



Social Security (Long-term Residential Care) Amendment Regulations (No 2) 2016

Patsy Reddy, Governor-General

Order in Council

At Wellington this 17th day of October 2016

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 155 of the Social Security Act 1964 on the advice and with the consent of the Executive Council.

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Regulations

- 1 Title**
These regulations are the Social Security (Long-term Residential Care) Amendment Regulations (No 2) 2016.
- 2 Commencement**
These regulations come into force on 31 October 2016.

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) After regulation 10(1)(o), insert:

- (p) for the first 12 months after the payment concerned is made, any lump sum payment of arrears of accommodation supplement made to the person, on or after 1 November 2016, and as a result of the department correcting a specified processing error (as defined in subclause (1F));
- (q) any amount of income derived by the person from a payment of a kind referred to in paragraph (p).

(2) In regulation 10(1A), replace “(o)” with “(q)”.

(3) After regulation 10(1E), insert:

- (1F) For the purposes of subclause (1)(p) and (q) of this regulation and regulation 11(d), a **specified processing error**, for a person, means incorrect data relating to either or both of the type of the person’s premises and the person’s accommodation costs (within the meaning of section 61E of the Act) being entered—
- (a) into a computer system operated by or on behalf of the department; and
 - (b) as a result of a system error; and
 - (c) at any time in the years 1993 to 2014 (inclusive).

5 Regulation 11 amended (Income exempt from means assessment)

After regulation 11(c), insert:

- (d) for the first 12 months after the payment concerned is made, any interest derived by a person from any lump sum payment of arrears of accommodation supplement made to the person, on or after 1 November 2016, and as a result of the department correcting a specified processing error (as defined in regulation 10(1F)).

Michael Webster,
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 31 October 2016, are made under the Social Security Act 1964. They amend the Social Security (Long-term Residential Care) Regulations 2005. The amendments relate to lump sum payments, made on or after 1 November 2016, of arrears of accommodation supplement. They ensure that, for the first 12 months after the payments are made,—

- the payments, and income derived from them, are assets exempt from means assessment:
- any interest derived from the payments is income exempt from means assessment.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 20 October 2016.

These regulations are administered by the Ministry of Social Development.