



Social Security (Long-term Residential Care) Amendment Regulations (No 3) 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 26th day of March 2012

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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Regulations

1 Title

These regulations are the Social Security (Long-term Residential Care) Amendment Regulations (No 3) 2012.

2 Commencement

These regulations come into force on 30 March 2012.

3 Principal regulations

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

4 Regulation 10 amended (Assets exempt from means assessment)

- (1) In regulation 10(1)(la), replace “12 months” with “specified period”.
- (2) After regulation 10(1)(1a), insert:

“(lab) for the first 24 months after the payment concerned is made, any payment made on or after 23 June 2011 by or on behalf of the Crown as a payment or part payment of the purchase price for any property or land in the red zone under a Government offer that has been accepted by the person to whom it was made, if the chief executive is satisfied that the person intends to use the payment to repair or rebuild any existing residential premises or to purchase any replacement residential premises:”.
- (3) In regulation 10(1)(lb), replace “any money” with “for the specified period after the payment concerned is made, any money”.
- (4) In regulation 10(1A), after “(j) to (o)”, insert “(other than paragraphs (la), (lab), and (lb))”.
- (5) After regulation 10(1DB), insert:

“(1DC) For the purposes of subclause (1)(la) and (lb), **specified period** means—

 - “(a) 24 months if the chief executive is satisfied that the person intends to use the payment to repair or rebuild any

existing residential premises or to purchase any replacement residential premises; or

“(b) 12 months in any other case.

“(1DD) If any payments to which subclause (1)(lab) or (lb) applies are paid in instalments, or 1 or more payments are made under subclause (1)(lab) or (lb), the date that the payments are made is the date on which the final instalment is paid or the last payment is made.”

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 30 March 2012, amend the Social Security (Long-term Residential Care) Regulations 2005 (the **principal regulations**). The amendments—

- ensure that certain payments made by or on behalf of the Crown in relation to property or land in the red zone under a Government offer that has been accepted by the person to whom it was made are not cash assets for the purposes of the principal regulations for 24 months after the payment is made if the chief executive is satisfied that the person intends to use the payment to repair or rebuild any existing residential premises or to purchase any replacement residential premises; and
- increase certain exemption periods to 24 months, but only if the chief executive is satisfied that the person to whom a payment is to be or has been made intends to use or has used the payment to repair or rebuild any existing residential premises, or to purchase any replacement residential premises; and
- clarify that if certain payments are paid in instalments, or 1 or more payments are made, the date that the payments are

made is the date on which the final instalment is paid or the last payment is made.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered by the Ministry of Social Development.
