

Reprint
as at 1 April 2019



Social Security (Long-term Residential Care) Amendment Regulations (No 4) 2008

(SR 2008/349)

Social Security (Long-term Residential Care) Amendment Regulations (No 4) 2008: 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 29th day of September 2008

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) 2008.

2 Commencement

These regulations come into force on 3 November 2008.

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 adding the following paragraphs:

(j) any payment made to the person by the trust established under the trust deed dated 16 August 2007 and known, on that date, as the Viet Nam Veterans and Their Families Trust, other than a payment of the kind referred to in any of paragraphs (a) to (d) of clause 14.2 of that trust deed:

(k) any compensation or *ex gratia* payment of the kind described in regulation 6(2) of the Social Security (Income and Cash Assets Exemptions: Ex Gratia and Compensation Payments Made by the Crown) Regulations 2008.

(2) Regulation 10(1A) is amended by omitting “subclause (1)(f) and (h)” and substituting “subclause (1)(f), (h), (j), and (k)”.

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 3 November 2008, 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.

Two new categories of exempt assets are prescribed by *new regulation 10(1)(j) and (k)*, namely—

- payments made to the person by the Viet Nam Veterans and Their Families Trust (other than payments made by the trust under clause 14.2(a) to (d) of the trust deed, which relate to trustees' annual fees, trustees' costs and expenses, and payments for services rendered to the trust); and
- compensation or *ex gratia* payments of the kind described in regulation 6(2) of the Social Security (Income and Cash Assets Exemptions: Ex Gratia and Compensation Payments Made by the Crown) Regulations 2008. That regulation exempts compensation and *ex gratia* payments made to a person by the Crown in recognition of harm, or in respect of a claim of harm. (Harm is defined as meaning illness, injury, or both, and as including physical harm, mental harm, humiliation, and injury to feelings, but does not include economic loss, loss of property, loss of an expected benefit, or loss of employment.)

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

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 2 October 2008.

Reprints notes

1 *General*

This is a reprint of the Social Security (Long-term Residential Care) Amendment Regulations (No 4) 2008 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