at the time of the member's or veteran's death, residing with the member or veteran; or

(b) the person who was, at the time of the member's or veteran's death, the member's or veteran's common-law partner. (*survivant*)

veteran means a former member. (*vétéran*)

vocational assistance includes employability assessments, career counselling, training, job-search assistance and job-finding assistance, whose object is to help a person to find appropriate employment. (*assistance professionnelle*)

vocational rehabilitation includes any process designed to identify and achieve an appropriate occupational goal for a person with a physical or a mental health problem, given their

state of health and the extent of their education, skills and experience. (*réadaptation professionnelle*)

Couples who are living apart

(2) For the purposes of this Act, a spouse is deemed to be residing with a member or a veteran, and a person does not cease to be a member's or a veteran's common-law partner, if it is established that they are living apart by reason only of

(a) one or both of them having to reside in a health care facility;

(b) circumstances of a temporary nature; or

(c) other circumstances not within the control of the member or veteran or the spouse or common-law partner.

References to spouses

(3) A reference in this Act to a member's or a veteran's spouse is a reference to a member's or a veteran's spouse who is residing with the member or veteran.

Recent marriage

(4) This Act does not apply to a member's or a veteran's surviving spouse if the member or veteran dies within one year after the date of the marriage, unless

(a) in the opinion of the Minister, the member or veteran was at the time of that marriage in such a condition of health as to justify their having an expectation of life of at least one year; or

(b) at the time of the member's or veteran's death, the spouse was cohabiting with the member or veteran in a conjugal relationship, having so cohabited for a period of at least one year.

Conduct of member or veteran

(5) This Act does not apply in respect of a member's or a veteran's physical or mental health problem, disability or death if it is caused by a wilful self-inflicted injury or improper conduct on the member's or veteran's part, including wilful disobedience of an order and vicious or criminal conduct.

Interpretation — medical assistance in dying

(6) For the purposes of this Act, a member or veteran has neither inflicted wilful self-injury nor engaged in improper conduct by reason only that they receive medical assistance in dying, if the requirement set out in [paragraph 241.2\(3\)\(a\)](#) of the *Criminal Code* has been met.

Deeming — medical assistance in dying

(7) For the purposes of this Act, if a member or a veteran receives medical assistance in dying, that member or veteran is deemed to have died as a result of the illness, disease or disability for which they were determined to be eligible to receive that assistance, in accordance with [paragraph 241.2\(3\)\(a\)](#) of the *Criminal Code*.

2005, c. 21, s. 2; [2015, c. 36, s. 206](#); [2016, c. 3, s. 9](#), c. 7, s. 97; [2017, c. 20, s. 271](#); [2018, c. 12, s. 123](#).

Purpose

Purpose

2.1 The purpose of this Act is to recognize and fulfil the obligation of the people and Government of Canada to show just and due appreciation to members and veterans for their service to Canada. This obligation includes providing services, assistance and compensation to members and veterans who have been injured or have died as a result of military service and extends to their spouses or common-law partners or survivors and orphans. This Act shall be liberally interpreted so that the recognized obligation may be fulfilled.

[2015, c. 36, s. 207.](#)

PART 1

Career Transition Services

Eligibility

3 (1) Subject to this section, the Minister may, on application, provide career transition services to

- (a)** a member who has completed basic training;
- (b)** a veteran who completed basic training and who was released from the Canadian Forces on or after April 1, 2006;
- (c)** a veteran who is entitled to a Canadian Forces income support benefit;
- (d)** a spouse or common-law partner of a veteran who completed basic training and who was released from the Canadian Forces on or after April 1, 2006;

(e) a survivor of a member who completed basic training and who died on or after April 1, 2006;

(f) a survivor of a veteran who completed basic training and who was released from the Canadian Forces on or after April 1, 2006; and

(g) a survivor who is entitled to a Canadian Forces income support benefit.

Limitation — member

(2) Career transition services may be provided to a member only if the member resides in Canada and the Minister is satisfied that they require assistance in making the transition to the civilian labour force.

Limitation — veteran

(3) Career transition services may be provided to a veteran only if

(a) the veteran resides in Canada;

(b) the Minister is satisfied that the veteran requires assistance in making the transition to the civilian labour force; and

(c) the veteran is not receiving rehabilitation services under Part 2.

Limitation — spouse, common-law partner or survivor

(4) Career transition services may be provided to a spouse, common-law partner or survivor only if they reside in Canada

and are not receiving rehabilitation services or vocational assistance under Part 2.

Period — spouse or common-law partner of veteran

(5) A spouse or common-law partner of a veteran who completed basic training and who was released from the Canadian Forces on or after April 1, 2006 may receive career transition services until the later of

(a) March 31, 2020, and

(b) the second anniversary of the day on which the veteran was released.

2005, c. 21, s. 3; [2011, c. 12, s. 3](#); [2017, c. 20, s. 272](#); [2018, c. 12, s. 124](#).

Assessment of needs

4 (1) The Minister shall, on approving an application made under [section 3](#), assess the needs of the member, veteran, spouse, common-law partner or survivor with respect to the career transition services that may be provided to them under this Part.

Career transition plan

(2) The Minister may develop and implement a career transition plan to address the needs that are identified in the assessment.

Development of plan

(3) In developing a career transition plan, the Minister shall have regard to any prescribed principles.

2005, c. 21, s. 4; [2011, c. 12, s. 4](#); [2017, c. 20, s. 273](#).

Suspend or cancel

5 The Minister may, in the prescribed circumstances, suspend or cancel the provision of career transition services to a person under this Part.

2005, c. 21, s. 5; [2011, c. 12, s. 5](#); [2017, c. 20, s. 274](#).

Regulations

5.1 The Governor in Council may make regulations

(a) respecting the career transition services that may be provided under this Part; and

(b) defining residence and defining intervals of absence from Canada that shall be deemed not to have interrupted residence in Canada for the purposes of [subsections 3\(2\) to \(4\)](#).

[2017, c. 20, s. 274](#).

PART 1.1

Education and Training Benefit

Definitions

5.11 The following definitions apply in this Part.

regular force has the same meaning as in [subsection 2\(1\)](#) of the *National Defence Act*. (*force régulière*)

reserve force has the same meaning as in [subsection 2\(1\)](#) of the *National Defence Act*. (*force de réserve*)

Supplementary Reserve has the meaning assigned by article 2.034 of the *Queen's Regulations and Orders for the Canadian Forces*. (*Réserve supplémentaire*)

veteran means a former member or a member of the Supplementary Reserve. (*vétéran*)

[2019, c. 29, s. 318.](#)

Eligibility – veterans

5.2 (1) The Minister may, on application, pay an education and training benefit to a veteran in accordance with [section 5.3](#) or [5.5](#) if the veteran

(a) served for a total of at least six years in the regular force, in the reserve force or in both; and

(b) was honourably released from the Canadian Forces on or after April 1, 2006 or was transferred from the regular force or another subcomponent of the reserve force to the Supplementary Reserve on or after that date.

Maximum cumulative amount

(2) The maximum cumulative amount that the Minister may pay to a veteran is \$40,000 or, if the veteran served for a total

of at least 12 years in the regular force, in the reserve force or in both, \$80,000.

(3) [Repealed, 2019, c. 29, s. 319]
2017, c. 20, s. 274; 2019, c. 29, s. 319.

Course of study at educational institution

5.3 (1) An education and training benefit may be paid to a veteran entitled to a benefit under this Part in respect of

(a) education or training received from an educational institution as part of a course of study leading to the completion of a degree, diploma, certification or designation; and

(b) any expenses, including living expenses, that may be incurred by the veteran while enrolled at the institution.

Request for payment

(2) A veteran requesting payment in respect of education or training described in paragraph (1)(a) shall provide the Minister with proof of acceptance, enrolment or registration at the institution for an upcoming period of study and with any prescribed information.

Additional information

(3) The Minister may request that the veteran provide the Minister with additional information for the purpose of making the determination under subsection (4).

Minister's determination

(4) On being provided with the proof and information, the Minister shall, if he or she is satisfied that the requested payment may be made to the veteran, determine

(a) the amount of the payment;

(b) the period of study to which that amount is allocated;
and

(c) the day on which the payment is to be made.

Payment day

(5) The day on which the payment is to be made must be no earlier than the 60th day before

(a) the day on which fees for the education or training are due to be paid to the institution in respect of the period of study; or

(b) the day on which the period of study begins, if the institution fixes no day on which the fees are due.

[2017, c. 20, s. 274.](#)

Education and training completion bonus

5.4 On application, the Minister may pay, over and above an education and training benefit, an education and training completion bonus in the prescribed amount to a veteran who receives a degree, diploma, certification or designation in respect of which they received a payment of an education and training benefit under [section 5.3](#).

[2017, c. 20, s. 274.](#)

Other education or training

5.5 (1) An education and training benefit may be paid to a veteran entitled to a benefit under this Part for fees charged by the provider of any education or training, other than education or training described in paragraph 5.3(1)(a), that is approved by the Minister.

Maximum cumulative amount

(2) The maximum cumulative amount that may be paid to a veteran for such fees is the prescribed amount.

Request for payment

(3) A veteran requesting payment for such fees shall provide the Minister with a description of the education or training, the amount of the fees, the name of the provider and any prescribed information.

Additional information

(4) The Minister may request that the veteran provide the Minister with additional information for the purpose of making the determination under subsection (5).

Minister's determination

(5) On being provided with the information referred to in subsections (3) and (4), the Minister may approve the education or training and shall, if he or she gives the approval and is satisfied that the requested payment may be made to the veteran, determine

(a) the amount of the payment; and

(b) the day on which the payment is to be made.

Payment day

(6) The day on which the payment is to be made must be no earlier than the 60th day before

(a) the day on which fees for the education or training are due to be paid to the provider; or

(b) the day on which the education or training begins, if the provider fixes no day on which the fees are due.

[2017, c. 20, s. 274.](#)

No payment to member

5.6 For greater certainty, the Minister is not permitted to pay an education and training benefit to a person who is a member unless that person is a member of the Supplementary Reserve.

[2017, c. 20, s. 274; 2019, c. 29, s. 320.](#)

No payment — other services or benefit

5.7 The Minister is not permitted to pay an education and training benefit to a veteran if they are being provided with rehabilitation services under Part 2, or are entitled to a Canadian Forces income support benefit under that Part.

[2017, c. 20, s. 274; 2018, c. 12, s. 125.](#)

Limitation — incarceration

5.8 If a veteran is incarcerated in a correctional institution and is not responsible for paying their living expenses, the Minister may limit the amount of an education and training benefit payable to the veteran to the amount that is, in the Minister's opinion, required to allow the veteran to participate in the education or training.

[2017, c. 20, s. 274.](#)

Duration of benefit

5.9 (1) An education and training benefit ceases to be payable to a veteran on the day after the 10th anniversary of the later of

(a) the day on which the veteran was last honourably released from the regular force or from a subcomponent of the reserve force other than the Supplementary Reserve; and

(b) the day on which the veteran was last transferred to the Supplementary Reserve.

Exception — minimum period

(1.1) Despite subsection (1),

(a) an education and training benefit is payable until at least April 1, 2028 to a veteran who is eligible for the benefit on April 1, 2018; and

(b) an education and training benefit is payable until at least July 5, 2029 to a veteran who is a member of the Supplementary Reserve on July 5, 2019.

Exception — release from Supplementary Reserve

(1.2) Despite subsection (1), an education and training benefit is payable until at least the 10th anniversary of the day on which a veteran was honourably released from the Supplementary Reserve if the veteran was honourably released from the Supplementary Reserve during the period beginning on April 1, 2018 and ending on July 4, 2019.

Education or training ending after cessation

(2) A payment of an education and training benefit that is made before the day on which the benefit ceases to be payable may be made in respect of education or training that ends on or after that day.

Exception

(3) Despite subsection (1), the Minister may, in the prescribed circumstances, pay an education and training benefit after it would otherwise cease to be payable.

[2017, c. 20, s. 274; 2019, c. 29, s. 321.](#)

Limitation

5.91 The Minister is not permitted to pay an education and training benefit to a veteran after the day on which they receive the last of the payments totalling the maximum cumulative amount to which they are entitled on that day, despite any adjustment to the maximum cumulative amount that is made under the regulations after that day.

[2017, c. 20, s. 274.](#)

Suspension or cancellation

5.92 The Minister may, in the prescribed circumstances, suspend the payment of an education and training benefit or cancel the benefit.

[2017, c. 20, s. 274.](#)

Regulations

5.93 The Governor in Council may make regulations

(a) prescribing how the length of service in the reserve force is to be determined for the purposes of paragraph 5.2(1)(a);

(b) respecting what constitutes honourable release for the purpose of paragraph 5.2(1)(b);

(c) providing for the periodic adjustment of the maximum cumulative amount referred to in [subsection 5.2\(2\)](#);

(d) defining educational institution for the purposes of paragraph 5.3(1)(a);

(e) prescribing the education or training that may or may not be approved by the Minister under [section 5.5](#); and

(f) defining what constitutes incarceration in a correctional institution for the purposes of [section 5.8](#).

[2017, c. 20, s. 274.](#)

PART 2

Rehabilitation Services, Vocational Assistance and Financial Benefits

General

Non-application of this Part

6 This Part does not apply in respect of a physical or a mental health problem that resulted primarily from

(a) service in the Canadian Forces on or before April 1, 1947; or

(b) service in the Korean War, as that term is defined in [subsection 3\(1\)](#) of the *Pension Act*.

Consequential injury or disease

7 For the purposes of this Part, an injury or a disease is deemed to be a service-related injury or disease if the injury or disease is, in whole or in part, a consequence of

(a) a service-related injury or disease;

(b) a non-service related injury or disease that was aggravated by service;

(c) an injury or a disease that is itself the consequence of an injury or a disease described in paragraph (a) or (b); or

(d) an injury or a disease that is a consequence of an injury or a disease described in paragraph (c).

Rehabilitation Services and Vocational Assistance

Eligibility — rehabilitation need

8 (1) The Minister may, on application, provide rehabilitation services to a veteran who has a physical or a mental health problem resulting primarily from service in the Canadian Forces that is creating a barrier to re-establishment in civilian life.

Factors Minister may consider

(2) For the purposes of subsections (1) and 18(1), in deciding whether a veteran has a physical or a mental health problem that is creating a barrier to re-establishment in civilian life, and whether that health problem resulted primarily from service in the Canadian Forces, the Minister may consider any factors that the Minister considers relevant, including

- (a)** medical reports or records that document the veteran's physical or mental health problem;
- (b)** documentation that indicates the nature of the veteran's service in the Canadian Forces;
- (c)** documentation provided by the veteran as to the circumstances of their health problem; and
- (d)** research that establishes the prevalence of specific health problems in military populations.

Presumption

(3) For the purposes of subsections (1) and 18(1), a veteran's physical or mental health problem is deemed to have resulted primarily from service in the Canadian Forces if, as a result of the health problem, the veteran suffers from a disability for which a disability award has been granted, pain and suffering

compensation has been granted under [section 45](#) or a pension has been granted under the *Pension Act*.

2005, c. 21, s. 8; [2018, c. 12, s. 126](#).

9 [[Repealed, 2018, c. 12, s. 128](#)]

Assessment of needs

10 (1) The Minister shall, on approving an application made under [section 8](#), assess the veteran's medical rehabilitation, psycho-social rehabilitation and vocational rehabilitation needs.

Rehabilitation plan

(2) The Minister may develop and implement a rehabilitation plan to address the rehabilitation needs that are identified in the assessment.

Limitation

(3) The only physical or mental health problem that may be addressed in the rehabilitation plan is a physical or a mental health problem resulting primarily from service in the Canadian Forces that is creating a barrier to re-establishment in civilian life.

Considerations

(4) In developing a rehabilitation plan, the Minister shall have regard to any prescribed principles and factors and be guided by current research in the field of rehabilitation.

(5) [[Repealed, 2018, c. 12, s. 129](#)]

2005, c. 21, s. 10; [2018, c. 12, s. 129](#).

Eligibility — spouses and common-law partners

11 (1) The Minister may, on application, provide rehabilitation services and vocational assistance to a veteran's spouse or common-law partner if the Minister

(a) has approved an application for rehabilitation services made by the veteran under [section 8](#); and

(b) has determined, based on an assessment of the veteran under subsection 10(1), that the veteran would not benefit from vocational rehabilitation as a result of their having a diminished earning capacity that is due to the physical or mental health problem in respect of which the rehabilitation services were approved.

Continuation

(2) If a veteran dies after an application made under subsection (1) has been approved, the survivor continues to be eligible to receive rehabilitation services and vocational assistance under that subsection.

2005, c. 21, s. 11; [2016, c. 7, s. 80](#); [2018, c. 12, s. 130](#).

Eligibility — survivors

12 The Minister may, on application, provide rehabilitation services and vocational assistance to a member's or a veteran's survivor, if the member or veteran dies as a result of

(a) a service-related injury or disease; or

(b) a non-service-related injury or disease that was aggravated by service.

2005, c. 21, s. 12; [2011, c. 12, s. 6.](#)

Assessment of needs

13 (1) The Minister shall, on approving an application made under subsection 11(1) or section 12, assess the vocational assistance needs of the spouse, common-law partner or survivor and, if such needs are identified, shall assess the person's medical, psycho-social and vocational rehabilitation needs.

Vocational assistance plan

(2) The Minister may, for the purpose of restoring the earnings capacity of the spouse, common-law partner or survivor to a level that the Minister determines to be reasonable, given the person's education, skills and experience, develop and implement a vocational assistance plan to address the vocational assistance needs that are identified in the assessment.

Rehabilitation plan

(3) The Minister may, to the extent necessary to achieve the purpose set out in subsection (2), develop and implement a rehabilitation plan to address the rehabilitation needs that are identified in the assessment.

Development of plan

(4) In developing a rehabilitation plan or a vocational assistance plan, the Minister shall

(a) have regard to any prescribed principles and factors;
and

(b) be guided by current research in the fields of
rehabilitation and vocational assistance.

Duration of plan

14 (1) The duration of a rehabilitation plan or a vocational assistance plan shall be fixed by the Minister.

Evaluation of plan

(2) The Minister may evaluate a rehabilitation plan or a vocational assistance plan at any time, and may modify the plan or change its duration.

Examination or assessment

15 (1) The Minister may, when evaluating a rehabilitation plan, require the person for whom the plan has been developed to undergo a medical examination or an assessment by a person specified by the Minister.

Assessment

(2) The Minister may, when evaluating a vocational assistance plan, require a person for whom the plan has been developed to undergo an assessment by a person specified by the Minister.

Non-compliance

(3) If a person who is required to undergo a medical examination or an assessment fails without reasonable excuse to do so, the Minister may cancel the rehabilitation plan or the vocational assistance plan.

Refusal to provide services or assistance

16 (1) The Minister may refuse to provide rehabilitation services or vocational assistance to a person to the extent they are available to the person as an insured service under a provincial health care system, a provincial or federal workers' compensation plan or any other plan that may be prescribed.

Refusal to provide services or assistance

(2) The Minister may refuse to provide rehabilitation services or vocational assistance, in whole or in part, to a person if those services or that assistance has already been provided or if the Minister considers that the refusal is reasonable in the circumstances.

Cancellation

17 The Minister may cancel a rehabilitation plan or a vocational assistance plan in the prescribed circumstances.

Income Replacement Benefit

Veterans

Eligibility

18 (1) The Minister may, on application, pay, in accordance with [section 19](#) or [19.1](#), an income replacement benefit to a

veteran who makes an application under [section 8](#) and who has a physical or a mental health problem resulting primarily from service in the Canadian Forces that is creating a barrier to re-establishment in civilian life.

Veteran's participation

(2) Subject to subsection (9), a veteran who is informed by the Minister of their entitlement to an income replacement benefit is required

(a) to participate in the assessment of their needs under subsection 10(1); and

(b) if the Minister determines, as a result of that assessment, that a rehabilitation plan should be developed for the veteran, to participate in the development and implementation of the plan.

When benefit payable

(3) Subject to subsection (4), the income replacement benefit begins to be payable on the later of

(a) the first day of the month in which the Minister determines that the veteran has provided all the prescribed information, and

(b) the day that is one year before the first day of the month in which the Minister determines that the veteran is entitled to the benefit.

Release from Canadian Forces

(4) If the determination referred to in paragraph (3)(a) is made before the day on which the veteran is released from the Canadian Forces, then the day referred to in that paragraph is the first day of the month in which the veteran is released or, if the veteran is released on the last day of the month, the first day of the month after the month in which the veteran is released.

Determination — diminished earning capacity

(5) If a rehabilitation plan is developed under [section 10](#) for the physical or mental health problem referred to in subsection (1) for a veteran who is entitled to the income replacement benefit, then the Minister shall, in accordance with the regulations, determine whether the veteran has a diminished earning capacity that is due to that health problem, before the earlier of

(a) the day on which the veteran completes the rehabilitation plan, and

(b) the day on which the veteran attains the age of 65 years.

Duration of benefit

(6) Subject to subsections (7) and 20(2) and [section 21](#), the income replacement benefit ceases to be payable on the earlier of

(a) the first day of the month after the month in which the Minister determines, as a result of an assessment of the

veteran's needs under subsection 10(1), that a rehabilitation plan should not be developed for the veteran,

(b) the first day of the month after the month in which the veteran completes the rehabilitation plan referred to in subsection (5) or the rehabilitation plan is cancelled,

(c) the first day of the month after the month in which the veteran attains the age of 65 years, and

(d) the first day of the month after the month in which the veteran dies.

Continuation

(7) If the Minister determines under subsection (5) that the veteran has a diminished earning capacity that is due to the physical or mental health problem referred to in subsection (1), the income replacement benefit continues to be payable to the veteran even if the rehabilitation plan has been completed or cancelled or the veteran has attained the age of 65 years, but the benefit ceases to be payable on the earlier of

(a) the first day of the month after the month in which the Minister determines that the veteran no longer has a diminished earning capacity that is due to that health problem, and

(b) the first day of the month after the month in which the veteran dies.

Deeming

(8) If the Minister makes the determination referred to in subsection (5) after the day on which the veteran attains the age of 65 years because the Minister was of the opinion that the reasons for delaying the determination were reasonable in the circumstances, that determination is deemed, for the purposes of subsection (7), to have been made before that day.

Non-application of subsection (2)

(9) Subsection (2) does not apply to a veteran if the Minister determines under subsection (5) that the veteran has a diminished earning capacity that is due to the physical or mental health problem.

Non-application — paragraph (7)(a)

(10) Paragraph (7)(a) does not apply to a veteran who has attained the age of 65 years.

2005, c. 21, s. 18; 2015, c. 36, s. 208; 2016, c. 7, s. 81; 2018, c. 12, s. 131.

Amount of benefit — veteran under age 65

19 (1) Subject to the regulations, the monthly amount of the income replacement benefit that is payable under [section 18](#) to a veteran who is under the age of 65 years — or to a veteran who has attained the age of 65 years, for the month in which the veteran attained that age — shall be determined by the formula

A - B

where

- A** is 90% of the veteran's imputed income for a month; and
- B** is an amount that is payable to the veteran for a month from prescribed sources.

Regulations

(2) The Governor in Council may make regulations

(a) respecting, for the purposes of subsection (1), the determination of the imputed income in respect of a class of veterans, including the periodic adjustment — including in accordance with a career progression factor — of the monthly military salary used in that determination;

(b) providing for a minimum amount of imputed income in respect of a class of veterans and for the periodic adjustment of that minimum amount; and

(c) respecting the determination, for the purpose of the description of B in subsection (1), of an amount payable to a class of veterans for a month.

(d) [Repealed, 2018, c. 12, s. 132]

Career progression factor

(3) If regulations made under paragraph (2)(a) provide for the periodic adjustment of a veteran's monthly military salary in accordance with a career progression factor, that periodic adjustment may only be applied if the Minister determines under [subsection 18\(5\)](#) that the veteran has a diminished earning capacity, and it shall not be applied after the earlier of

(a) the last day of the prescribed number of years of service of the veteran in the Canadian Forces, and

(b) the day before the day on which the veteran attains the age of 60 years.

2005, c. 21, s. 19; 2016, c. 7, s. 82; 2018, c. 12, s. 132.

Amount of benefit — veteran 65 years or older

19.1 (1) Subject to the regulations and [section 19](#), the monthly amount of the income replacement benefit that is payable under [section 18](#) to a veteran who has attained the age of 65 years shall be determined by the formula

$$\mathbf{A - B}$$

where

A is 70% of the income replacement benefit that the veteran would have been entitled to for the month in which they attain the age of 65 years had any amounts that were payable to the veteran from prescribed sources referred to in subsection 19(1) not been taken into account; and

B is an amount that is payable to the veteran for a month from prescribed sources.

Regulations

(2) The Governor in Council may make regulations

(a) providing for the periodic adjustment of the amount determined for A in subsection (1); and

(b) respecting the determination, for the purpose of the description of B in subsection (1), of an amount payable to a class of veterans for a month.

2018, c. 12, s. 133.

Examination or assessment

20 (1) The Minister may, for the purpose of determining whether a veteran continues to be entitled to an income replacement benefit under [section 18](#), require the veteran to undergo a medical examination or an assessment by a person specified by the Minister.

Non-compliance

(2) If a veteran who is required by the Minister to undergo a medical examination or an assessment fails without reasonable excuse to do so, the Minister may suspend the payment of the income replacement benefit. If the veteran continues to fail to undergo the medical examination or the assessment for a period of 30 days after the day on which payment of the benefit is suspended, the Minister may cancel the benefit.

2005, c. 21, s. 20; [2016, c. 7, s. 83](#); [2018, c. 12, s. 133](#).

Suspension or cancellation

21 The Minister may, in the prescribed circumstances, suspend the payment of an income replacement benefit that is payable under [section 18](#) or cancel the benefit.

2005, c. 21, s. 21; [2018, c. 12, s. 133](#).

Survivors and Orphans

Eligibility — service-related death before age 65

22 (1) The Minister may, on application, pay, in accordance with [section 23](#), an income replacement benefit to a member's or a veteran's survivor or orphan if the member or veteran dies before the day on which they attain the age of 65 years as the result of

- (a)** a service-related injury or disease; or
- (b)** a non-service-related injury or disease that was aggravated by service.

When benefit payable

(2) The income replacement benefit begins to be payable on the later of

- (a)** the first day of the month after the month in which the member or veteran dies, and
- (b)** the day that is one year before the first day of the month in which the Minister determines that the survivor or orphan is entitled to the benefit.

Duration of benefit

(3) Subject to [section 26.2](#), the income replacement benefit ceases to be payable, as the case may be,

- (a)** to the survivor, on the first day of the month after the month in which the survivor dies; and
- (b)** to the orphan, on the earlier of

(i) the first day of the month after the month in which the orphan is no longer an orphan, and

(ii) the first day of the month after the month in which the orphan dies.

2005, c. 21, s. 22; 2018, c. 12, s. 133.

Amount of benefit

23 (1) Subject to the regulations, the monthly amount of the income replacement benefit that is payable under [section 22](#) in respect of a member or a veteran is

(a) for the month in which the member or veteran, if alive, would have attained the age of 65 years and any month before that month, 90% of the member's or veteran's imputed income for a month; and

(b) for any month after the month in which the member or veteran, if alive, would have attained the age of 65 years, 70% of the amount determined by the formula

$$\mathbf{A \times B}$$

where

A is 70%; and

B is 90% of the member's or veteran's imputed income for a month.

Division of benefit

(2) If the income replacement benefit is payable to a survivor or an orphan, the following rules apply:

(a) if there is a survivor but no orphans, the survivor is entitled to 100% of the income replacement benefit;

(b) if there is a survivor and one or more orphans,

(i) the survivor is entitled to 50% of the income replacement benefit, and

(ii) the orphans are entitled, as a class, to 50% of the income replacement benefit, divided equally among them;

(c) if there are one or more orphans but no survivor, each of those orphans is entitled to the amount obtained by dividing the income replacement benefit by the number of those orphans.

Reduction — survivor

(3) Subject to the regulations, the monthly amount of the income replacement benefit that is payable to a survivor is to be reduced by an amount that is payable to the survivor for a month — in respect of the member or veteran — from prescribed sources.

Regulations

(4) The Governor in Council may make regulations

(a) respecting, for the purposes of paragraphs (1)(a) and (b), the determination of the imputed income in respect of a class of members or veterans, including the periodic adjustment — including in accordance with a career

progression factor — of the monthly military salary used in that determination;

(b) providing for a minimum amount of imputed income in respect of a class of members or veterans and for the periodic adjustment of that minimum amount;

(c) providing for the periodic adjustment of the amount of the income replacement benefit calculated in accordance with subsection (1); and

(d) respecting the determination, for the purpose of subsection (3), of an amount payable to a class of survivors for a month.

Career progression factor

(5) If regulations made under paragraph (4)(a) provide for the periodic adjustment of a member's or a veteran's monthly military salary in accordance with a career progression factor, that periodic adjustment shall not be applied after the earlier of

(a) the last day of the prescribed number of years of service of the member or veteran in the Canadian Forces, and

(b) the day before the day the member or veteran, if alive, would have attained the age of 60 years.

2005, c. 21, s. 23; [2016, c. 7, s. 84](#); [2018, c. 12, s. 134](#).

Eligibility — non-service-related death before age 65

24 (1) The Minister may, on application, pay, in accordance with [section 25](#), an income replacement benefit to a veteran's survivor or orphan if the veteran

(a) dies before the day on which they attain the age of 65 years as the result of an injury or a disease other than

(i) a service-related injury or disease, or

(ii) a non-service-related injury or disease that was aggravated by service; and

(b) was entitled to the income replacement benefit at the time of their death.

Lump sum

(2) The benefit is to be paid as a lump sum.

2005, c. 21, s. 24; [2018, c. 12, s. 135](#).

Amount of benefit

25 (1) The amount of the income replacement benefit that is payable under [section 24](#) in respect of a veteran is

(a) 24 times the amount of the income replacement benefit that the veteran would have been entitled to for the month in which they died had any amounts that were payable to the veteran from prescribed sources referred to in subsection 19(1) not been taken into account; or

(b) if the veteran was entitled to the income replacement benefit at the time of their death as a result of [section 99](#), [24](#) times the amount of the income replacement benefit that the veteran would have been entitled to for the month in which they died had [subsections 99\(3\) to \(5\)](#) never applied to the veteran and had any amounts that were payable to

the veteran from prescribed sources referred to in subsection 19(1) not been taken into account.

Division of benefit

(2) If the income replacement benefit is payable to a survivor or an orphan, the following rules apply:

(a) if there is a survivor but no orphans, the survivor is entitled to 100% of the income replacement benefit;

(b) if there is a survivor and one or more orphans,

(i) the survivor is entitled to 50% of the income replacement benefit, and

(ii) the orphans are entitled, as a class, to 50% of the income replacement benefit, divided equally among them;

(c) if there are one or more orphans but no survivor, each of those orphans is entitled to the amount obtained by dividing the income replacement benefit by the number of those orphans.

2005, c. 21, s. 25; [2018, c. 12, s. 135](#).

Eligibility — veteran's death at age 65 years or older

26 (1) The Minister may, on application, pay, in accordance with [section 26.1](#), an income replacement benefit to a veteran's survivor or orphan if the veteran dies on or after the day on which they attain the age of 65 years and the veteran was entitled to the income replacement benefit at the time of their death.

When benefit payable

(2) The income replacement benefit begins to be payable on the later of

- (a)** the first day of the month after the month in which the veteran dies, and
- (b)** the day that is one year before the first day of the month in which the Minister determines that the survivor or orphan is entitled to the benefit.

Duration of benefit

(3) Subject to [section 26.2](#), the income replacement benefit ceases to be payable, as the case may be,

- (a)** to the survivor, on the first day of the month after the month in which the survivor dies; and
- (b)** to the orphan, on the earlier of
 - (i)** the first day of the month after the month in which the orphan is no longer an orphan, and
 - (ii)** the first day of the month after the month in which the orphan dies.

2005, c. 21, s. 26; [2018, c. 12, s. 135](#).

Amount of benefit

26.1 (1) Subject to the regulations, the monthly amount of the income replacement benefit that is payable under [section 26](#) in respect of a veteran is

(a) 70% of the income replacement benefit that the veteran would have been entitled to for the month in which they died — or, if the veteran died in the month in which they attained the age of 65 years, for the month after the month in which they died — had any amounts that were payable to the veteran from prescribed sources referred to in subsection 19.1(1) not been taken into account; or

(b) if the veteran was entitled to the income replacement benefit at the time of their death as a result of [section 99](#), 70% of the income replacement benefit that the veteran would have been entitled to for the month in which they died — or, if the veteran died in the month in which they attained the age of 65 years, for the month after the month in which they died — had [subsections 99\(3\) to \(5\)](#) never applied to the veteran and had any amounts that were payable to the veteran from prescribed sources referred to in subsection 19.1(1) not been taken into account.

Division of benefit

(2) If the income replacement benefit is payable to a survivor or an orphan, the following rules apply:

(a) if there is a survivor but no orphans, the survivor is entitled to 100% of the income replacement benefit;

(b) if there is a survivor and one or more orphans,

(i) the survivor is entitled to 50% of the income replacement benefit, and

(ii) the orphans are entitled, as a class, to 50% of the income replacement benefit, divided equally among

them;

(c) if there are one or more orphans but no survivor, each of those orphans is entitled to the amount obtained by dividing the income replacement benefit by the number of those orphans.

Reduction — survivor

(3) Subject to the regulations, the monthly amount of the income replacement benefit that is payable to a survivor is to be reduced by an amount that is payable to the survivor for a month — in respect of the veteran — from prescribed sources.

Regulations

(4) The Governor in Council may make regulations

(a) providing for the periodic adjustment of the income replacement benefit calculated in accordance with subsection (1); and

(b) respecting the determination, for the purpose of subsection (3), of an amount payable to a class of survivors for a month.

[2018, c. 12, s. 135.](#)

Suspension or cancellation

26.2 The Minister may, in the prescribed circumstances, suspend the payment of an income replacement benefit that is payable under [section 22](#) or [26](#) or cancel the benefit.

[2018, c. 12, s. 135.](#)

Canadian Forces Income Support Benefit

Eligibility — veterans

27 The Minister may, on application made within the prescribed time, pay a Canadian Forces income support benefit to a veteran who has been in receipt of an income replacement benefit under [section 18](#) — or would, but for their level of income, have been in receipt of it — if

- (a)** the veteran is no longer entitled to the income replacement benefit;
- (b)** the veteran meets the prescribed employment-related criteria; and
- (c)** in the month in which the application is made, a calculation made under subsection 37(1) in respect of the veteran would result in an amount greater than zero.

2005, c. 21, s. 27; [2018, c. 12, s. 136](#).

Eligibility — survivors

28 The Minister may, on application made within the prescribed time, pay a Canadian Forces income support benefit to a veteran's survivor if the veteran was in receipt of that benefit at the time of their death and if

- (a)** the veteran dies as the result of an injury or a disease other than an injury or a disease described in [paragraph 29\(a\)](#);
- (b)** the survivor meets the prescribed employment-related criteria; and

(c) in the month in which the application is made, a calculation made under subsection 37(1) in respect of the survivor would result in an amount greater than zero.

Eligibility — survivors

29 The Minister may, on application, pay a Canadian Forces income support benefit to a member's or a veteran's survivor if

(a) the member or veteran dies as a result of

(i) a service-related injury or disease, or

(ii) a non-service-related injury or disease that was aggravated by service; and

(b) on the day on which the application is approved, the member or veteran, if alive, would be at least 65 years of age.

Eligibility — orphans

30 The Minister may, on application, pay a Canadian Forces income support benefit to a veteran's orphan if

(a) the veteran dies as a result of an injury or a disease other than an injury or a disease described in [paragraph 31\(a\)](#); and

(b) the veteran was in receipt of that benefit at the time of their death.

Eligibility — orphans

31 The Minister may, on application, pay a Canadian Forces income support benefit to a member's or a veteran's orphan if

- (a)** the member or veteran dies as a result of
 - (i)** a service-related injury or disease, or
 - (ii)** a non-service-related injury or disease that was aggravated by service; and
- (b)** on the day on which the application is approved, the member or veteran, if alive, would be at least 65 years of age.

When benefit payable

32 The Canadian Forces income support benefit under [section 29](#), [30](#) or [31](#) begins to be payable on the later of

- (a)** the first day of the month after the month in which the member or veteran died, and
- (b)** the first day of the month that is one year prior to the month in which the application for the benefit is approved in respect of the survivor or orphan, as the case may be.

Restrictions on residence

33 A Canadian Forces income support benefit may be paid to a person only if the person resides in Canada.

Payment for entire month

34 If, in a month, a person who is in receipt of a Canadian Forces income support benefit dies or ceases to reside in Canada, the benefit shall be paid as if the person were entitled to the benefit for that entire month.

Requirement to participate

35 (1) A Canadian Forces income support benefit under [section 27](#) or [28](#) is only payable for each month that the veteran or survivor participates — to the extent required to meet the objectives of the program — in a career transition services program that is approved by the Minister.

Exception

(2) Subsection (1) does not apply to a veteran or a survivor who has attained the age of 65 years.

Exemption

(3) The Minister may exempt a veteran or a survivor from the application of subsection (1), subject to any terms and conditions that the Minister considers appropriate, and the Minister may cancel the exemption.

When benefit is payable

(4) Subject to subsection (5), the Canadian Forces income support benefit under [section 27](#) or [28](#) begins to be payable on the earlier of

(a) the first day of the month in which the veteran or the survivor starts a career transition services program referred to in subsection (1), and

(b) the first day of the month in which the Minister grants the veteran or survivor an exemption under subsection (3).

Exception — applicant over 65 years of age

(5) If an application for a Canadian Forces income support benefit under [section 27](#) or [28](#) is approved in respect of a veteran or a survivor who has attained the age of 65 years, the benefit begins to be payable on the first day of the month in which the application is approved.

Duration of benefit

(6) Subject to [section 36](#), a Canadian Forces income support benefit under [section 27](#) or [28](#) ceases to be payable on the earlier of

(a) the last day of the month in which the veteran or survivor ceases to participate in a career transition services program referred to in subsection (1), unless the veteran or survivor is exempt from the application of that subsection,

(b) the last day of the month in which the veteran or survivor no longer meets the prescribed employment-related criteria, and

(c) the last day of the month in which a calculation made under subsection 37(1) in respect of the veteran or survivor would result in an amount equal to or less than zero.

2005, c. 21, s. 35; [2011, c. 12, s. 7](#).

Suspension or cancellation

36 The Minister may suspend the payment of a Canadian Forces income support benefit or cancel the benefit, in the prescribed circumstances.

Amount of benefit

37 (1) Subject to subsection (2), the amount of the Canadian Forces income support benefit payable under [sections 27 to 31](#) for each month in a current payment period shall be determined by the formula

$$\mathbf{A - B - C}$$

where

A is

(a) in the case of a veteran, the sum of the applicable amounts set out in column 2 of items 1 to 3 of Schedule 1,

(b) in the case of a survivor, the amount set out in column 2 of item 4 of Schedule 1, and

(c) in the case of an orphan, the amount set out in column 2 of item 5 of Schedule 1;

B is

(a) in the case of a veteran, 1/12 of the income of the veteran and the veteran's spouse or common-law partner, if any, for the base calendar year,

(b) in the case of a survivor, 1/12 of the survivor's income for the base calendar year, and

(c) in the case of an orphan, 1/12 of the orphan's income for the base calendar year; and

C is

(a) in the case of a veteran, the total of the current monthly benefits payable to the veteran and the veteran's spouse or common-law partner, if any, from prescribed sources,

(b) in the case of a survivor, the total of the current monthly benefits payable to the survivor from prescribed sources, and

(c) in the case of an orphan, the total of the current monthly benefits payable to the orphan from prescribed sources.

Veteran couples

(2) If the spouses or common-law partners are both veterans to whom a Canadian Forces income support benefit is payable, the following rules apply in respect of each veteran:

(a) the value of A in subsection (1) is the sum of

(i) the amount set out in column 2 of item 1 of Schedule 1, and

(ii) in respect of each dependent child of the veteran, and each dependent child of the veteran's spouse or common-law partner who is not a dependent child of the veteran, $1/2$ of the amount set out in column 2 of item 3 of Schedule 1;

(b) the value of B in subsection (1) is $1/24$ of the income of the veteran and the veteran's spouse or common-law partner for the base calendar year; and

(c) the value of C in subsection (1) is 1/2 of the total of the current monthly benefits payable to the veteran and the veteran's spouse or common-law partner from prescribed sources.

38 [Repealed, 2018, c. 12, s. 137]

39 [Repealed, 2018, c. 12, s. 137]

40 [Repealed, 2018, c. 12, s. 137]

40.1 [Repealed, 2018, c. 12, s. 137]

40.2 [Repealed, 2018, c. 12, s. 137]

40.3 [Repealed, 2018, c. 12, s. 137]

40.4 [Repealed, 2018, c. 12, s. 137]

40.5 [Repealed, 2017, c. 20, s. 275]

40.6 [Repealed, 2018, c. 12, s. 137]

Regulations

Governor in Council

41 The Governor in Council may make regulations

(a) providing for the notification of the Minister, by persons who are entitled to an income replacement benefit or a Canadian Forces income support benefit, of any changes in income or benefits, or in an amount payable for a month from a prescribed source for the purposes of subsection 19(1), 19.1(1), 23(3) or 26.1(3), requiring the provision of statements of estimated income, benefits or amounts

payable and providing for the effect of those changes on the calculation of the amount of the compensation payable;

(b) respecting what constitutes a diminished earning capacity;

(b.1) respecting the manner of determining whether a veteran has a diminished earning capacity that is due to a physical or a mental health problem;

(b.2) respecting what constitutes a year of service in the Canadian Forces, for the purposes of [subsections 19\(3\)](#) and [23\(5\)](#);

(c) defining base calendar year, income and payment period for the purposes of [section 37](#);

(d) providing for the increase of any amount set out in column 2 of Schedule 1 in case of any increase in the amount of a pension or a supplement, as those terms are defined in [section 2](#) of the *Old Age Security Act*, as a result of amendments to that Act;

(e) respecting the payment of expenses arising out of a person's participation in a rehabilitation plan or a vocational assistance plan; and

(f) defining residence and defining intervals of absence from Canada that shall be deemed not to have interrupted residence in Canada for the purposes of [sections 33](#) and [34](#).

(g) [\[Repealed, 2018, c. 12, s. 138\]](#)

[2005, c. 21, s. 41](#); [2015, c. 36, s. 211](#); [2016, c. 7, s. 87](#); [2018, c. 12, s. 138](#).

PART 3

Critical Injury, Pain and Suffering, Death and Detention

General

Non-application of this Part

42 This Part, other than [sections 44.1, 44.2 and 56.6 to 56.8](#), does not apply in respect of an injury or a disease, or the aggravation of an injury or a disease, if the injury or disease, or the aggravation, is one for which a pension may be granted under the *Pension Act*.

2005, c. 21, s. 42; [2015, c. 36, s. 213](#); [2017, c. 20, s. 276](#); [2018, c. 12, s. 140](#).

Benefit of doubt

43 In making a decision under this Part or under [section 84](#), the Minister and any person designated under [section 67](#) shall

(a) draw from the circumstances of the case, and any evidence presented to the Minister or person, every reasonable inference in favour of an applicant under this Part or under [section 84](#);

(b) accept any uncontradicted evidence presented to the Minister or the person, by the applicant, that the Minister or person considers to be credible in the circumstances; and

(c) resolve in favour of the applicant any doubt, in the weighing of the evidence, as to whether the applicant has established a case.

Representation of applicant

44 In all proceedings under this Part, an applicant may be represented by a service bureau of a veterans' organization or, at the applicant's own expense, by any other representative of the applicant's choice.

Critical Injury Benefit

Eligibility

44.1 (1) The Minister may, on application, pay a critical injury benefit to a member or veteran who establishes that they sustained one or more severe and traumatic injuries, or developed an acute disease, and that the injury or disease

(a) was a service-related injury or disease;

(b) was the result of a sudden and single incident that occurred after March 31, 2006; and

(c) immediately caused a severe impairment and severe interference in their quality of life.

Factors to be considered

(2) In deciding whether the impairment and the interference in the quality of life referred to in paragraph (1)(c) were severe, the Minister shall consider any prescribed factors.

Regulations

(3) The Governor in Council may, for the purpose of subsection 44.1(1), make regulations respecting the determination of what constitutes a sudden and single incident.

2015, c. 36, s. 214.

Amount of benefit

44.2 The amount of the critical injury benefit that is payable to a member or veteran shall be the amount set out in column 2 of item 2.2 of Schedule 2.

2015, c. 36, s. 214.

44.3 [Repealed, 2017, c. 20, s. 277]

Pain and Suffering Compensation

Eligibility

45 (1) The Minister may, on application, pay pain and suffering compensation to a member or a veteran who establishes that they are suffering from a disability resulting from

- (a)** a service-related injury or disease; or
- (b)** a non-service-related injury or disease that was aggravated by service.

Compensable fraction

(2) Pain and suffering compensation may be paid under paragraph (1)(b) only in respect of that fraction of a disability, measured in fifths, that represents the extent to which the injury or disease was aggravated by service.

2005, c. 21, s. 45; 2018, c. 12, s. 142.

Consequential injury or disease

46 (1) For the purposes of subsection 45(1), an injury or a disease is deemed to be a service-related injury or disease if the injury or disease is, in whole or in part, a consequence of

(a) a service-related injury or disease;

(b) a non-service-related injury or disease that was aggravated by service;

(c) an injury or a disease that is itself a consequence of an injury or a disease described in paragraph (a) or (b); or

(d) an injury or a disease that is a consequence of an injury or a disease described in paragraph (c).

Compensable fraction

(2) If a disability results from an injury or a disease that is deemed to be a service-related injury or disease, pain and suffering compensation may be paid under subsection 45(1) only in respect of that fraction of the disability, measured in fifths, that represents the extent to which that injury or disease is a consequence of another injury or disease that is, or is deemed to be, a service-related injury or disease.

2005, c. 21, s. 46; [2015, c. 36, s. 215](#); [2018, c. 12, s. 143](#).

Loss of paired organ or limb

47 (1) The Minister may, on application, pay pain and suffering compensation to a member or a veteran who has been paid a disability award or pain and suffering compensation or to whom pain and suffering compensation is payable on account of the loss of, or the permanent loss of the use of, one of their paired

organs or limbs if the member or veteran suffers, either before or after that loss or loss of use, the loss of, the permanent loss of the use of or the impairment of the other paired organ or limb from any cause whatever.

Extent of disability

(2) The member's or veteran's extent of disability in respect of that other paired organ or limb shall be considered to be 50% of the extent of disability at which the member or veteran would have been assessed if the loss of, the permanent loss of the use of or the impairment of that paired organ or limb had occurred in circumstances in which pain and suffering compensation would have been payable under [section 45](#). 2005, c. 21, s. 47; [2018, c. 12, s. 144](#).

Increase in extent of disability

48 (1) If a member or a veteran who has been paid a disability award or pain and suffering compensation or to whom pain and suffering compensation is payable establishes that their extent of disability, for which a disability award or pain and suffering compensation was paid or is payable, has subsequently increased, the Minister may, on application, pay pain and suffering compensation to the member or veteran.

Compensable fraction — aggravated by service

(2) In the case of a non-service related injury or disease that was aggravated by service, pain and suffering compensation may be paid under subsection (1) only in respect of that

fraction of the disability that has been determined in accordance with [subsection 45\(2\)](#).

Compensable fraction — consequential injury or disease

(3) In the case of an injury or a disease that is a consequence of another injury or disease, pain and suffering compensation may be paid under subsection (1) only in respect of that fraction of the disability that has been determined in accordance with [subsection 46\(2\)](#).

2005, c. 21, s. 48; [2011, c. 12, s. 10](#); [2018, c. 12, s. 144](#).

How extent of disability assessed

49 (1) The assessment of the extent of a disability shall be based on the instructions and a table of disabilities to be made by the Minister for the guidance of persons making those assessments.

Statutory Instruments Act

(2) The instructions and table of disabilities are exempt from the application of [sections 3, 5 and 11](#) of the *Statutory Instruments Act*.

2005, c. 21, s. 49; [2011, c. 12, s. 11](#); [2018, c. 12, s. 144](#).

Amount of pain and suffering compensation

50 (1) Subject to [section 56.4](#), the monthly amount of pain and suffering compensation that is payable under [section 45, 47 or 48](#) to a member or a veteran shall be determined by the formula

A – B

where

- A** is the amount set out in column 3 of Schedule 3 that corresponds to the extent of disability, as set out in column 2 of that Schedule, that is the total of the member's or veteran's extent of disability for which a disability award has been paid or for which pain and suffering compensation is payable or has been paid as a lump sum; and
- B** is the amount set out in column 3 of Schedule 3 that corresponds to the extent of disability, as set out in column 2 of that Schedule, that is the total of the member's or veteran's extent of disability for which a disability award has been paid or for which pain and suffering compensation has been paid as a lump sum.

Fraction

(2) For the purpose of determining the extent of disability in subsection (1), if a disability award or pain and suffering compensation was paid or may be paid only in respect of a fraction of a disability, then only that fraction of the disability shall be taken into account.

2005, c. 21, s. 50; [2011, c. 12, s. 12](#); [2018, c. 12, s. 144](#).

When pain and suffering compensation payable

51 (1) Pain and suffering compensation begins to be payable under [section 45](#), [47](#) or [48](#) on the later of

- (a)** the first day of the month in which the application for pain and suffering compensation is made, and

(b) the day that is three years before the first day of the month in which the pain and suffering compensation is granted.

Additional payment

(2) Despite subsection (1), if the Minister or, in the case of a review or an appeal under the *Veterans Review and Appeal Board Act*, the Board is of the opinion that, were it not for delays in securing service or other records or other administrative difficulties beyond the control of the member or veteran, pain and suffering compensation would have been granted earlier, the Minister or the Board, as the case may be, may grant an additional payment to the member or veteran in an amount not exceeding an amount equal to the pain and suffering compensation payable to the member or veteran for two years.

Additional payment deemed to be compensation

(3) The additional payment is deemed to be compensation for the purposes of sections 88 to 90 and 92 and subsection 93(1). 2005, c. 21, s. 51; 2018, c. 12, s. 144.

Duration of pain and suffering compensation

52 Subject to [section 52.1](#), pain and suffering compensation ceases to be payable under [section 45](#), [47](#) or [48](#) on the earlier of

(a) the first day of the month after the month in which the member or veteran makes an election under [section 53](#), and

(b) the first day of the month after the month in which the member or veteran dies.

2005, c. 21, s. 52; 2016, c. 7, s. 88; 2018, c. 12, s. 144.

Suspension or cancellation

52.1 The Minister may, in the prescribed circumstances, suspend the payment of pain and suffering compensation that is payable under [section 45](#), [47](#) or [48](#) or cancel the pain and suffering compensation.

[2011, c. 12, s. 13](#); [2018, c. 12, s. 144](#).

Election – lump sum

53 (1) A member or a veteran to whom pain and suffering compensation is payable under [section 45](#), [47](#) or [48](#) may elect, in the prescribed manner, to receive the pain and suffering compensation as a lump sum in lieu of monthly payments.

Amount of lump sum

(2) The amount of the pain and suffering compensation that is payable as a lump sum shall be determined by the formula

$$\mathbf{A - B}$$

where

A is the amount set out in column 4 of Schedule 3 that corresponds to the extent of disability, as set out in column 2 of that Schedule, that is the total of the member's or veteran's extent of disability for which pain and suffering compensation is payable; and

B is the sum of the amounts obtained — in respect of each pain and suffering compensation that began to be payable to the member or veteran, other than pain and suffering compensation for which the member or veteran previously made an election under this section — by multiplying the amount determined in accordance with paragraph (a) by the number determined in accordance with paragraph (b):

(a) the amount set out in column 3 of Schedule 3 that corresponds to the member's or veteran's extent of disability, as set out in column 2 of that Schedule, for which that pain and suffering compensation was paid;

(b) the number of months for which the member or veteran was paid that pain and suffering compensation.

Election irrevocable

(3) An election made under subsection (1) is irrevocable and applies in respect of the member's or veteran's total extent of disability for which pain and suffering compensation is payable when the election is made.

2005, c. 21, s. 53; [2016, c. 7, s. 89](#); [2018, c. 12, s. 144](#).

Death of member or veteran

54 If a member or a veteran to whom pain and suffering compensation is payable under [section 45](#), [47](#) or [48](#) dies, the Minister may, on application, pay as a lump sum, in accordance with [section 56.1](#), to a survivor or a person who was, at the time of the member's or veteran's death, a dependent child, any pain and suffering compensation that would have been

payable to the member or veteran under [section 53](#) if they had made the election under that section on the day before their death.

2005, c. 21, s. 54; [2018, c. 12, s. 144](#).

Death of member or veteran — application pending

55 (1) If a member or a veteran who made an application for pain and suffering compensation under [section 45, 47 or 48](#) dies before the Minister makes a determination in respect of the application, the Minister may pay as a lump sum, in accordance with [section 56.1](#), to a survivor or a person who was, at the time of the member's or veteran's death, a dependent child, pain and suffering compensation in an amount equal to the amount, set out in column 4 of Schedule 3, that corresponds to the monthly amount of pain and suffering compensation, set out in column 3 of that Schedule, that would have been payable to the member or veteran under section 45, 47 or 48, had they lived, as a result of the application.

Rights of survivor and dependent child

(2) The survivor or dependent child has, in respect of the application referred to in subsection (1), all of the rights that the member or veteran would have had had they lived.

2005, c. 21, s. 55; [2018, c. 12, s. 144](#).

Death of member or veteran — no application made

56 If a member or a veteran dies before they make an application for pain and suffering compensation under [section 45, 47 or 48](#), the Minister may, on application, pay as a lump

sum, in accordance with [section 56.1](#), to a survivor or a person who was, at the time of the member's or veteran's death, a dependent child, pain and suffering compensation in an amount equal to the amount, set out in column 4 of Schedule 3, that corresponds to the monthly amount of pain and suffering compensation, set out in column 3 of that Schedule, that would have been payable to the member or veteran under section 45, 47 or 48 if the member or veteran had lived and had made the application.

2005, c. 21, s. 56; [2011, c. 12, s. 14](#); [2018, c. 12, s. 144](#).

Division of pain and suffering compensation

56.1 If pain and suffering compensation is payable to a survivor or a person who was, at the time of a member's or veteran's death, a dependent child, the following rules apply:

- (a)** if there is a survivor but no person who was a dependent child, the survivor is entitled to 100% of the pain and suffering compensation;
- (b)** if there is a survivor and one or more persons who were dependent children,
 - (i)** the survivor is entitled to 50% of the pain and suffering compensation, and
 - (ii)** the persons who were dependent children are entitled, as a class, to 50% of the pain and suffering compensation, divided equally among them;
- (c)** if there are one or more persons who were dependent children but no survivor, each of those children is entitled to

the amount obtained by dividing the pain and suffering compensation by the number of those children.

2018, c. 12, s. 144.

Deemed extent of disability

56.2 For the purposes of [sections 55](#) and [56](#), if a member or a veteran dies as a result of an injury or a disease for which a disability award has been paid or for which pain and suffering compensation has been paid, is payable or would be payable and their death occurs more than 30 days after the day on which the injury occurred or the disease was contracted or the injury or disease was aggravated, the member or veteran is deemed to have been assessed, on the day before their death, as having an extent of disability of 100% in respect of that injury or disease.

2018, c. 12, s. 144.

Reduction

56.3 If an amount is paid or payable to a person from a prescribed source in respect of a death or disability for which pain and suffering compensation is payable, the Minister may reduce the pain and suffering compensation that is payable to the person by an amount determined in accordance with the regulations.

2018, c. 12, s. 144.

Maximum extent of disability

56.4 (1) If a member's or a veteran's extent of disability, in respect of the aggregate of all of the member's or veteran's

disability assessments and deemed disability assessments under this Act — in relation to the disability award or pain and suffering compensation — and under the *Pension Act*, exceeds 100%, no pain and suffering compensation is to be paid for any percentage points exceeding 100%.

Compensable fraction

(2) For the purpose of determining the extent of disability, if a disability award or pain and suffering compensation was paid or may be paid only in respect of a fraction of a disability, or if only a fraction of a disability is pensionable under the *Pension Act*, then only that fraction of the disability shall be taken into account.

2018, c. 12, s. 144.

No pain and suffering compensation — decision under *Pension Act*

56.5 (1) No pain and suffering compensation shall be granted in respect of an injury or a disease, or the aggravation of an injury or a disease, if the injury or disease, or the aggravation, has been the subject of an application for a pension under the *Pension Act* and the Minister, or the Commission as defined in [section 79](#) of that Act, has rendered a decision in respect of the application.

No pain and suffering compensation — inseparable for purpose of assessment

(2) No pain and suffering compensation shall be granted in respect of an injury or a disease, or the aggravation of an

injury or a disease, if the Minister determines that the injury or disease, or the aggravation, is inseparable — for the purpose of assessing the extent of disability — from an injury or a disease, or the aggravation of an injury or a disease, for which a pension has been granted under the *Pension Act*.

2018, c. 12, s. 144.

Additional Pain and Suffering Compensation

Eligibility

56.6 (1) The Minister may, on application, pay additional pain and suffering compensation to a veteran who suffers from one or more disabilities that are creating a permanent and severe impairment and a barrier to re-establishment in civilian life if the veteran, in respect of each of those disabilities, has been granted a disability award or pain and suffering compensation or a disability pension under the *Pension Act*.

Non-application of subsection (1)

(2) Subsection (1) does not apply in respect of a disability resulting from an injury or disease, or the aggravation of an injury or disease, that resulted from

(a) service in the Canadian Forces on or before April 1, 1947; or

(b) service in the Korean War, as defined in [subsection 3\(1\)](#) of the *Pension Act*.

Ineligibility — exceptional incapacity allowance

(3) A veteran who is receiving an exceptional incapacity allowance under the *Pension Act* is not eligible for additional pain and suffering compensation.

Assessment of extent of impairment

(4) The Minister shall assess the extent of the veteran's permanent and severe impairment.

Amount of additional pain and suffering compensation

(5) The monthly amount of additional pain and suffering compensation that is payable is the amount set out in column 2 of Schedule 4 that corresponds to the extent of the veteran's permanent and severe impairment as set out in column 1 of that Schedule.

When additional pain and suffering compensation payable

(6) Subject to subsection (8), additional pain and suffering compensation begins to be payable on the later of

(a) the first day of the month in which the application for additional pain and suffering compensation is made,

(b) the day that is one year before the first day of the month in which the veteran is determined to be entitled to the additional pain and suffering compensation, and

(c) the first day of the month in which the veteran is released from the Canadian Forces or, if the veteran is released on the last day of the month, the first day of the month after the month in which the veteran is released.

Reassessment of extent of impairment

(7) If there has been a change in circumstances relating to a veteran to whom additional pain and suffering compensation is payable, the Minister may, on application, reassess the extent of the veteran's permanent and severe impairment. The Minister may, on his or her own initiative, reassess the extent of the veteran's permanent and severe impairment.

When additional pain and suffering compensation payable — reassessment

(8) If, as a result of the reassessment, a determination is made that the extent of the veteran's permanent and severe impairment has changed, the resulting additional pain and suffering compensation begins to be payable,

(a) if the reassessment is conducted on application and the veteran's extent of impairment has worsened, on the later of

(i) the first day of the month in which the application for a reassessment is made, and

(ii) the day that is one year before the first day of the month in which the determination is made;

(b) if the reassessment is conducted on application and the veteran's extent of impairment has lessened, on the first day of the month after the month in which the determination is made; or

(c) if the reassessment is conducted on the Minister's own initiative, on the first day of the month after the month in which the determination is made.

Duration of additional pain and suffering compensation

(9) Subject to [section 56.8](#), additional pain and suffering compensation ceases to be payable on the earlier of

(a) the first day of the month after the month in which the Minister determines that the veteran is no longer entitled to the additional pain and suffering compensation, and

(b) the first day of the month after the month in which the veteran dies.

[2018, c. 12, s. 144.](#)

Examination or assessment

56.7 The Minister may, for the purpose of determining whether a veteran continues to be entitled to additional pain and suffering compensation under [section 56.6](#) or for the purpose of determining whether the extent of the veteran's permanent and severe impairment has changed, require the veteran to undergo a medical examination or an assessment by a person specified by the Minister.

[2018, c. 12, s. 144.](#)

Suspension or cancellation

56.8 The Minister may, in the prescribed circumstances, suspend the payment of additional pain and suffering compensation or cancel the additional pain and suffering compensation.

[2018, c. 12, s. 144.](#)

Death Benefit

Eligibility — service-related injury or disease

57 (1) The Minister may, on application, pay, in accordance with [section 59](#), a death benefit to a member's survivor or a person who was, at the time of the member's death, a dependent child if

(a) the member dies as a result of a service-related injury or disease; and

(b) the member's death occurs within 30 days after the day on which the injury occurred or the disease was contracted.

Eligibility — injury or disease aggravated by service

(2) The Minister may, on application, pay, in accordance with [section 59](#), a death benefit to a member's survivor or a person who was, at the time of the member's death, a dependent child if

(a) the member dies as a result of a non-service-related injury or disease that was aggravated by service; and

(b) the member's death occurs within 30 days after the day on which the injury or disease was aggravated.

Amount of benefit

58 (1) The amount of the death benefit payable in respect of a member shall be the amount set out in column 2 of item 3 of Schedule 2.

Reduction of benefit

(2) If an amount is paid or payable to a person from a prescribed source in respect of a death for which a death benefit is payable, the Minister may reduce the death benefit payable to the person by a prescribed amount.

Division of benefit

59 If a death benefit is payable to a survivor or a person who was, at the time of a member's death, a dependent child, the following rules apply:

(a) if there is a survivor but no person who was a dependent child, the survivor is entitled to 100% of the death benefit;

(b) if there is a survivor and one or more persons who were dependent children,

(i) the survivor is entitled to 50% of the death benefit, and

(ii) the persons who were dependent children are entitled, as a class, to 50% of the death benefit, divided equally among them; and

(c) if there are one or more persons who were dependent children but no survivor, each of those children is entitled to the amount obtained by dividing the death benefit by the number of those dependent children.

Clothing Allowance

Allowance — amputation

60 (1) The Minister may, on application, pay to a member or a veteran who has received a disability award or pain and suffering compensation on account of an amputation of their leg at or above a Symes' amputation a clothing allowance in respect of their amputation that causes wear and tear of clothing.

Allowance — amputation

(2) The Minister may, on application, pay to a member or a veteran who has received a disability award or pain and suffering compensation on account of an amputation of the arm at or above the wrist a clothing allowance in respect of their amputation that causes wear and tear of clothing.

Allowance — two amputations

(3) If a member or a veteran has received a disability award or pain and suffering compensation on account of two amputations of a kind described in subsection (1) or (2), the Minister may, on application, in addition to the allowances that may be payable under that subsection, pay a clothing allowance in respect of the second amputation equal to 50% of the allowance payable in respect of that amputation.

Allowance — other disabilities

(4) If a member or a veteran has received a disability award or pain and suffering compensation for a disability other than a disability described in subsection (1) or (2) that causes wear and tear of clothing, the Minister may, on application, pay a clothing allowance.

Specially made apparel

(5) If a member or a veteran has received a disability award or pain and suffering compensation for a disability that requires the wearing of specially made apparel, the Minister may, on application, in addition to any other allowance that may be payable under this section, pay a clothing allowance on account of the purchase of the apparel.

2005, c. 21, s. 60; [2018, c. 12, s. 145](#).

Amount of allowance

61 Subject to [subsection 60\(3\)](#), the Minister shall determine the amount of each clothing allowance that may be paid to a member or a veteran in a year, which shall not be greater than the amount set out in column 2 of item 4 of Schedule 2.

When allowance payable

62 The clothing allowance under subsections 60(1) to (5) begins to be payable on the later of

(a) the day on which the application for the allowance was made, and

(b) the day that is one year prior to the day on which the payment of the allowance is approved.

Regulations

Governor in Council

63 The Governor in Council may make regulations

- (a)** respecting the rules of evidence and evidentiary presumptions relating to applications for a critical injury benefit, pain and suffering compensation or a death benefit;
- (b)** respecting the determination, for the purpose of [section 56.3](#), of an amount by which pain and suffering compensation may be reduced; and
- (c)** respecting what constitutes a permanent and severe impairment, the manner of determining whether a veteran has a permanent and severe impairment and the extent of the permanent and severe impairment.

2005, c. 21, s. 63; [2015, c. 36, s. 216](#); [2018, c. 12, s. 146](#).

Detention Benefit

Eligibility

64 (1) Subject to subsection (5), the Minister may, on application, pay a detention benefit to a member or a veteran, who, while serving with the Canadian Forces, was detained by a power, for the period spent in detention.

Definition of power

(2) In this section, **power** means

- (a)** an enemy or an opposing force of Canada;
- (b)** a person or a group that has as one of its purposes or activities the facilitating or carrying out of a terrorist activity; and
- (c)** any prescribed entity.

Period evading capture or escaping

(3) For the purposes of subsection (1), the period spent in detention includes the period during which the member or veteran was engaged in evading capture by, or in escaping from, any power.

Amount of benefit

(4) The Governor in Council may make regulations prescribing the amount of the detention benefit.

Restriction

(5) No detention benefit is payable under this section in respect of a period spent in detention if the period began before the coming into force of this section.

Death of member or veteran — no application made

65 (1) If a member or a veteran who would have been entitled to a detention benefit under [section 64](#) dies before they have applied for the benefit, the Minister may, on application, pay to their testamentary estate or testamentary succession the detention benefit to which the member or veteran, had they lived, would have been entitled under that section.

Death of member or veteran — application pending

(2) If a member or a veteran who has made an application for a detention benefit under [section 64](#) dies before the Minister has made a decision in respect of the application, the Minister may pay to their testamentary estate or testamentary succession the detention benefit to which the member or

veteran, had they lived, would have been entitled under that section.

Rights of estate or succession

(3) The testamentary estate or testamentary succession has, in respect of the application referred to in subsection (2), all of the rights that the member or veteran would have had had they lived.

PART 3.1

Caregiver Recognition Benefit

Eligibility

65.1 (1) The Minister may, on application by a veteran, pay a caregiver recognition benefit to a person designated by the veteran if

(a) the veteran has had an application for a disability award or pain and suffering compensation approved;

(b) as a result of the disability for which the application for a disability award or pain and suffering compensation was approved, the veteran requires ongoing care;

(b.1) the veteran has not been awarded a pension or compensation as those terms are defined in [subsection 3\(1\)](#) of the *Pension Act*;

(c) the designated person is 18 years of age or older and plays an essential role in the provision or coordination of the

ongoing care to the veteran in the veteran's home for which the person receives no remuneration; and

(d) the veteran meets the prescribed eligibility requirements.

Criteria to be considered

(2) In deciding whether the veteran requires ongoing care, the Minister shall consider only prescribed criteria.

Factors to be considered

(3) In deciding whether a designated person plays an essential role in the provision or coordination of the ongoing care to the veteran in the veteran's home, the Minister shall consider only prescribed factors.

(4) ~~[Repealed, 2017, c. 20, s. 279]~~

~~2015, c. 36, s. 217; 2017, c. 20, s. 279; 2018, c. 12, s. 147.~~

Amount of benefit

65.2 The monthly amount of a caregiver recognition benefit that is payable to a designated person shall be the amount set out in column 2 of item 5 of Schedule 2.

~~2015, c. 36, s. 217; 2017, c. 20, s. 280.~~

Only one designated person

65.21 A veteran may, for the purpose of subsection 65.1(1), designate only one person at a time.

~~2017, c. 20, s. 280.~~

When benefit payable

65.22 (1) Subject to subsection (2), a caregiver recognition benefit begins to be payable on the first day of the month in which the application for the benefit is made.

Replacement of designated person

(2) If a veteran, by means of a new application for a caregiver recognition benefit, replaces the designated person with a new designated person, the caregiver recognition benefit begins to be payable to the new designated person on the later of

(a) the first day of the month in which the new application is made, and

(b) the day on which the benefit ceases to be payable to the previously designated person.

[2017, c. 20, s. 280.](#)

When benefit ceases to be payable

65.23 A caregiver recognition benefit ceases to be payable on the earliest of

(a) the first day of the month after the month in which the conditions of eligibility set out in paragraphs 65.1(1)(a) to (d) are no longer met,

(b) the first day of the month after the month in which the veteran makes a new application to replace the designated person with a new designated person, or

(c) the first day of the month after the month in which the veteran or the designated person dies.

2017, c. 20, s. 280.

Change in circumstances — veteran

65.24 (1) A veteran shall inform the Minister if there is any change in circumstances relating to the conditions of eligibility set out in paragraphs 65.1(1)(a) to (d) or if the designated person dies.

Change in circumstances — designated person

(2) A designated person shall inform the Minister if there is any change in circumstances relating to the conditions of eligibility set out in paragraph 65.1(1)(c) or if the veteran who designated the person dies.

2017, c. 20, s. 280.

Assessment

65.3 The Minister may, for the purpose of determining whether a designated person may continue to receive a caregiver recognition benefit, require the veteran who designated the person to undergo an assessment by a person specified by the Minister.

2015, c. 36, s. 217; 2017, c. 20, s. 280.

Suspension or cancellation

65.31 The Minister may, in the prescribed circumstances, suspend the payment of a caregiver recognition benefit or cancel the benefit.

2017, c. 20, s. 280.

Regulations

65.4 The Governor in Council may make regulations

(a) defining **care** for the purposes of paragraphs 65.1(1)(b) and (c) and subsections 65.1(2) and (3); and

(b) defining **home** for the purposes of paragraph 65.1(1)(c) and subsection 65.1(3).

2015, c. 36, s. 217.

PART 4

General

Health Benefits

Group insurance program

66 (1) The Minister may

(a) establish or enter into a contract to acquire a group insurance program comparable to the Public Service Health Care Plan established by the Treasury Board;

(b) subject to the approval of the Treasury Board, set any terms and conditions in respect of the program, including those respecting the premiums or the contributions payable, the benefits and the management and control of the program;

(c) make the contributions and pay the premiums or the benefits, as required; and

(d) undertake and do all things that the Minister considers appropriate for the purpose of implementing and maintaining the program.

Eligibility

(2) A member, a veteran or a member's or a veteran's survivor may elect to participate in a group insurance program referred to in subsection (1) if they meet the prescribed eligibility requirements.

Designations

Designation by Minister

67 (1) Subject to subsection (2), the Minister may designate any person to exercise any power or perform any duty or function that may be exercised or performed by the Minister under this Act.

Limitation

(2) If the Minister designates a person to make a decision under this Act, the Minister may not designate the same person to review the decision.

Definition of conditions of elevated risk

68 In paragraphs 69(1)(c) and 70(1)(c), **conditions of elevated risk** means a level of risk higher than that normally associated with service in peacetime.

Special duty areas

69 (1) The Minister of National Defence, after consulting the Minister, may by order designate an area as a special duty area if

(a) the area is outside Canada;

(b) members have been deployed, or will be deployed, to that area as part of an operation of a type referred to in [section 71](#); and

(c) the Minister of National Defence is of the opinion that that deployment has exposed, or may expose, those members to conditions of elevated risk.

Period of designation

(2) The designation takes effect on the day on which the order is made, or on any earlier day — but not earlier than January 1, 1949 — or on any later day that may be fixed by the order. The order may fix a day on which the designation ceases to be in effect.

Special duty operations

70 (1) The Minister of National Defence, after consulting the Minister, may by order designate as a special duty operation any operation, or any component of it, if

(a) the operation is of a type referred to in [section 71](#);

(b) members have been deployed, or will be deployed, as part of that operation; and

(c) the Minister of National Defence is of the opinion that that deployment has exposed, or may expose, those

members to conditions of elevated risk.

Period of designation

(2) The designation takes effect on the day on which the order is made, or on any earlier day — but not earlier than September 11, 2001 — or on any later day that may be fixed by the order. The order may fix a day on which the designation ceases to be in effect.

Types of operations

71 For the purposes of paragraphs 69(1)(b) and 70(1)(a), the types of operations are as follows:

- (a)** an armed conflict;
- (b)** an operation authorized under the Charter of the United Nations, the North Atlantic Treaty, the North American Aerospace Defence Command Agreement or any other similar treaty instrument;
- (c)** an international or a multinational military operation;
- (d)** an operation authorized to deal with a national emergency, as that term is defined in [section 3](#) of the *Emergencies Act*, in respect of which a declaration of emergency is made under that Act;
- (e)** an operation authorized under section 273.6 or Part VI of the *National Defence Act*, or other similar operation authorized by the Governor in Council;
- (f)** an operation that, in the opinion of the Minister of National Defence, is a search and rescue operation;

(g) an operation that, in the opinion of the Minister of National Defence, is a disaster relief operation;

(h) an operation that, in the opinion of the Minister of National Defence, is a counter-terrorism operation; and

(i) an operation involving a level of risk that, in the opinion of the Minister of National Defence, is comparable to that normally associated with an operation referred to in paragraphs (a) to (e).

***Statutory Instruments Act* does not apply**

72 Sections 3, 5 and 11 of the *Statutory Instruments Act* do not apply in respect of an order made under section 69 or 70.

Powers of Minister

Examination or assessment

73 The Minister may require a person who applies for rehabilitation services or compensation under this Act to undergo a medical examination or an assessment by a person specified by the Minister.

Expenses

74 (1) The Minister may pay to a person who undergoes a medical examination or an assessment at the Minister's request a reasonable amount for their travel and living expenses incurred by reason of the medical examination or the assessment.

Regulations

(2) The Governor in Council may make regulations respecting the payment of those expenses.

2005, c. 21, s. 74; [2018, c. 12, s. 148\(E\)](#).

Fees

75 A person who, at the request of the Minister, conducts a medical examination or performs an assessment for the purposes of this Act is entitled to be paid the fee that may be fixed by the Minister.

Transition to Civilian Life

Information and guidance

75.1 In order to aid a member or a veteran in their transition to civilian life, the Minister may provide them with information and guidance regarding the services, assistance and compensation for which they may be eligible taking into consideration their particular circumstances.

[2015, c. 36, s. 218](#).

Application from member before transition

75.2 The Minister may consider an application for any services, assistance or compensation under this Act from a member, make a decision in respect of the application and conduct any required assessment even though the member may not be eligible for that service, assistance or compensation until they become a veteran.

[2015, c. 36, s. 218](#).

Procedure

Application made to Minister

76 (1) An application for career transition services, rehabilitation services, vocational assistance or compensation under this Act shall be made to the Minister in the form directed by the Minister and shall include any information that is required by the regulations to accompany the application.

Consideration of application

(2) Subject to subsection (3), the Minister shall consider an application without delay after its receipt and, in considering the application, may

(a) investigate the facts stated in the application and any other matter related to the application; and

(b) collect any material and information relevant to the application.

Refusal to consider

(3) If a time is prescribed for making an application, the Minister shall refuse to consider an application made after that time unless the Minister is of the opinion that the reasons for the delay are reasonable in the circumstances.

2005, c. 21, s. 76; [2011, c. 12, s. 15](#).

Decisions shall be made expeditiously

77 Any decisions of the Minister or a person designated under [section 67](#) shall be made as informally and expeditiously as the circumstances and considerations of fairness permit.

Powers under *Inquiries Act*

78 (1) The Minister has all the powers of a commissioner appointed under Part I of the *Inquiries Act* for the purpose of carrying out the functions of the Minister under this Act.

Administering oaths, etc.

(2) Any officer or employee of the Department of Veterans Affairs authorized by the Minister may, in the course of their employment or service, administer oaths and take and receive affidavits, declarations and solemn affirmations for the purpose of or incidental to the administration of this Act, and every person so authorized has, with respect to any such oath, affidavit, declaration or affirmation, all the powers of a commissioner for administering oaths or taking affidavits.

Acceptance of oaths, etc.

(3) The Minister may accept, for the purpose of the administration of this Act, any oath administered or any affidavit, declaration or solemn affirmation taken or received by any person who has the powers of a commissioner for taking affidavits and who is an officer or an employee of

(a) a department in, or other portion of, the federal public administration specified in Schedules I, IV or V to the *Financial Administration Act*; or

(b) a department of the government of a province.

Waiver

Waiver of requirement for application

78.1 (1) The Minister may waive the requirement for an application for compensation, career transition services, rehabilitation services or vocational assistance under this Act if he or she believes, based on information that has been collected or obtained by him or her in the exercise of the Minister's powers or the performance of the Minister's duties and functions, that a person may be eligible for the compensation, services or assistance if they were to apply for it.

Notice of intent

(2) If the Minister intends to waive the requirement for an application in respect of a person, the Minister shall notify the person in the prescribed manner of that intention.

Accepting waiver

(3) The person may accept to have the requirement for an application waived by notifying the Minister in the prescribed manner of their decision to accept the waiver and, in that case, the person shall, in any period specified by the Minister, provide him or her with any information or document that he or she requests.

Date of waiver

(4) The requirement for an application is waived on the day on which the Minister receives the person's notice of their decision to accept the waiver of the requirement.

Minister may require application

(5) The Minister may, at any time after he or she notifies the person of his or her intention to waive the requirement for an application and for any reason that he or she considers reasonable in the circumstances, including if the person does not provide the Minister with the information that he or she requested in the period that he or she specifies, require that the person make an application and, in that case, the Minister shall notify the person in writing of that requirement.

Waiver cancelled

(6) A waiver is cancelled on the day on which the Minister notifies the person that they are required to make an application.

[2017, c. 20, s. 281.](#)

Effect of waiver

78.2 (1) If the requirement for an application for compensation, career transition services, rehabilitation services or vocational assistance under this Act is waived by the Minister, the application is deemed to have been made on the day on which the requirement is waived.

Effect of cancelling waiver

(2) Despite subsection (1), if the waiver is cancelled after the day on which the Minister receives the person's notice of their decision to accept the waiver, no application is deemed to have been made.

[2017, c. 20, s. 281.](#)

Inspection

Right to inspect records, etc.

79 (1) Any person described in subsection (2) or (3) may, for the purpose of preparing an application under this Act or deciding whether or not to prepare an application, inspect

(a) the service and medical records of a member or a veteran;

(b) the Department of Veterans Affairs' records relating to an application made under this Act; and

(c) all material relating to an application referred to in paragraph (b).

Persons who have right to inspect records, etc.

(2) The right to inspect under subsection (1) applies to any person who is

(a) an applicant or a representative of the applicant;

(b) a qualified health professional who is consulted by the applicant or by a representative of the applicant; and

(c) an officer or employee of the federal public administration whose duties require the inspection of those records or that material.

Veterans' organizations

(3) A representative of a veterans' organization incorporated by or under an Act of Parliament who is consulted by an applicant or by a representative of the applicant has the right

to inspect for the purpose of preparing an application or deciding whether or not to prepare an application under Part 3.

Sharing of Information

Information that shall be made available to Minister

80 Personal information held by a government institution, as defined in [section 3](#) of the *Privacy Act* shall, if requested by the Minister, be made available to the Minister for the purposes of this Act.

Information that Minister may disclose

81 Personal information that has been collected or obtained by the Minister in the administration of this Act may be disclosed by the Minister

(a) to any person or body, to the extent that the disclosure is necessary in order for the Minister to obtain from that person or body information that the Minister requires for the administration of this Act or any other enactment administered by the Minister;

(b) to any officer or employee of the Department of Veterans Affairs, to the extent that the disclosure is required for the administration of this Act or any other enactment administered by the Minister;

(c) to any person or body, to the extent that the disclosure is required for the purpose of obtaining a payment that is due to Canada by

(i) the United Nations, or

(ii) another international organization or another country, pursuant to an international agreement;

(d) to the Department of Employment and Social Development, to the extent that the disclosure is required for the administration of the *Old Age Security Act* or the *Canada Pension Plan*;

(e) to the Correctional Service of Canada, to the extent that the disclosure is required for the administration of the *Corrections and Conditional Release Act*; and

(f) to the Department of Employment and Social Development or an official of the Canada Revenue Agency, to the extent that the disclosure is required for the administration of a program to provide a one-time payment to persons with disabilities for reasons related to the coronavirus disease 2019 (COVID-19).

2005, c. 21, ss. 81, 116; 2012, c. 19, s. 695; 2013, c. 40, s. 237; 2020, c. 11, s. 9.

Social Insurance Number

82 The Minister may, for the purpose of determining whether a person is entitled to an income replacement benefit or a Canadian Forces income support benefit under this Act,

(a) collect the person's Social Insurance Number; and

(b) disclose that person's Social Insurance Number to any department or agency of the Government of Canada.

2005, c. 21, s. 82; 2015, c. 36, s. 219; 2018, c. 12, s. 149.

Review of decision under Part 1, 1.1, 2 or 3.1

83 Subject to the regulations, the Minister may, on application or on the Minister's own motion, review a decision made under Part 1, 1.1, 2 or 3.1 or under this section.

2005, c. 21, s. 83; [2015, c. 36, s. 220](#); [2017, c. 20, s. 282](#).

Review of decisions under Part 3

84 The Minister may, on the Minister's own motion, review a decision under Part 3 and may either confirm the decision or amend or rescind it if the Minister determines that there was an error with respect to any finding of fact or the interpretation of any law, or may do so, on application, if new evidence is presented to the Minister.

Review by Board

85 An applicant who is dissatisfied with a decision made by the Minister under Part 3 or under [section 84](#) may apply to the Board for a review of the decision.

Permission of Board required

86 The Minister may not consider an application made under Part 3 or under [section 84](#) that has already been the subject of a determination by the Board unless

(a) the applicant has obtained the permission of the Board;
or

(b) the Board has referred the application to the Minister for reconsideration.

Representation of applicant

87 In all proceedings under [section 84](#) or [85](#), an applicant may be represented by a service bureau of a veterans' organization or, at the applicant's own expense, by any other representative of the applicant's choice.

Payments

Amount paid to survivor

87.1 (1) Any amount that is payable under this Act to a person who dies before receiving it, is to be paid to their survivor.

Amount paid to estate or succession

(2) However, the amount is to be paid to the person's estate or succession if they have no survivor or their survivor dies before receiving the amount.

Definition of survivor

(3) For the purposes of subsections (1) and (2), **survivor**, in relation to a deceased person, means

(a) their spouse who was, at the time of the person's death, residing with them; or

(b) the person who was, at the time of the person's death, cohabiting with them in a conjugal relationship and had done so for a period of at least one year.

[2017, c. 20, s. 283.](#)

Overpayments

Definition of overpayment

88 (1) In this section, **overpayment** means any compensation, or a part of it, that was paid to a person or their estate or succession and to which the person or the estate or succession had no entitlement.

Recovery of overpayment

(2) If, through any cause, an overpayment is paid to a person or their estate or succession, the overpayment is a debt due to Her Majesty by the person or by their estate or succession, and may be recovered

(a) by deduction from any future payments made under this Act to the person or their estate or succession;

(b) in accordance with [section 155](#) of the *Financial Administration Act*; or

(c) by proceedings in any court of competent jurisdiction.

Remission of overpayment

(3) If a person or their estate or succession has received or obtained an overpayment, the Minister may, unless that person or the executor of the estate or the liquidator of the succession has been convicted of an offence under the *Criminal Code* in connection with the receiving or obtaining of the overpayment, remit all or any portion of the overpayment if the Minister is satisfied that

(a) the overpayment cannot be recovered within the reasonably foreseeable future;

- (b)** the administrative costs of recovering the overpayment are likely to equal or exceed the amount to be recovered;
- (c)** the repayment of the overpayment would cause undue hardship to the person or a beneficiary; or
- (d)** the overpayment is the result of an administrative error, a delay or an oversight on the part of an officer or employee of the federal public administration.

Erroneous payments

(4) Despite anything in this Act, the Minister may continue the payment of an education and training benefit, an income replacement benefit, a Canadian Forces income support benefit, pain and suffering compensation, additional pain and suffering compensation, a clothing allowance or a caregiver recognition benefit, in whole or in part, to a person who is not entitled to it, or not entitled to a portion of it, if

- (a)** the amount paid to the person to which the person was not entitled is the result of an administrative error, a delay or an oversight on the part of an officer or employee of the federal public administration and has been remitted under paragraph (3)(d);
- (b)** no part of the amount paid to the person to which the person was not entitled was the result of a misrepresentation or of concealment of a material fact on the part of the person, in the opinion of the Minister;
- (c)** the cancellation or reduction of the benefit, allowance, pain and suffering compensation or additional pain and

suffering compensation would, in the opinion of the Minister, cause undue hardship to the person; and

(d) the benefit, allowance, pain and suffering compensation or additional pain and suffering compensation has been paid to the person for five years or more or, in the case of an education and training benefit, for three years or more.

Recovery of overpayments

(5) If a person retains any amount of a member's or a veteran's compensation paid after the member's or veteran's death and to which the member or veteran was not entitled, that amount may be deducted from any compensation paid to that person.

2005, c. 21, s. 88; 2015, c. 36, s. 221; 2016, c. 7, s. 97; 2017, c. 20, s. 284; 2018, c. 12, s. 150.

Miscellaneous

Not to be assigned or charged

89 (1) No compensation payable under this Act shall be assigned, charged, attached, anticipated, commuted or given as security.

Exemption from seizure and execution

(2) Compensation payable under this Act is exempt from seizure and execution, either at law or in equity.

Interest

90 No interest shall be paid in respect of any compensation that is payable under this Act.

2005, c. 21, s. 90; [2011, c. 12, s. 16](#); [2018, c. 12, s. 151](#).

Immunity

91 No action or other proceeding lies against any person by reason of anything done or said in good faith in any proceedings before the Minister or in any report of any medical examination or any assessment made for the purposes of this Act by any officer or employee of the Department of Veterans Affairs or by any other person at the request of the Minister.

Definition of action

92 (1) In this section, **action** means any action or other proceeding brought by or on behalf of a member, a veteran, a member's or a veteran's survivor, a member's or a veteran's orphan or a person who was, at the time of the member's or veteran's death, a dependent child, against Her Majesty in which damages are claimed in respect of any injury, death, damage or loss for which compensation may be claimed under this Act.

Stay of action against Crown until compensation refused

(2) An action that is not barred by virtue of [section 9](#) of the *Crown Liability and Proceedings Act* shall, on application, be stayed until an application for compensation has been made under this Act, in respect of the same injury, death, damage or loss in respect of which the claim has been made, and pursued in good faith by or on behalf of the person by whom, or on whose behalf, the action was brought, and,

(a) in the case of an application that may be made under Part 2, a final decision to the effect that no compensation may be paid has been made under [section 83](#) in respect of the application; and

(b) in the case of an application that may be made under Part 3, a decision to the effect that no compensation may be paid to or in respect of that person in respect of the same injury, death, damage or loss has been affirmed by an appeal panel of the Board in accordance with the [Veterans Review and Appeal Board Act](#).

Certificates as evidence

93 (1) In any trial, prosecution or other proceeding, a certificate purporting to be signed by the Minister and setting out the amount of any compensation obtained and the portion of the compensation that remains unrepaid or unrecovered as of any day is evidence of the amount of the compensation obtained and the portion of the compensation that remains unrepaid or unrecovered as of that day without proof of the signature or official character of any person appearing to have signed the certificate and without further proof of the certificate.

Documents as evidence

(2) In any trial, prosecution or other proceeding, a document purporting to be an adjudication of the Minister or the Board is evidence of the facts stated in the document without proof of the signature or official character of any person appearing to

have signed the document and without further proof of the document.

Regulations

Governor in Council

94 The Governor in Council may make regulations

- (a)** respecting the time and manner of making an application for career transition services, rehabilitation services, vocational assistance or compensation under this Act, and respecting the information that is required to accompany the application;
- (a.1)** respecting what constitutes a barrier to re-establishment in civilian life;
- (b)** respecting the time and manner of payment of compensation under this Act;
- (c)** providing for the periodic adjustment of the amounts set out in Schedules 1 to 4;
- (d)** providing for the payment or the reimbursement of fees for financial advice;
- (e)** respecting the provision of any information, declaration or document to the Minister by any person who applies for or is in receipt of career transition services, an education and training benefit, an education and training completion bonus, rehabilitation services, vocational assistance, an income replacement benefit, a Canadian Forces income support benefit, pain and suffering compensation, additional pain and suffering compensation or a clothing allowance

under this Act, and authorizing the Minister to suspend delivery of the services or assistance or payment of the benefit, bonus, allowance, pain and suffering compensation or additional pain and suffering compensation until the information, declaration or document is provided;

(e.1) respecting the provision of any information, declaration or document to the Minister by any veteran who applies for a caregiver recognition benefit under subsection 65.1(1) or by the person designated in the application, and authorizing the Minister to suspend payment of the benefit until the information, declaration or document is provided;

(f) respecting the procedure to be followed by the Minister in suspending or cancelling career transition services, rehabilitation services, vocational assistance or payment of compensation;

(g) providing for a review of any decisions made under Part 1, 1.1, 2 or 3.1 or under [section 83](#), including the grounds for review, the powers on review and the number of reviews;

(h) respecting the time and manner of making an application for a review under [sections 83](#) and [84](#);

(i) respecting the processes and procedures to be followed by the Minister in making decisions under this Act;

(i.1) [[Repealed, 2018, c. 12, s. 152](#)]

(i.2) [[Repealed, 2018, c. 12, s. 152](#)]

(j) prescribing any matter required or authorized by this Act to be prescribed;

(j.1) prescribing the way in which anything that is required or authorized by this Act to be prescribed is to be determined; and

(k) generally, for carrying out the purposes and provisions of this Act.

2005, c. 21, s. 94; 2011, c. 12, s. 17; 2015, c. 36, s. 222; 2016, c. 7, s. 97; 2017, c. 20, s. 285; 2018, c. 12, s. 152.

Transitional provisions — April 1, 2017

94.01 The Governor in Council may make regulations

(a) respecting the provision of information or documents to the Minister by a person who may be entitled to an amount under any of [sections 100 to 103](#) of the *Budget Implementation Act, 2016, No. 1*; and

(b) providing for the reimbursement of fees for financial advice obtained by a person in relation to an amount that is paid or payable to them under any of [sections 100 to 103](#) of that Act.

[2016, c. 7, s. 90.](#)

Retroactive application of regulations

94.1 Regulations made in respect of the caregiver recognition benefit under [sections 65.4 and 94](#) may, if they so provide, be retroactive.

[2015, c. 36, s. 223; 2017, c. 20, s. 286; 2018, c. 12, s. 153.](#)

PART 5

Transitional Provisions

Limitation

Limitation

95 Sections 12, 22, 29 to 31 and 57 do not apply in respect of a member's or veteran's survivor or orphan, or a person who was, at the time of the member's death, a dependent child, if the member's or veteran's death occurred before the coming into force of this section.

Special Duty Areas and Special Duty Operations

Effect of *Special Duty Area Pension Order*

96 The *Special Duty Area Pension Order* continued by subsection 5(1) of *An Act to amend the Pension Act and the Royal Canadian Mounted Police Superannuation Act*, chapter 12 of the Statutes of Canada, 2003, has effect as if it were made under **section 69.**

Effect of designations under *Pension Act*

97 The designations made under **section 91.2 or **91.3** of the *Pension Act*, as those sections read immediately before the coming into force of **sections 69** and **70** of this Act, have effect as if they were made under section 69 or 70 of this Act, respectively.**

Transitional Provisions Relating to Income Replacement Benefit

Definitions

Definitions

98 The following definitions apply in this section and in [sections 99](#) to [129](#).

Consumer Price Index means the annual average all-items Consumer Price Index for Canada (not seasonally adjusted) published by Statistics Canada. (*indice des prix à la consommation*)

former Act means this Act as it read immediately before **April 1, 2019**. (*ancienne loi*)

indexed means adjusted annually on **January 1** in accordance with the annual percentage increase to the Consumer Price Index, rounded to the next 0.10%, for the year ending on **October 31** of the previous year. (*indexé*)

new Act means this Act as it reads on **April 1, 2019**. (*nouvelle loi*)

2005, c. 21, s. 98; [2016, c. 7, s. 91](#); [2018, c. 12, s. 157](#).

Earnings Loss Benefit

Members and Veterans

Veterans' deemed entitlement to income replacement benefit

99 (1) If, before **April 1, 2019**, the Minister determined, as a result of an assessment of a veteran's needs under subsection **10(1)** of the former Act, that a rehabilitation

plan or a vocational assistance plan should be developed for the veteran in respect of a physical or a mental health problem and if, as a result of the Minister's determination, an earnings loss benefit was payable to the veteran on March 31, 2019 under [section 18](#) of the former Act, then the veteran is deemed, on April 1, 2019, to be entitled to an income replacement benefit under [section 18](#) of the new Act in respect of that health problem and the following rules apply in respect of the veteran:

(a) for the purposes of [subsection 18\(2\)](#) of the new Act, the veteran is deemed, on April 1, 2019, to be informed of their entitlement to the income replacement benefit;

(b) despite [subsection 18\(3\)](#) of the new Act, the benefit begins to be payable to the veteran on April 1, 2019;

(c) the physical or mental health problem in respect of which the veteran is deemed to be entitled to the benefit is deemed to be the physical or mental health problem referred to in [subsection 18\(5\)](#) or [\(7\)](#) of the new Act;

(d) if, on a day before April 1, 2019, the Minister determined that the veteran has a diminished earning capacity that is due to the physical or mental health problem in respect of which the veteran is deemed to be entitled to the benefit, the Minister is deemed to

have made that determination, on that day, under **subsection 18(5)** of the new Act;

(e) if, on March 31, 2019, the veteran was entitled to continue to receive the earnings loss benefit under **subsection 18(4)** of the former Act, the veteran is deemed, on April 1, 2019, to be entitled to continue to receive the income replacement benefit under **subsection 18(7)** of the new Act; and

(f) the monthly amount of the income replacement benefit that is payable to the veteran under **section 18** of the new Act is to be determined under subsection 19(1) or 19.1(1) of that Act, subject to subsections (2) to (5).

Limitation — career progression factor

(2) If the physical or mental health problem in respect of which the veteran is deemed to be entitled to the income replacement benefit under subsection (1) did not result primarily from service in the Canadian Forces and an increase to the career impact allowance was not payable to the veteran, under subsection 38(3) of the former Act, on March 31, 2019, then the monthly amount of the income replacement benefit that is payable to the veteran under **section 18** of the new Act is determined under subsection 19(1) of that Act without any periodic adjustment in accordance with a career progression factor.

Protected amount — veteran under age 65

(3) If, in determining the amount of the income replacement benefit that is payable to the veteran for a given month, the amount determined for A in subsection 19(1) of the new Act is less than the sum of the following amounts, indexed until the time the benefit is payable, then the amount determined for A is to be replaced by that sum:

(a) the amount determined for A in subsection 19(1) of the former Act that was used to calculate the earnings loss benefit payable to the veteran under [section 18](#) of that Act for the month of March 2019, and

(b) if an increase to the career impact allowance was payable to the veteran, under subsection 38(3) of the former Act, on March 31, 2019, the amount of the increase that the veteran received for the month of March 2019 or, if the increase was payable only for a portion of that month, the amount of the increase that the veteran would have received under that subsection for that month if the increase had been payable for the whole month.

Protected amount — veteran 65 years or older

(4) If, in determining the amount of the income replacement benefit that is payable to the veteran for a given month, the amount determined for A in subsection 19.1(1) of the new Act, indexed until the time the benefit is payable, is less than 70% of the sum of the following amounts, indexed until the time the benefit is

payable, then the amount determined for A is to be replaced by 70% of the sum of the following amounts, indexed until the time the benefit is payable:

(a) the amount determined for A in subsection 19(1) of the former Act that was used to calculate the earnings loss benefit payable to the veteran under [section 18](#) of that Act for the month of March 2019, and

(b) if an increase to the career impact allowance was payable to the veteran, under subsection 38(3) of the former Act, on March 31, 2019, the amount of the increase that the veteran received for the month of March 2019 or, if the increase was payable only for a portion of that month, the amount of the increase that the veteran would have received under that subsection for that month if the increase had been payable for the whole month.

Minimum amount of income replacement benefit

(5) Despite subsections (3) and (4), if an increase to the career impact allowance was payable to the veteran, under subsection 38(3) of the former Act, on March 31, 2019, then the monthly amount of the income replacement benefit that is payable to the veteran under [section 18](#) of the new Act is not to be less than,

(a) if the increase was payable for the whole month of March 2019, the amount of the increase that the veteran received for that month, indexed until the time the benefit is payable; or

(b) if the increase was payable only for a portion of that month, the amount of the increase that the veteran would have received under subsection 38(3) of the former Act for that month if the increase had been payable for the whole month, indexed until the time the benefit is payable.

Amount paid

(6) If an increase to the career impact allowance was payable to a veteran referred to in subsection (1), under subsection 38(3) of the former Act, on March 31, 2019, then the Minister shall pay to the veteran, for every month for which the income replacement benefit is not payable to the veteran and that is included in the period beginning with the month of April 2019 and ending with the month in which the veteran dies, an amount equal to,

(a) if the increase was payable for the whole month of March 2019, the amount of the increase that the veteran received for that month, indexed until the time the amount is payable under this subsection; or

(b) if the increase was payable only for a portion of that month, the amount of the increase that the veteran would have received under subsection 38(3) of the former Act for that month if the increase had been payable for the whole month, indexed until the time the amount is payable under this subsection.

Non-application of subsection (6)

(7) Subsection (6) does not apply if the Minister determines that the veteran's eligibility for an amount that is payable under that subsection is based on a misrepresentation or the concealment of a material fact. The determination is deemed to be made under Part 2.

Amount deemed to be compensation

(8) An amount paid or payable under subsection (6) is deemed to be compensation for the purposes of sections 88 to 90 and subsection 93(1).

Application of [subsection 88\(4\)](#)

(9) [Subsection 88\(4\)](#) applies to an amount paid under subsection (6).

2005, c. 21, s. 99; [2018, c. 12, s. 157](#).

Pending applications — earnings loss benefit and rehabilitation services

100 If, before April 1, 2019, a veteran made an application — in respect of a physical or a mental health problem — for an earnings loss benefit under subsection 18(1) of the former Act and for rehabilitation services or vocational assistance under [section 8](#) or [9](#) of that Act but the Minister did not make a determination in respect of either of those applications before that date, then the veteran is deemed to have made an application for an income replacement benefit under subsection 18(1) of the new Act on that date.

2005, c. 21, s. 100; [2018, c. 12, s. 157](#).

Pending applications — earnings loss benefit

101 (1) If, before April 1, 2019, the Minister approved an application for rehabilitation services or vocational assistance made by a veteran under [section 8](#) or [9](#) of the former Act in respect of a physical or a mental health problem but the Minister did not make a determination before that date in respect of an application for an earnings loss benefit made by the veteran under subsection 18(1) of the former Act in respect of that health problem, then the Minister shall make the determination in respect of the application for the earnings loss benefit under that subsection.

Approved applications — payment of benefit

(2) If the Minister approves the application, the Minister shall pay to the veteran, under [section 18](#) of the former Act, the earnings loss benefit that they are entitled to, but only for the period beginning on the day on which the benefit begins to be payable under [subsection 18\(2\)](#) of that Act and ending on March 31, 2019.

2005, c. 21, s. 101; [2018, c. 12, s. 157](#).

Review

102 (1) If, before April 1, 2019, the Minister made a determination to deny an application for an earnings loss benefit made by a veteran under subsection 18(1) of the former Act but, as a result of a review of the determination under [section 83](#), the Minister makes a final determination, on or after April 1, 2019, to approve

the application for the benefit in respect of a physical or a mental health problem, then the veteran is deemed, on the day of the final determination, to be entitled to an income replacement benefit under [section 18](#) of the new Act in respect of that health problem and the following rules apply in respect of the veteran:

(a) for the purposes of [subsection 18\(2\)](#) of the new Act, the veteran is deemed, on the day of the final determination, to be informed of their entitlement to the income replacement benefit;

(b) despite [subsection 18\(3\)](#) of the new Act, the benefit begins to be payable to the veteran on the first day of the month in which the final determination is made;

(c) the physical or mental health problem in respect of which the veteran is deemed to be entitled to the benefit is deemed to be the physical or mental health problem referred to in [subsection 18\(5\)](#) or [\(7\)](#) of the new Act; and

(d) the monthly amount of the income replacement benefit that is payable to the veteran under [section 18](#) of the new Act is to be determined under subsection [19\(1\)](#) or [19.1\(1\)](#) of that Act, subject to subsection [\(2\)](#).

Limitation — career progression factor

(2) If the physical or mental health problem in respect of which the veteran is deemed to be entitled to the income replacement benefit under subsection [\(1\)](#) did not result

primarily from service in the Canadian Forces and an increase to the career impact allowance was not payable to the veteran, under subsection 38(3) of the former Act, on March 31, 2019, then the monthly amount of the income replacement benefit that is payable to the veteran under [section 18](#) of the new Act is determined under subsection 19(1) of that Act without any periodic adjustment in accordance with a career progression factor.

Non-application of subsection (1)

(3) Subsection (1) does not apply to a veteran if the final determination referred to in that subsection is made after the day on which the veteran attains the age of 65 years.

2005, c. 21, s. 102; [2018, c. 12, s. 157](#).

Review – diminished earning capacity

103 If, on a given day before April 1, 2019, the Minister made a determination that a veteran did not have a diminished earning capacity that was due to a physical or a mental health problem in respect of which the veteran was entitled to an earnings loss benefit under [section 18](#) of the former Act but, as a result of a review of the determination under [section 83](#), the Minister makes a final determination, on or after April 1, 2019, that the veteran has a diminished earning capacity that is due to that problem, then the following rules apply in respect of the veteran:

(a) the Minister is deemed to have made that final determination on that given day;

(b) if, before April 1, 2019, the veteran was no longer entitled to the earnings loss benefit in respect of that problem, then

(i) the veteran is deemed, on the day on which the veteran was no longer entitled to the benefit, to be entitled to continue to receive the earnings loss benefit under [subsection 18\(4\)](#) of the former Act,

(ii) the Minister shall pay to the veteran, under [section 18](#) of the former Act, the earnings loss benefit that they are entitled to, but only for the period beginning on the day referred to in subparagraph (i) and ending on the earlier of March 31, 2019 and the day on which the veteran attains the age of 65 years, and

(iii) if the veteran attained the age of 65 years in the period beginning on the day referred to in subparagraph (i) and ending on March 30, 2019, the veteran is deemed to have made an application for a retirement income security benefit under [subsection 40.1\(1\)](#) of the former Act on the day on which they attained the age of 65 years; and

(c) if a career impact allowance was payable to the veteran under [subsection 38\(1\)](#) of the former Act on March 31, 2019 and the Minister, before April 1, 2019, made a determination to deny the veteran's application for an increase to the career impact

allowance made under [subsection 38\(3\)](#) of this Act as it read at any time before that date and if the Minister's determination is not the subject of a review under [section 83](#) on March 31, 2019 and the veteran did not, before April 1, 2019, make a new application for an increase to the career impact allowance under that subsection 38(3), then the veteran is deemed to have made an application for an increase to the career impact allowance under subsection 38(3) of the former Act on March 31, 2019.

2005, c. 21, s. 103; [2018, c. 12, s. 157](#).

Members — determination deemed not to have been made

104 If, before April 1, 2019, the Minister made a determination in respect of an application for an earnings loss benefit made by a member under subsection 18(1) of the former Act and the member was not released from the Canadian Forces before March 31, 2019, then the application and the determination are deemed not to have been made.

2005, c. 21, s. 104; [2018, c. 12, s. 157](#).

Members — pending applications

105 If, before April 1, 2019, a member made an application for an earnings loss benefit under subsection 18(1) of the former Act but the Minister did not make a determination in respect of the application before that date and the member was not released from the

Canadian Forces before March 31, 2019, then the application is deemed not to have been made.

2005, c. 21, s. 105; 2018, c. 12, s. 157.

Survivors and Orphans

Survivors' and orphans' deemed entitlement to income replacement benefit

106 (1) A survivor or an orphan to whom an earnings loss benefit was payable on March 31, 2019 under [section 22](#) of the former Act is deemed, on April 1, 2019, to be entitled to an income replacement benefit under section 22 of the new Act and the following rules apply in respect of the survivor or orphan:

(a) despite [subsection 22\(2\)](#) of the new Act, the income replacement benefit begins to be payable to the survivor or orphan on April 1, 2019; and

(b) the monthly amount of the income replacement benefit that is payable to the survivor or orphan under [section 22](#) of the new Act is determined under [section 23](#) of that Act, subject to subsections (2) to (7).

Survivors — protected amount for month referred to in paragraph 23(1)(a)

(2) If the amount of the income replacement benefit that is payable to a survivor under [section 22](#) of the new Act for a month referred to in paragraph 23(1)(a) of that Act and that is determined under [section 23](#) of that Act — not taking into account any reduction under [subsection](#)

23(3) of that Act — is less than the amount of the earnings loss benefit that was payable to the survivor under section 22 of the former Act for the month of March 2019 and that was determined under section 23 of that Act — not taking into account any reduction under subsection 23(3) of that Act — then the former amount is to be replaced by the latter amount.

Survivors — protected amount for month referred to in paragraph 23(1)(b)

(3) If the amount of the income replacement benefit that is payable to a survivor under **section 22** of the new Act for a month referred to in paragraph 23(1)(b) of that Act and that is determined under **section 23** of that Act — not taking into account any reduction under **subsection 23(3)** of that Act — is less than the amount determined by the following formula, then the former amount is to be replaced by the latter amount:

$$A \times B$$

where

A is 70%; and

B is 70% of the amount of the earnings loss benefit that was payable to the survivor under **section 22** of the former Act for the month of March 2019 and that was determined under **section 23** of that Act, not taking into account any reduction under **subsection 23(3)** of that Act.

Non-application of subsections (2) and (3)

(4) Subsections (2) and (3) cease to apply to a survivor on the first day of the month after the month in which the facts that were used to determine the percentage of the income replacement benefit payable to them in accordance with [subsection 23\(2\)](#) of the new Act are different from those used to determine the percentage of the earnings loss benefit that was payable to them in accordance with subsection 23(2) of the former Act for the month of March 2019.

Protected amount — orphans

(5) If the amount of the income replacement benefit that is payable to an orphan under [section 22](#) of the new Act for a month referred to in paragraph 23(1)(a) of that Act and that is determined under [section 23](#) of that Act is less than the amount of the earnings loss benefit that was payable to the orphan under section 22 of the former Act for the month of March 2019 and that was determined under section 23 of that Act, then the former amount is to be replaced by the latter amount.

Non-application of subsection (5)

(6) Subsection (5) ceases to apply to an orphan on the first day of the month after the month in which the facts that were used to determine the percentage of the income replacement benefit payable to them in accordance with [subsection 23\(2\)](#) of the new Act are different from those used to determine the percentage of the earnings loss benefit that was payable to them in

accordance with subsection 23(2) of the former Act for the month of March 2019.

Indexation

(7) For the purposes of subsections (2) and (5), the amount of the earnings loss benefit referred to in those subsections, and for the purposes of subsection (3), the amount determined by the formula set out in that subsection, is to be indexed until the time the income replacement benefit is payable.

2005, c. 21, s. 106; [2018, c. 12, s. 157](#).

Pending applications

107 (1) If, before April 1, 2019, a survivor or an orphan made an application for an earnings loss benefit under subsection 22(1) of the former Act but the Minister did not make a determination in respect of the application before that date, then the Minister shall make the determination in respect of the application under that subsection. If the determination is made after March 31, 2020, it is deemed to have been made on that date.

Approved applications — payment of benefit

(2) If the Minister approves the application, the Minister shall pay to the survivor or orphan, under [section 22](#) of the former Act, the earnings loss benefit that they are entitled to, but only for the period beginning on the day on which the benefit begins to be payable under

subsection 22(2) of that Act and ending on March 31, 2019.

Deemed application for retirement income security benefit

(3) If the earnings loss benefit that is paid to a survivor referred to in subsection (2) ceases to be payable before March 31, 2019, the survivor is deemed to have made an application for a retirement income security benefit under subsection 40.4(1) of the former Act on the day on which the member or veteran, if alive, would have attained the age of 65 years.

2005, c. 21, s. 107; [2018, c. 12, s. 157](#).

Review

108 (1) If, before April 1, 2019, the Minister made a determination to deny an application for an earnings loss benefit made by a survivor or an orphan under subsection 22(1) of the former Act but, as a result of a review of the determination under [section 83](#), the Minister makes a final determination, on or after April 1, 2019, to approve the application for the benefit, then,

(a) if the final determination is made after March 31, 2020, it is deemed to have been made on that date; and

(b) the Minister shall pay to the survivor or orphan, under [section 22](#) of the former Act, the earnings loss benefit that they are entitled to, but only for the period beginning on the day on which the benefit

begins to be payable under [subsection 22\(2\)](#) of that Act and ending on March 31, 2019.

Deemed application for retirement income security benefit

(2) If the earnings loss benefit that is paid to a survivor referred to in paragraph (1)(b) ceases to be payable before March 31, 2019, the survivor is deemed to have made an application for a retirement income security benefit under subsection 40.4(1) of the former Act on the day on which the member or veteran, if alive, would have attained the age of 65 years.

2005, c. 21, s. 108; [2018, c. 12, s. 157](#).

Career Impact Allowance

Amount paid – veterans who received increase

109 (1) If an increase to the career impact allowance was payable to a veteran, under subsection 38(3) of the former Act, on March 31, 2019 but neither an earnings loss benefit under [section 18](#) of the former Act nor a retirement income security benefit under [section 40.1](#) or [40.2](#) of that Act was payable to the veteran on March 31, 2019, then the Minister shall pay to the veteran, for every month for which the income replacement benefit is not payable to the veteran under section 18 of the new Act and that is included in the period beginning with the month of April 2019 and ending with the month in which the veteran dies, an amount equal to,

(a) if the increase was payable for the whole month of March 2019, the amount of the increase that the veteran received for that month, indexed until the time the amount is payable under this subsection; or

(b) if the increase was payable only for a portion of that month, the amount of the increase that the veteran would have received under subsection 38(3) of the former Act for that month if the increase had been payable for the whole month, indexed until the time the amount is payable under this subsection.

Non-application of subsection (1)

(2) Subsection (1) does not apply if the Minister determines that the veteran's eligibility for an amount that is payable under that subsection is based on a misrepresentation or the concealment of a material fact. The determination is deemed to be made under Part 2.

Minimum amount of income replacement benefit

(3) If a veteran received an amount under subsection (1) for a given month and if, for any month after that month, the income replacement benefit is payable to the veteran under [section 18](#) of the new Act, then the monthly amount of the income replacement benefit that is payable to the veteran is not, despite subsections 19(1) and 19.1(1) of the new Act, to be less than,

(a) if the increase to the career impact allowance that the veteran received under subsection 38(3) of the former Act for the month of March 2019 was payable

for the whole month, the amount of the increase that the veteran received for that month, indexed until the time the benefit is payable; or

(b) if the increase was payable only for a portion of that month, the amount of the increase that the veteran would have received under subsection 38(3) of the former Act for that month if the increase had been payable for the whole month, indexed until the time the benefit is payable.

Amount deemed to be compensation

(4) An amount paid or payable under subsection (1) is deemed to be compensation for the purposes of sections 88 to 90 and subsection 93(1).

Application of [subsection 88\(4\)](#)

(5) [Subsection 88\(4\)](#) applies to an amount paid under subsection (1).

2005, c. 21, s. 109; [2018, c. 12, s. 157](#).

Pending applications

110 (1) If, before April 1, 2019, a veteran made an application for a career impact allowance under [subsection 38\(1\)](#) of this Act as it read at any time before April 1, 2019 but the Minister did not make a determination in respect of the application before that date, then the Minister shall make the determination in respect of the application under subsection 38(1) of the

former Act. If the determination is made after March 31, 2020, it is deemed to have been made on that date.

Approved applications — payment of allowance

(2) If the Minister approves the application, the Minister shall

(a) determine, under subsection 38(2) of the former Act, the amount of the career impact allowance that is payable to the veteran in a year; and

(b) pay to the veteran, under [section 38](#) of the former Act, the career impact allowance that they are entitled to, but only for the period beginning on the day on which the allowance begins to be payable under [section 39](#) of that Act and ending on March 31, 2019.

Pending applications for increase

(3) If, before April 1, 2019, a veteran made an application for an increase to the career impact allowance under [subsection 38\(3\)](#) of this Act as it read at any time before April 1, 2019 but the Minister did not make a determination in respect of the application before that date, then the Minister shall make the determination in respect of the application under subsection 38(3) of the former Act. If the determination is made after March 31, 2020, it is deemed to have been made on that date.

Approved applications — payment of increase

(4) If the Minister approves the application, the Minister shall increase the career impact allowance that is payable to the veteran under [section 38](#) of the former Act by the amount set out in item 2.1, column 2, of Schedule 2 to the former Act, but only for the period beginning on the day on which the increase begins to be payable under [section 39](#) of that Act and ending on March 31, 2019.

2005, c. 21, s. 110; [2018, c. 12, s. 157](#).

Review respecting applications for allowance

111 (1) If, before April 1, 2019, the Minister made a determination to deny an application for a career impact allowance made by a veteran under [subsection 38\(1\)](#) of this Act as it read at any time before that date but, as a result of a review of the determination under [section 83](#), the Minister makes a final determination, on or after April 1, 2019, to approve the application for the allowance, then,

(a) if the final determination is made after March 31, 2020, it is deemed to have been made on that date;

(b) the Minister shall determine, under [subsection 38\(2\)](#) of the former Act, the amount of the career impact allowance that is payable to the veteran in a year; and

(c) the Minister shall pay to the veteran under [section 38](#) of the former Act the career impact allowance that they are entitled to, but only for the period beginning on the day on which the allowance begins to be

payable under [section 39](#) of that Act and ending on March 31, 2019.

Review respecting applications for increase

(2) If, before April 1, 2019, the Minister made a determination to deny an application for an increase to the career impact allowance made by a veteran under [subsection 38\(3\)](#) of this Act as it read at any time before that date but, as a result of a review of the determination under [section 83](#), the Minister makes a final determination, on or after April 1, 2019, to approve the application for the increase, then,

(a) if the final determination is made after March 31, 2020, it is deemed to have been made on that date; and

(b) the Minister shall increase the career impact allowance that is payable to the veteran under [section 38](#) of the former Act by the amount set out in item 2.1, column 2, of Schedule 2 to that Act, but only for the period beginning on the day on which the increase begins to be payable under [section 39](#) of that Act and ending on March 31, 2019.

2005, c. 21, s. 111; [2018, c. 12, s. 157](#).

Review respecting amount of allowance

112 If, after approving an application made by a veteran for a career impact allowance under [subsection 38\(1\)](#) of this Act as it read at any time before April 1, 2019, the Minister determined, under [subsection 38\(2\)](#) of this Act

as it read at any time before April 1, 2019, the amount of the career impact allowance that may be paid to the veteran in a year but, as a result of a review of the determination under [section 83](#), the Minister makes a final determination, on or after April 1, 2019, to increase the amount of the allowance that may be paid, then,

(a) if the final determination is made after March 31, 2020, it is deemed to have been made on that date; and

(b) the Minister shall increase the career impact allowance that may be paid to the veteran under [section 38](#) of the former Act, by an amount that is the difference between the amount of the allowance set out in the final determination and the amount of the allowance that was initially determined, but only for the period beginning on the latest of the following days and ending on March 31, 2019:

(i) the day on which the application for the allowance was made under that subsection 38(1),

(ii) the day that is one year before the day on which the final determination is made, and

(iii) the day after the day on which the veteran was released from the Canadian Forces.

2005, c. 21, s. 112; [2018, c. 12, s. 157](#).

Members — determination under subsection 38(1) of former Act

113 (1) If, before April 1, 2019, the Minister made a determination in respect of an application for a career impact allowance made by a member under [subsection 38\(1\)](#) of this Act as it read at any time before April 1, 2019 and the member was not released from the Canadian Forces before March 31, 2019, then

(a) if the determination was to approve the application,

(i) the application and the Minister's determination are deemed not to have been made, and

(ii) the member is deemed to have made an application for additional pain and suffering compensation under subsection 56.6(1) of the new Act on April 1, 2019; and

(b) if the determination was to deny the application, the application and the Minister's determination are deemed not to have been made.

Members — determination under subsection 38(3) of former Act

(2) If, before April 1, 2019, the Minister made a determination in respect of an application for an increase to the career impact allowance made by a member under [subsection 38\(3\)](#) of this Act as it read at any time before April 1, 2019 and the member was not released from the Canadian Forces before March 31, 2019, then the application and the Minister's determination are deemed not to have been made.

2005, c. 21, s. 113; [2018, c. 12, s. 157](#).

Members — pending applications for allowance

114 (1) If, before April 1, 2019, a member made an application for a career impact allowance under [subsection 38\(1\)](#) of this Act as it read at any time before April 1, 2019 but the Minister did not make a determination in respect of the application before that date and the member was not released from the Canadian Forces before March 31, 2019, then the application is deemed not to have been made and the member is deemed to have made an application for additional pain and suffering compensation under subsection 56.6(1) of the new Act on April 1, 2019.

Members — pending applications for increase

(2) If, before April 1, 2019, a member made an application for an increase to the career impact allowance under [subsection 38\(3\)](#) of this Act as it read at any time before April 1, 2019 but the Minister did not make a determination in respect of the application before that date and the member was not released from the Canadian Forces before March 31, 2019, then the application is deemed not to have been made.

2005, c. 21, s. 114; [2018, c. 12, s. 157](#).

Retirement Income Security Benefit

Veterans

Veterans' deemed entitlement to income replacement benefit

115 (1) A veteran to whom a retirement income security benefit was payable on March 31, 2019 under [section 40.1](#) or [40.2](#) of the former Act is deemed, on April 1, 2019, to be entitled to an income replacement benefit under [section 18](#) of the new Act and the following rules apply in respect of the veteran:

(a) despite [subsection 18\(3\)](#) of the new Act, the income replacement benefit begins to be payable to the veteran on April 1, 2019;

(b) the veteran is deemed, on April 1, 2019, to be entitled to continue to receive the income replacement benefit under [subsection 18\(7\)](#) of the new Act; and

(c) the monthly amount of the income replacement benefit that is payable to the veteran under [section 18](#) of the new Act is to be determined under subsection 19.1(1) of that Act, subject to subsections (2) to (4).

Amount determined for A in subsection 19.1(1)

(2) The amount determined for A in subsection 19.1(1) of the new Act is 70% of the income replacement benefit that the veteran would have been entitled to for the month of March 2019 if the benefit had been payable to the veteran for that month, if the veteran had attained the age of 65 years in that month and if any amounts that were payable to the veteran from prescribed

sources referred to in subsection 19(1) had not been taken into account.

Protected amount

(3) If, in determining the amount of the income replacement benefit that is payable to the veteran for a given month, the amount determined for A in subsection 19.1(1) of the new Act, indexed until the time the benefit is payable, is less than the sum of the following amounts, indexed until the time the benefit is payable, then the amount determined for A is to be replaced by that sum:

(a) the amount determined for A in subsection 40.1(4) or 40.2(4) of the former Act, as the case may be, that was used to calculate the retirement income security benefit payable to the veteran under subsection 40.1(1) or 40.2(1) of that Act, as the case may be, for the month of March 2019, and

(b) if an increase to the career impact allowance was payable to the veteran, under subsection 38(3) of the former Act, on March 31, 2019, 70% of the amount of the increase that the veteran received for the month of March 2019 or, if the increase was payable only for a portion of that month, 70% of the amount of the increase that the veteran would have received under that subsection for that month if the increase had been payable for the whole month.

Minimum amount of benefit

(4) Despite subsection (2), if an increase to the career impact allowance was payable to the veteran, under subsection 38(3) of the former Act, on March 31, 2019, then the monthly amount of the income replacement benefit that is payable to the veteran under [section 18](#) of the new Act is not to be less than,

(a) if the increase was payable for the whole month of March 2019, the amount of the increase that the veteran received for that month, indexed until the time the benefit is payable; or

(b) if the increase was payable only for a portion of that month, the amount of the increase that the veteran would have received under subsection 38(3) of the former Act for that month if the increase had been payable for the whole month, indexed until the time the benefit is payable.

Amount paid

(5) If an increase to the career impact allowance was payable to a veteran referred to in subsection (1), under subsection 38(3) of the former Act, on March 31, 2019, then the Minister shall pay to the veteran, for every month for which the income replacement benefit is not payable to the veteran and that is included in the period beginning with the month of April 2019 and ending with the month in which the veteran dies, an amount equal to,

(a) if the increase was payable for the whole month of March 2019, the amount of the increase that the

veteran received for that month, indexed until the time the amount is payable under this subsection; or

(b) if the increase was payable only for a portion of that month, the amount of the increase that the veteran would have received under subsection 38(3) of the former Act for that month if the increase had been payable for the whole month, indexed until the time the amount is payable under this subsection.

Non-application of subsection (5)

(6) Subsection (5) does not apply if the Minister determines that the veteran's eligibility for an amount that is payable under that subsection is based on a misrepresentation or the concealment of a material fact. The determination is deemed to be made under Part 2.

Amount deemed to be compensation

(7) An amount paid or payable under subsection (5) is deemed to be compensation for the purposes of sections 88 to 90 and subsection 93(1).

Application of [subsection 88\(4\)](#)

(8) [Subsection 88\(4\)](#) applies to an amount paid under subsection (5).

2005, c. 21, s. 115; [2018, c. 12, s. 157](#).

Pending applications — subsection 40.1(1) of former Act

116 (1) If, before April 1, 2019, a veteran made an application for a retirement income security benefit

under subsection 40.1(1) of the former Act but the Minister did not make a determination in respect of the application before that date, then the Minister shall make the determination in respect of the application under that subsection. If the determination is made after March 31, 2020, it is deemed to have been made on that date.

Approved applications — payment of benefit

(2) If the Minister approves the application, the Minister shall pay to the veteran under [section 40.1](#) of the former Act the retirement income security benefit that they are entitled to, but only for the period beginning on the day on which the benefit begins to be payable under subsection 40.1(2) of that Act and ending on March 31, 2019.

2005, c. 21, s. 116; [2018, c. 12, s. 157](#).

Pending applications — subsection 40.2(1) of former Act

117 (1) If, before April 1, 2019, a veteran made an application for a retirement income security benefit under subsection 40.2(1) of the former Act but the Minister did not make a determination in respect of the application before that date, then the Minister shall make the determination in respect of the application under that subsection. If the determination is made after March 31, 2020, it is deemed to have been made on that date.

Approved applications — payment of benefit

(2) If the Minister approves the application, the Minister shall pay to the veteran, under [section 40.2](#) of the former Act, the retirement income security benefit that they are entitled to, but only for the period beginning on the day on which the benefit begins to be payable under subsection 40.2(2) of that Act and ending on March 31, 2019.

2005, c. 21, s. 117; [2018, c. 12, s. 157](#).

Survivors

Survivors' deemed entitlement to income replacement benefit ([section 40.3](#) of former Act)

118 (1) A survivor to whom a retirement income security benefit was payable on March 31, 2019 under [section 40.3](#) of the former Act is deemed, on April 1, 2019, to be entitled to an income replacement benefit under [section 26](#) of the new Act and the following rules apply in respect of the survivor:

(a) despite [subsection 26\(2\)](#) of the new Act, the income replacement benefit begins to be payable to the survivor on April 1, 2019;

(b) the monthly amount of the income replacement benefit that is payable to the survivor under [section 26](#) of the new Act is determined under [section 26.1](#) of that Act, subject to subsections (2) and (3); and

(c) [subsection 26.1\(2\)](#) of the new Act does not apply.

Amount determined in accordance with paragraph 26.1(1)(a)

(2) The monthly amount of the income replacement benefit that is payable under [section 26](#) of the new Act and that is determined under paragraph 26.1(1)(a) of that Act is to be determined by the formula

$$\mathbf{A \times B}$$

where

A is 70%; and

B is 70% of the income replacement benefit that the veteran would have been entitled to for the month of March 2019 if the benefit had been payable to the veteran for that month, if the veteran had attained the age of 65 years in that month and if any amounts that were payable to the veteran from prescribed sources referred to in subsection 19(1) had not been taken into account.

Protected amount

(3) If the amount of the income replacement benefit that is payable to a survivor under [section 26](#) of the new Act for a given month and that is determined under [section 26.1](#) of that Act — not taking into account any reduction under [subsection 26.1\(3\)](#) of that Act — is less than the amount determined for A in subsection 40.3(4) of the former Act that was used to calculate the retirement income security benefit that was payable to the survivor under [section 40.3](#) of that Act for the month of March

2019, then the former amount is to be replaced by the latter amount.

Indexation

(4) For the purposes of subsection (3), the amount of the income replacement benefit referred to in that subsection and the amount determined for A referred to in that subsection are to be indexed until the time the income replacement benefit is payable.

[2018, c. 12, s. 157.](#)

Survivors' deemed entitlement to income replacement benefit ([section 40.4](#) of former Act)

119 (1) A survivor to whom a retirement income security benefit was payable on March 31, 2019 under [section 40.4](#) of the former Act is deemed, on April 1, 2019, to be entitled to an income replacement benefit under [section 22](#) of the new Act and the following rules apply in respect of the survivor:

(a) despite [subsection 22\(2\)](#) of the new Act, the income replacement benefit begins to be payable to the survivor on April 1, 2019;

(b) the monthly amount of the income replacement benefit that is payable to the survivor under [section 22](#) of the new Act is determined under [section 23](#) of that Act, subject to subsection (2); and

(c) [subsection 23\(2\)](#) of the new Act does not apply.

Protected amount

(2) If the amount of the income replacement benefit that is payable to a survivor under [section 22](#) of the new Act for a month referred to in paragraph 23(1)(b) of that Act and that is determined under [section 23](#) of that Act — not taking into account any reduction under [subsection 23\(3\)](#) of that Act — is less than the amount that is one half of the amount determined for A in subsection 40.4(4) of the former Act that was used to calculate the retirement income security benefit that was payable to the survivor under [section 40.4](#) of that Act for the month of March 2019, then the former amount is to be replaced by the latter amount.

Indexation

(3) For the purposes of subsection (2), the amount, referred to in that subsection, that is one half of the amount determined for A is to be indexed until the time the income replacement benefit is payable.

[2018, c. 12, s. 157.](#)

Pending applications — subsection 40.3(1) of former Act

120 (1) Subject to subsection (3), if, before April 1, 2019, a survivor made an application for a retirement income security benefit under subsection 40.3(1) of the former Act but the Minister did not make a determination in respect of the application before that date, then the Minister shall make the determination in respect of the application under that subsection. If the determination is

made after March 31, 2020, it is deemed to have been made on that date.

Approved applications — payment of benefit

(2) If the Minister approves the application, the Minister shall pay to the survivor, under [section 40.3](#) of the former Act, the retirement income security benefit that they are entitled to, but only for the period beginning on the day on which the benefit begins to be payable under subsection 40.3(2) of that Act and ending on March 31, 2019.

Veteran died in March 2019

(3) If the veteran in respect of whom a survivor made an application referred to in subsection (1) died in the month of March 2019, the survivor is deemed not to have made that application.

[2018, c. 12, s. 157.](#)

Pending applications — subsection 40.4(1) of former Act

121 (1) If, before April 1, 2019, a survivor made an application for a retirement income security benefit under subsection 40.4(1) of the former Act but the Minister did not make a determination in respect of the application before that date, then the Minister shall make the determination in respect of the application under that subsection. If the determination is made after March 31, 2020, it is deemed to have been made on that date.

Approved applications — payment of benefit

(2) If the Minister approves the application, the Minister shall pay to the survivor, under [section 40.4](#) of the former Act, the retirement income security benefit that they are entitled to, but only for the period beginning on the day on which the benefit begins to be payable under subsection 40.4(2) of that Act and ending on March 31, 2019.

[2018, c. 12, s. 157.](#)

Review

122 If, before April 1, 2019, the Minister made a determination to deny an application for a retirement income security benefit made by a survivor under subsection 40.3(1) of the former Act but, as a result of a review of the determination under [section 83](#), the Minister makes a final determination, on or after April 1, 2019, to approve the application for the benefit, then,

(a) if the final determination is made after March 31, 2020, it is deemed to have been made on that date; and

(b) the Minister shall pay to the survivor, under [section 40.3](#) of the former Act, the retirement income security benefit that they are entitled to, but only for the period beginning on the day on which the benefit begins to be payable under subsection 40.3(2) of that Act and ending on March 31, 2019.

[2018, c. 12, s. 157.](#)

No application — subsection 40.3(1) of former Act

123 If a veteran who died before April 1, 2019 was eligible, or would have been eligible had the veteran applied, for a retirement income security benefit under [section 40.1](#) or [40.2](#) of the former Act at the time of their death and the veteran’s survivor did not make an application for a retirement income security benefit under subsection 40.3(1) of the former Act before April 1, 2019, the following rules apply to the survivor:

(a) if the veteran died before March 1, 2019, the survivor is deemed to have made an application for a retirement income support benefit under subsection 40.3(1) of the former Act on March 31, 2019; and

(b) if the veteran died in the month of March 2019,

(i) the survivor is deemed to have made an application for an income replacement benefit under subsection 26(1) of the new Act on April 1, 2019,

(ii) for the purpose of that application, the veteran is deemed to have been entitled to the income replacement benefit at the time of their death, and

(iii) if the Minister approves the application, then

(A) the day referred to in [paragraph 26\(2\)\(a\)](#) of the new Act is April 1, 2019,

(B) the monthly amount of the income replacement benefit that is payable to the

survivor under **section 26** of the new Act is determined under **section 26.1** of that Act, subject to **subsection 118(2)**, and

(C) **subsection 26.1(2)** of the new Act does not apply.

2018, c. 12, s. 157.

Supplementary Retirement Benefit

Amount paid — veterans

124 (1) The Minister shall pay the amount determined in accordance with subsection (2) to

(a) a veteran who was at any time entitled to continue to receive the earnings loss benefit under **subsection 18(4) of the former Act but who, on March 31, 2019, was no longer entitled to that benefit, if that veteran has not received the supplementary retirement benefit to which they are entitled under subsection 25(1) of that Act before April 1, 2019; or**

(b) a veteran who, on March 31, 2019, was entitled to continue to receive the earnings loss benefit under **subsection 18(4) of the former Act.**

Calculation of amount

(2) The amount payable to the veteran under subsection (1) is an amount equal to 2% of the total amount of the earnings loss benefit that would have been payable to the veteran under **section 18 of the former Act until March 31, 2019, had any amounts that were payable to**

the veteran from prescribed sources referred to in subsection 19(1) of that Act not been taken into account.

Reduction

(3) The amount payable to the veteran is to be reduced by any amount of the supplementary retirement benefit that the veteran received before April 1, 2019.

[2018, c. 12, s. 157.](#)

Amount paid – survivors under [subsection 25\(2\)](#) of former Act

125 (1) The Minister shall pay the amount determined in accordance with subsection (2) to a survivor who

(a) is the survivor of a veteran who, at the time of their death, was entitled to continue to receive the earnings loss benefit under [subsection 18\(4\)](#) of the former Act;

(b) was not eligible to receive an earnings loss benefit under [section 22](#) of the former Act on March 31, 2019; and

(c) has not received a supplementary retirement benefit under [subsection 25\(2\)](#) of the former Act before April 1, 2019.

Calculation of amount

(2) The amount payable to the survivor under subsection (1) is an amount equal to 2% of the total amount of the earnings loss benefit that would have been payable to

the veteran under [section 18](#) of the former Act until their death, had any amounts that were payable to the veteran from prescribed sources referred to in subsection 19(1) of that Act not been taken into account. [2018, c. 12, s. 157.](#)

Amount paid — survivors under subsection 25(3) of former Act

126 (1) The Minister shall pay the amount determined in accordance with subsection (2) to

(a) a survivor who was at any time entitled to the earnings loss benefit under [section 22](#) of the former Act but who, on March 31, 2019, was no longer entitled to that benefit, if that survivor has not received a supplementary retirement benefit under subsection 25(3) of that Act before April 1, 2019; or

(b) a survivor who, on March 31, 2019, was entitled to the earnings loss benefit under [section 22](#) of the former Act.

Calculation of amount

(2) The amount payable to the survivor under subsection (1) is an amount equal to,

(a) in the case of a member's survivor, 2% of the total amount of the earnings loss benefit that would have been payable to the survivor under [section 22](#) of the former Act until March 31, 2019, had any amounts that were payable to the survivor from prescribed

sources referred to in **subsection 23(3)** of that Act not been taken into account; or

(b) in the case of a veteran's survivor, 2% of the sum of the following amounts:

(i) the total amount of the earnings loss benefit that would have been payable to the veteran under **section 18** of the former Act until their death, had any amounts that were payable to the veteran from prescribed sources referred to in **subsection 19(1)** of that Act not been taken into account, and

(ii) the total amount of the earnings loss benefit that would have been payable to the survivor under **subsection 22** of the former Act until March 31, 2019, had any amounts that were payable to the survivor from prescribed sources referred to in **subsection 23(3)** of that Act not been taken into account.

2018, c. 12, s. 157.

Lump sum

127 An amount that is to be paid under any of **sections 124 to 126** is to be paid as a lump sum.

2018, c. 12, s. 157.

Power to require information or document

128 The Minister may, for the purposes of establishing a person's entitlement to an amount under any of **sections 124 to 126**, require that person to provide the Minister

with any information or document specified by the Minister.

2018, c. 12, s. 157.

Deeming

129 An amount paid or payable under any of sections 124 to 126 is deemed to be compensation for the purposes of sections 88 to 90 and subsection 93(1).

2018, c. 12, s. 157.

Transitional Provisions Relating to Pain and Suffering Compensation

Definition of former Act

130 In sections 131 and 132, former Act means this Act as it read immediately before April 1, 2019.

2018, c. 12, s. 157.

Member or veteran who made election

131 (1) Section 52.1 of the former Act applies to a member or a veteran who, before April 1, 2019, made the election referred to in paragraph 52.1(1)(b) or (c) of that Act and who, on March 31, 2019, was still entitled to receive payments in accordance with that section 52.1.

Member or veteran entitled to make election

(2) If a member or a veteran to whom a disability award is to be paid under section 45, 47 or 48 of the former Act has not, before April 1, 2019, made the election referred

to in subsection 52.1(1) of that Act and the prescribed time for making that election has not expired before that date, then the member or veteran may make the election under that subsection. If the member or veteran makes the election referred to in paragraph 52.1(1)(b) or (c) of that Act, **section 52.1** of that Act applies to the member or veteran.

Payment

(3) The Minister may pay to the member or veteran the disability award for which the member or veteran made the election.

Non-application of **section 90**

(4) **Section 90 does not apply in respect of the disability award paid under subsection (3) to a member or a veteran who made the election referred to in paragraph 52.1(1)(b) or (c) of the former Act.**

Regulations

(5) The Governor in Council may make regulations

(a) respecting the determination of an amount of interest for the purposes of the description of C in paragraph 52.1(1)(b) of the former Act;

(b) respecting the determination of lump sums for the purpose of subsections 52.1(5) and (6) of that Act;
and

(c) prescribing any matter required or authorized by section 52.1 of that Act to be prescribed.

2018, c. 12, s. 157.

Monthly amount paid

132 (1) For every month that is included in the period beginning with the month of April 2019 and ending with the month in which the member or veteran dies, the Minister shall pay to a member or a veteran who was paid a disability award, and who is alive on April 1, 2019, the amount determined by the formula

$$\mathbf{A - [(B - C)/D]}$$

where

A is the amount set out in column 3 of Schedule 3 to this Act, as it read on April 1, 2019, that corresponds to the member's or veteran's extent of disability, as set out in column 2 of that Schedule, for which the disability award was paid;

B is an amount equal to the sum of the following amounts:

(a) the amount of the disability award that was payable to the member or veteran under subsection 52(1) of the former Act or, in the case of a member or a veteran who made the election referred to in paragraph 52.1(1)(b) or (c) of the former Act, the amount of the disability award that would have been payable to the member or veteran if the member or veteran had made the election referred to in paragraph 52.1(1)(a) of the former Act, and

(b) the amount paid to the member or veteran under [section 100](#) of the *Budget Implementation Act, 2016, No. 1* in respect of the disability award;

C is an amount equal to the product obtained by multiplying the amount determined in accordance with paragraph (a) by the number determined in accordance with paragraph (b):

(a) the amount set out in column 3 of Schedule 3 to this Act, as it read on April 1, 2019, that corresponds to the member's or veteran's extent of disability, as set out in column 2 of that Schedule, for which the disability award was paid,

(b) the number of months included in the period beginning with the month in which the disability award was paid and ending with the month of March 2019;

D is a number determined in accordance with the regulations.

Regulations

(2) The Governor in Council may make regulations respecting the determination of the number referred to in the description of D in subsection (1).

Periodic adjustment

(3) The amount determined in accordance with subsection (1) is to be periodically adjusted in the same manner as the amounts set out in column 3 of Schedule 3.

Member or veteran in receipt of annual payments

(4) The following rules apply to a member or a veteran to whom an amount is to be paid under subsection (1) in respect of a disability award:

(a) a member or a veteran who made an election referred to in paragraph 52.1(1)(b) or (c) of the former Act before April 1, 2019 in respect of the disability award and who, on March 31, 2019, was still entitled to receive payments in accordance with [section 52.1](#) of the former Act is deemed to have made an election under subsection 52.1(5) of the former Act on April 1, 2019; and

(b) a member or a veteran referred to in [subsection 131\(2\)](#) is, despite that subsection, deemed to have made the election referred to in paragraph 52.1(1)(a) of the former Act.

Power to require information or document

(5) The Minister may require a member or a veteran to whom an amount is to be paid under subsection (1) to provide information or documents to the Minister.

Amount deemed to be compensation

(6) An amount paid or payable under subsection (1) is deemed to be compensation for the purposes of sections 88 to 90 and subsection 93(1).

Application of [subsection 88\(4\)](#)

(7) Subsection 88(4) applies to an amount paid under subsection (1).

2018, c. 12, s. 157.

Transitional Provisions Relating to Additional Pain and Suffering Compensation

Definitions

133 (1) The following definitions apply in this section.

former Act means this Act as it read immediately before April 1, 2019. (*ancienne loi*)

new Act means this Act as it reads on April 1, 2019. (*nouvelle loi*)

Deemed entitlement to additional pain and suffering compensation

(2) If a career impact allowance was payable to a veteran on March 31, 2019 under [section 38](#) of the former Act, then the veteran is deemed, on April 1, 2019, to be entitled to additional pain and suffering compensation under [section 56.6](#) of the new Act and the following rules apply in respect of the veteran:

(a) the physical or mental health problems in respect of which the career impact allowance was payable to the veteran are deemed to be the disabilities in respect of which the veteran is deemed to be entitled to additional pain and suffering compensation;

(b) the monthly amount of additional pain and suffering compensation that is payable to the veteran under [section 56.6](#) of the new Act is determined under [subsection 56.6\(5\)](#) of that Act, subject to subsections (3) and (4); and

(c) despite [subsection 56.6\(6\)](#) of the new Act, additional pain and suffering compensation begins to be payable to the veteran on April 1, 2019.

Extent of veteran's permanent and severe impairment

(3) The extent of the veteran's permanent and severe impairment that is used to determine the amount of additional pain and suffering compensation that is payable to the veteran for the month of April 2019 is assessed in accordance with the following rules:

(a) a veteran to whom the maximum amount of career impact allowance was payable under [section 38](#) of the former Act on March 31, 2019 — without taking into account the amount of any increase to the career impact allowance referred to in subsection 38(3) of that Act — is assessed as having a Grade 1 extent of permanent and severe impairment as set out in Schedule 4 to the new Act;

(b) a veteran to whom the minimum amount of career impact allowance was payable under [section 38](#) of the former Act on March 31, 2019 — without taking into account the amount of any increase to the career impact allowance referred to in subsection 38(3) of that Act — is assessed as having a Grade 3 extent of

permanent and severe impairment as set out in Schedule 4 to the new Act; and

(c) a veteran who is not referred to in paragraph (a) or (b) is assessed as having a Grade 2 extent of permanent and severe impairment as set out in Schedule 4 to the new Act.

Protected amount

(4) For every month after the month of April 2019 for which the veteran is entitled, as a result of subsection (2), to additional pain and suffering compensation under [section 56.6](#) of the new Act, the amount of additional pain and suffering compensation that is payable to the veteran under that section is not to be less than the amount of additional pain and suffering compensation that is payable for the month of April 2019.

[2018, c. 12, s. 157.](#)

SCHEDULE 1

(Section 37 and paragraphs 41(d) and 94(c))

Canadian Forces Income Support Benefit

	Column 1	Column 2
		Monthly Amount
		(\$)
Item	Description	
1	Veteran	1,132.26

	Column 1	Column 2
		Monthly Amount (\$)
Item	Description	
2	Veteran having a spouse or a common-law partner, an additional	586.85
3	Veteran having one or more dependent children, in respect of each dependent child, an additional	283.07
4	Survivor	1,132.26
5	Orphan	606.77

2005, c. 21, Sch. 1; [2016, c. 7, s. 92](#).

SCHEDULE 2

(Section 44.2, subsection 58(1), sections 61 and 65.2, paragraph 94(c), subsection 110(4) and paragraph 111(2)(b))

Allowances and Benefits

	Column 1	Column 2
Item	Allowance or Benefit	Amount (\$)
1	[Repealed, 2018, c. 12, s. 159]	
2	[Repealed, 2018, c. 12, s. 159]	
2.1	[Repealed, 2018, c. 12, s. 159]	
2.2	Critical injury benefit	70,000.00 (lump sum)
3	Death benefit	360,000.00 (lump sum)

	Column 1	Column 2
Item	Allowance or Benefit	Amount (\$)
4	Clothing allowance	1,823.88 (yearly)
5	Caregiver recognition benefit	1,000.00 (monthly)

2005, c. 21, Sch. 2; 2011, c. 12, ss. 18, 19; 2015, c. 36, ss. 224, 225; 2016, c. 7, ss. 93 to 95, 97; 2017, c. 20, s. 287; 2018, c. 12, s. 158; 2018, c. 12, s. 159.

SCHEDULE 3

(Subsections 50(1), 53(2) and 55(1), section 56, paragraph 94(c) and subsections 132(1) and (3))

Pain and Suffering Compensation

Column 1	Column 2	Column 3	Column 4
Rate of Pain and Suffering Compensation (%)	Extent of Disability (%)	Monthly Amount	Lump Sum Amount (\$)
100	98-100	1150.00	365,400.00
95	93-97	1092.50	347,130.00
90	88-92	1035.00	328,860.00
85	83-87	977.50	310,590.00
80	78-82	920.00	292,320.00
75	73-77	862.50	274,050.00
70	68-72	805.00	255,780.00
65	63-67	747.50	237,510.00

Column 1 Rate of Pain and Suffering Compensation (%)	Column 2 Extent of Disability (%)	Column 3 Monthly Amount	Column 4 Lump Sum Amount (\$)
60	58-62	690.00	219,240.00
55	53-57	632.50	200,970.00
50	48-52	575.00	182,700.00
45	43-47	517.50	164,430.00
40	38-42	460.00	146,160.00
35	33-37	402.50	127,890.00
30	28-32	345.00	109,620.00
25	23-27	287.50	91,350.00
20	18-22	230.00	73,080.00
15	13-17	172.50	54,810.00
10	8-12	115.00	36,540.00
5	5-7	57.50	18,270.00
4	4	46.00	14,616.00
3	3	34.50	10,962.00
2	2	23.00	7,308.00
1	1	11.50	3,654.00

2005, c. 21, Sch. 3; [2016, c. 7, s. 96](#); [2018, c. 12, s. 160](#).

SCHEDULE 4

(Subsection 56.6(5) and paragraphs 94(c) and 133(3) (a) to (c))

Additional Pain and Suffering Compensation

Column 1 Extent of Permanent and Severe Impairment	Column 2 Monthly Amount
	(\$)
Grade 1	1500.00
Grade 2	1000.00
Grade 3	500.00

[2018, c. 12, s. 161.](#)
