

Reprint
as at 26 November 2018



**Social Security (Temporary Additional Support)
Amendment Regulations (No 2) 2017**
(LI 2017/225)

Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2017: revoked, on 26 November 2018, pursuant to regulation 295(22) of the Social Security Regulations 2018 (LI 2018/202).

Patsy Reddy, Governor-General

Order in Council

At Wellington this 14th day of August 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 132AB of the Social Security Act 1964 on the advice and with the consent of the Executive Council.

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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 (Temporary Additional Support) Amendment Regulations (No 2) 2017.

2 Commencement

These regulations come into force on 18 August 2017.

3 Principal regulations

These regulations amend the Social Security (Temporary Additional Support) Regulations 2005 (the **principal regulations**).

4 Regulation 8 amended (Cash assets defined)

After regulation 8(3)(da), insert:

(db) for the first 12 months after the payment concerned is made, any lump sum payment of arrears of temporary additional support (as defined in regulation 15(3)) made to a person on or after 18 August 2017; or

5 Regulation 15 amended (No lump sums payable)

In regulation 15, insert as subclauses (2) and (3):

(2) Subclause (1) does not apply to any lump sum payment of arrears of temporary additional support made to a person on or after 18 August 2017.

(3) For the purpose of this subclause, subclause (2), regulation 8(3)(db), and clause 5AB in Schedule 1,—

lump sum eligibility requirements, for a person (A), means that,—

- (a) on 1 April 2006, A was entitled to continue receiving the special benefit; and
- (b) during any period on or after 1 April 2006, A would have received more assistance from temporary additional support than the special benefit but was not advised by the department that A could apply for temporary additional support (**lump sum eligibility period**); and
- (c) in response to advice by the department on or after 18 August 2017, A cancels the special benefit and applies for temporary additional support in respect of any lump sum eligibility period

lump sum payment of arrears of temporary additional support means a lump sum payment of arrears of temporary additional support—

- (a) made as a result of an application of section 80AA of the Act (Minister may allow back-dating of benefit where earlier failure to grant it based on error); and
- (b) made to—

- (i) a person (**A**) who meets the lump sum eligibility requirements; or
- (ii) a person (**B**) who, during any lump sum eligibility period, is or was the spouse or partner of A and is or was entitled, under section 83 of the Act, to an apportionment of any other benefit payable to A; and
- (c) calculated after the deduction of the amount of the special benefit that was paid to A or B during any lump sum eligibility period

special benefit means the special benefit as continued under section 23 of the Social Security (Working for Families) Amendment Act 2004.

6 Schedule 1 amended

In Schedule 1, after clause 5AA, insert:

5AB For the first 12 months after the payment concerned is made, the items referred to in clause 1 do not include any income derived from a lump sum payment of arrears of temporary additional support (as defined in regulation 15(3)) that is made to a person on or after 18 August 2017.

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 18 August 2017, are made under the Social Security Act 1964 (the **Act**). They amend the Social Security (Temporary Additional Support) Regulations 2005.

The amendments relate to a lump sum payment of arrears of temporary additional support made, on or after 18 August 2017, as a result of an application of section 80AA of the Act (Minister may allow back-dating of benefit where earlier failure to grant it based on error). The payment is made to a person who cancels the special benefit and applies for temporary additional support, or to that person's spouse or partner.

The amendments ensure that, for the first 12 months after the lump sum payment is made,—

- the payment is excluded from the person's cash assets:
- any income derived from the payment is excluded from the person's chargeable income.

The amendments also provide an exception to the current regulation that states that no payment of temporary additional support may be made by way of a lump sum payment.

Regulatory impact statement

The Ministry of Social Development produced a regulatory impact statement on 14 June 2017 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/regulatory-impact-statements/index.html>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 17 August 2017.

Reprints notes

1 *General*

This is a reprint of the Social Security (Temporary Additional Support) Amendment Regulations (No 2) 2017 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(22)