

Reprint
as at 26 November 2018



Social Security (Exemptions under Section 105) Amendment Regulations (No 2) 2012 (SR 2012/268)

Social Security (Exemptions under Section 105) Amendment Regulations (No 2) 2012: revoked, on 26 November 2018, pursuant to regulation 295(10) of the Social Security Regulations 2018 (LI 2018/202).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 3rd day of September 2012

Present:

His Excellency the Governor-General in Council

Pursuant to sections 123D and 132 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.

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Regulations

1 Title

These regulations are the Social Security (Exemptions under Section 105) Amendment Regulations (No 2) 2012.

2 Commencement

These regulations come into force on 15 October 2012.

3 Principal regulations

These regulations amend the Social Security (Exemptions under Section 105) Regulations 1998 (the **principal regulations**).

4 Regulation 3 amended (Exemption from obligations under section 60HA)

In regulation 3(3)(c)(i), replace “6” with “5”.

5 New regulation 3A inserted (Exemption from obligations under section 60Q)

After regulation 3, insert:

3A Exemption from obligations under section 60Q

(1) A person to whom section 60Q of the Act applies may apply under section 105 of the Act to be exempted from some or all of his or her obligations under section 60Q, on a ground specified in subclause (2).

- (2) A person described in subclause (1) may be granted an exemption from some or all of his or her obligations under section 60Q on the grounds that—
- (a) the person has recently changed his or her living circumstances because of family violence and needs time to adjust to the change; or
 - (b) in the case of a person who falls within section 60Q(1)(a) or (b), the person needs time to adjust because—
 - (i) the person’s spouse or partner has recently died; or
 - (ii) the person has recently separated from or ceased to live together with his or her spouse or partner; or
 - (iii) the person’s de facto relationship has recently ended.

6 Regulation 4 amended (Exemption from work test obligations: all work-tested beneficiaries)

- (1) In regulation 4(2)(f)(iv), after “a court”, insert “; or”.
- (2) After regulation 4(2)(f), insert:
- (g) the person needs time to adjust because—
 - (i) the person’s spouse or partner has recently died; or
 - (ii) the person has recently separated from or ceased to live together with his or her spouse or partner; or
 - (iii) the person’s de facto relationship has recently ended.

7 Regulation 5 amended (Exemption from work test obligations: work-tested spouses or partners)

In regulation 5(2)(d)(i), replace “6” with “5”.

8 Regulation 6 amended (Exemption from work test obligations: work-tested sole parents)

- (1) In the heading to regulation 6, after “parents”, insert “ and widows”.
- (2) After regulation 6(1), insert:
- (1A) A work-tested widow’s beneficiary may apply under section 105 of the Act to be exempted from some or all of her work test obligations on any of the following grounds:
- (a) any ground specified in regulation 4:
 - (b) any ground specified in subclause (2):
 - (c) any ground specified in regulation 7(2)(b) or (c).
- (3) Revoke regulation 6(2)(b).

9 Regulation 7 amended (Exemption from work test obligations: work-tested domestic purposes beneficiaries)

In regulation 7(2)(c)(i), replace “6” with “5”.

10 Regulation 8B replaced (Exemption from obligations under section 170: young parent payment recipients who have been married or in civil union or de facto relationship)

Replace regulation 8B with:

8B Exemption from obligations under section 170: youth support payment recipients who have been married or in civil union or de facto relationship

- (1) This regulation applies to any young person who receives—
 - (a) a young parent payment because he or she meets the criterion in section 166(a) of the Act; or
 - (b) a youth payment.
- (2) Any young person to whom this regulation applies may apply under section 105 of the Act to be exempted from some or all of his or her obligations under section 170 on the ground that the person needs time to adjust because—
 - (a) the person's spouse or partner has recently died; or
 - (b) the person has recently separated from or ceased to live together with his or her spouse or partner; or
 - (c) the person's de facto relationship has recently ended.

Michael Webster,
for 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 15 October 2012, amend the Social Security (Exemptions under Section 105) Regulations 1998 (the **principal regulations**).

Regulation 4 amends regulation 3 of the principal regulations so that a person who has primary responsibility for a child aged less than 5 years (rather than 6) may apply for an exemption under that regulation.

Regulation 5 inserts a *new regulation 3A* of the principal regulations. This creates an exemption for certain persons who are subject to obligations under section 60Q of the Social Security Act 1964 (the **Act**), provided that one of the grounds in *new regulation 3A(2)* applies.

Regulation 6 adds a new ground to regulation 4 of the principal regulations, which applies to all work-tested beneficiaries.

Regulation 7 makes the same amendment to regulation 5 of the principal regulations as *regulation 4*.

Regulation 8 amends regulation 6 of the principal regulations so that work-tested widow's beneficiaries may apply for an exemption from their work test obligations.

Regulation 9 makes the same amendment to regulation 7 of the principal regulations as *regulation 4*.

Regulation 10 replaces regulation 8B of the principal regulations. Under the substituted regulation, youth payment recipients will be entitled to apply for an exemption from their obligations under section 170 of the Act.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 6 September 2012.

Reprints notes

1 *General*

This is a reprint of the Social Security (Exemptions under Section 105) Amendment Regulations (No 2) 2012 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*

Social Security Regulations 2018 (LI 2018/202): regulation 295(10)