

Reprint
as at 1 April 2019



Social Security (Long-term Residential Care) Amendment Regulations (No 3) 2017

(LI 2017/226)

Social Security (Long-term Residential Care) Amendment Regulations (No 3) 2017: revoked, on 1 April 2019, pursuant to regulation 20 of the Residential Care and Disability Support Services Regulations 2018 (LI 2018/203).

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 155 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 (Long-term Residential Care) Amendment Regulations (No 3) 2017.

2 Commencement

These regulations come into force on 18 August 2017.

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)(q), insert:

(r) for the first 12 months after the payment concerned is made, a lump sum payment of arrears of temporary additional support made to the person on or after 18 August 2017.

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

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

(1G) For the purpose of this subclause and subclause (1)(r) and regulation 11(e),—

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 sec-

tion 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

temporary additional support means the benefit described in section 61G of the Act.

5 Regulation 11 amended (Income exempt from means assessment)

After regulation 11(d), insert:

- (e) for the first 12 months after the payment concerned is made, any income derived from a lump sum payment of arrears of temporary additional support (as defined in regulation 10(1G)) made to the 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 (Long-term Residential Care) 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 amendments ensure that, for the first 12 months after the lump sum payment is made,—

- the payment is an asset exempt from means assessment;
- any income derived from the payment is income exempt from means assessment.

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 (Long-term Residential Care) Amendment Regulations (No 3) 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*

Residential Care and Disability Support Services Regulations 2018 (LI 2018/203): regulation 20