

Reprint  
as at 1 April 2019



## Social Security (Long-term Residential Care) Amendment Regulations (No 4) 2009 (SR 2009/403)

Social Security (Long-term Residential Care) Amendment Regulations (No 4) 2009: revoked, on 1 April 2019, pursuant to regulation 20 of the Residential Care and Disability Support Services Regulations 2018 (LI 2018/203).

Anand Satyanand, Governor-General

### Order in Council

At Wellington this 14th day of December 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 155 of the Social Security Act 1964, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Social Development.**

## Regulations

### 1 Title

These regulations are the Social Security (Long-term Residential Care) Amendment Regulations (No 4) 2009.

### 2 Commencement

These regulations come into force on 1 January 2010.

### 3 Principal regulations amended

These regulations amend the Social Security (Long-term Residential Care) Regulations 2005.

### 4 Assets exempt from means assessment

- (1) Regulation 10(1) is amended by inserting the following paragraph after paragraph (j):

(ja) any amount of income derived by the person from a payment of the kind referred to in paragraph (j):

- (2) Regulation 10(1) is amended by adding the following paragraphs:

(l) any payment made to the person on or after 17 August 2007 by the trust established under the trust deed dated 4 December 1993 and known, on that date, as the EVSA Youth Development Trust, but known immediately before the commencement of this paragraph as the EVSA (Neville Wallace Memorial) Children's & Grandchildren's Trust:

(m) any amount of income derived by the person from a payment of a kind referred to in paragraph (l):

(n) any payment made by or on behalf of the Crown to the person because the person is a victim:

(o) any amount of income derived by the person from a payment of the kind referred to in paragraph (n).

- (3) Regulation 10 is amended by revoking subclause (1A) and substituting the following subclause:

(1A) The exemptions in subclause (1)(f), (h), and (j) to (o) apply only in respect of the first 12 months after the payment concerned is made.

- (4) Regulation 10 is amended by inserting the following subclause after subclause (1D):

(1E) In subclause (1)(n), **victim** has the meaning given to it by regulation 3 of the Social Security (Income and Cash Assets Exemptions—Payments to Victims of Crime) Regulations 2009.

Rebecca Kitteridge,  
Clerk of the Executive Council.

### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 January 2010, are made under the Social Security Act 1964 (the **Act**). They extend the categories, prescribed by regulation 10 of the Social Security (Long-term Residential Care) Regulations 2005, of assets that are exempt from means assessment under Part 4 of the Act.

The new categories of exempt assets are—

- any amount of income derived by the person from a payment received from the Viet Nam Veterans and Their Families Trust (*new regulation 10(1)(ja)*); and
- any payment made to the person on or after 17 August 2007 by the EVSA (Neville Wallace Memorial) Children’s & Grandchildren’s Trust, and any income derived by the person from that payment (*new regulation 10(1)(l) and (m)*); and
- any payment made by or on behalf of the Crown to the person because the person is a victim, and any income derived by the person from that payment (*new regulation 10(1)(n) and (o)*).

These exemptions apply only in respect of the first 12 months after the payment is made.

## Reprints notes

### **1** *General*

This is a reprint of the Social Security (Long-term Residential Care) Amendment Regulations (No 4) 2009 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Residential Care and Disability Support Services Regulations 2018 (LI 2018/203): regulation 20