

REPEALED: See Act, 1961 No.



ANALYSIS

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1958, No. 46

An Act to amend the Social Security Act 1938

[26 September 1958]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the Social Security Amendment Act 1958, and shall be read together with and deemed part of the Social Security Act 1938 (hereinafter referred to as the principal Act).

PART I**RATES OF MONETARY BENEFITS**

2. **Commencement**—Except as provided in section three of this Act, this Part of this Act shall come into force on the first day of October, nineteen hundred and fifty-eight.

Superannuation Benefits

3. **Increasing rate of superannuation benefit**—(1) The principal Act is hereby amended by repealing section thirteen (as substituted by section three of the Social Security Amendment Act 1951), and substituting the following section:

“13. The rate of the superannuation benefit payable pursuant to this Part of this Act shall be computed—

“(a) In respect of the period commencing on the first day of April, nineteen hundred and fifty-nine, and ending with the twenty-ninth day of March, nineteen hundred and sixty, at the rate of one hundred and fifty-six pounds a year:

“(b) In respect of any subsequent period, at the rate of two hundred and eight pounds a year.”

(2) Section three of the Social Security Amendment Act 1951 and section three of the Social Security Amendment Act 1957 are hereby repealed.

(3) This section shall come into force on the first day of April, nineteen hundred and fifty-nine.

Age Benefits

4. **Increasing rate of age benefits**—(1) Section sixteen of the principal Act is hereby amended by omitting from subsection one the words “two hundred and one pounds ten shillings”, and substituting the words “two hundred and eight pounds”.

(2) Section four of the Social Security Amendment Act 1957 is hereby repealed.

5. Deductions from basic rate in respect of income—

(1) Section seventeen of the principal Act is hereby amended as follows:

(a) By omitting from paragraph (b) of subsection two the words “three hundred and five pounds ten shillings”, and substituting the words “three hundred and twelve pounds”:

(b) By omitting from the first proviso to the same paragraph (as substituted by section five of the Social Security Amendment Act 1954) the words “two hundred and one pounds ten shillings”, and substituting the words “two hundred and eight pounds”.

(2) Section five of the Social Security Amendment Act 1957 is hereby amended by repealing paragraphs (b) and (c) of subsection one.

6. Allowable income of South African War veterans—

(1) Section nineteen of the principal Act is hereby amended by omitting from the proviso the words “three hundred and five pounds ten shillings”, and substituting the words “three hundred and twelve pounds”.

(2) Section six of the Social Security Amendment Act 1957 is hereby amended by repealing paragraph (b) of subsection one.

7. Accumulated property of age beneficiaries—Section twenty of the principal Act is hereby amended by omitting from subsection three the words “five hundred pounds”, and substituting the words “seven hundred and fifty pounds”.

Widows' Benefits

8. Increasing rate of widows' benefits—(1) Section twenty-three of the principal Act is hereby amended by omitting from paragraph (a) the words “two hundred and one pounds ten shillings”, and substituting the words “two hundred and eight pounds”.

(2) Section seven of the Social Security Amendment Act 1957 is hereby amended by repealing subsection one.

Orphans' Benefits

9. Increasing rate of orphans' benefits—(1) Section twenty-seven of the principal Act is hereby amended by omitting from subsection one the words “one hundred and four pounds”, and substituting the words “one hundred and seventeen pounds”.

(2) Section nine of the Social Security Amendment Act 1957 is hereby repealed.

Family Benefits

10. Increasing rate of family benefits—Section thirty of the principal Act (as substituted by section thirteen of the Social Security Amendment Act 1945) is hereby amended by omitting the words “ten shillings”, and substituting the words “fifteen shillings”.

Invalids' Benefits

11. Increasing rates of certain invalids' benefits—(1) Section thirty-four of the principal Act is hereby amended as follows:

- (a) By omitting from paragraph (a) of subsection one the words “two hundred and one pounds ten shillings” wherever they occur, and substituting in each case the words “two hundred and eight pounds”:
- (b) By omitting from paragraph (c) of the same subsection the words “two hundred and one pounds ten shillings”, and substituting the words “two hundred and eight pounds”:
- (c) By omitting from subparagraph (i) of paragraph (c) of subsection two the words “three hundred and five pounds ten shillings”, and substituting the words “three hundred and twelve pounds”:
- (d) By omitting from the proviso to paragraph (c) of the same subsection the words “two hundred and one pounds ten shillings”, and substituting the words “two hundred and eight pounds”:
- (e) By omitting from the same proviso the words “eleven pounds fifteen shillings”, and substituting the words “twelve pounds”.

(2) Section ten of the Social Security Amendment Act 1957 is hereby amended by repealing paragraphs (a), (c), (e), (f), and (g) of subsection one.

12. Personal earnings of blind beneficiary to be disregarded—(1) Section thirty-four of the principal Act is hereby further amended by omitting from subsection three the words “(if any) up to five hundred and twenty pounds a year”.

(2) Section four of the Social Security Amendment Act (No. 2) 1955 is hereby amended by repealing the proviso to subsection one.

(3) Sections eleven and seventeen of the Social Security Amendment Act 1957 are hereby repealed.

13. Allowable income for subsidy on earnings of blind beneficiary—(1) Section thirty-five of the principal Act is hereby amended by omitting from the proviso the words “four hundred and sixty-one pounds ten shillings”, and substituting the words “four hundred and sixty-eight pounds”.

(2) Section twelve of the Social Security Amendment Act 1957 is hereby repealed.

Miners' Benefits

14. Increasing rates of miners' benefits—(1) Section forty-one of the principal Act is hereby amended by omitting the words “two hundred and one pounds ten shillings” wherever they occur, and substituting in each case the words “two hundred and eight pounds”.

(2) Section thirteen of the Social Security Amendment Act 1957 is hereby repealed.

15. Increasing rate of benefit to widow of deceased miner—(1) Section forty-four of the principal Act is hereby amended by omitting from subsection one the words “one hundred and sixty-nine pounds”, and substituting the words “one hundred and seventy-five pounds ten shillings”.

(2) Section fourteen of the Social Security Amendment Act 1957 is hereby repealed.

Sickness Benefits

16. Increasing rates of certain sickness benefits—(1) Section forty-six of the principal Act is hereby amended by omitting from paragraph (b) of subsection two the words “seventy-seven shillings and sixpence” wherever they occur, and substituting in each case the words “eighty shillings”.

(2) Section fifteen of the Social Security Amendment Act 1957 is hereby amended by repealing paragraph (b) of subsection one.

Unemployment Benefits

17. Increasing rates of certain unemployment benefits—(1) Section fifty-two of the principal Act is hereby amended by omitting from paragraph (b) of subsection one the words “seventy-seven shillings and sixpence” wherever they occur, and substituting in each case the words “eighty shillings”.

(2) Section sixteen of the Social Security Amendment Act 1957 is hereby amended by repealing paragraph (b) of subsection one.

PART II**MISCELLANEOUS PROVISIONS AS TO MONETARY BENEFITS**

18. Commencement—This Part of this Act shall come into force on the first day of October, nineteen hundred and fifty-eight.

19. Holiday pay to be disregarded for purposes of sickness benefits—Section forty-six of the principal Act is hereby amended by inserting, after subsection two, the following subsection:

“(2A) In computing the income of any person for the purposes of this section, the Commission may in its discretion take no account of any money received by that person by way of holiday pay in respect of statutory holidays and in respect of a period of annual holidays not exceeding three weeks in any year.”

20. Family benefit may be paid for year in advance—Notwithstanding anything to the contrary in the principal Act, the Commission may in its discretion pay in a lump sum a family benefit or portion of a family benefit in advance for a period not exceeding fifty-two weeks in respect of—

- (a) The first child of a marriage, provided application for such payment is made within three months from the date of the birth of the child; or
- (b) A child who has commenced his first year of post-primary instruction, provided application for such payment is made within three months from the date on which the child commenced to receive that instruction.

21. Allowable income of persons who have attained sixty-five years of age—(1) Notwithstanding anything to the contrary in the principal Act, the Commission, in computing the

rate of any benefit under Part II of that Act, shall take no account of any income up to fifty-two pounds a year in calculating—

- (a) The income of an unmarried person who has attained the age of sixty-five years; or
- (b) The total income of a married couple where the husband or the wife has attained the age of sixty-five years; or
- (c) The total amount received by any person who has attained the age of sixty-five years for the purposes of the proviso to section nineteen of the principal Act or the proviso to section thirty-five of that Act.

(2) Section five of the Social Security Amendment Act (No. 2) 1955 is hereby repealed.

22. Increasing rates of benefits for unmarried persons in certain cases—Section three of the Social Security Amendment Act (No. 2) 1955 is hereby amended as follows:

- (a) By omitting from subsection one the words “thirteen pounds”, and substituting the words “twenty-six pounds”;
- (b) By omitting from the same subsection the words “five shillings”, and substituting the words “ten shillings”.

PART III

METHOD OF PAYMENT OF BENEFITS

23. Commencement—(1) The provisions of this Part of this Act shall apply with respect to any specified class of benefit under the principal Act as from a date to be fixed by the Minister by notice in the *Gazette*, and different dates may be so fixed in respect of different classes of benefits.

(2) Notwithstanding anything in this Part of this Act, the provisions of the principal Act shall continue to apply, as if this Part had not been passed, with respect to any specified class of benefit under that Act until the date fixed by the Minister under subsection one of this section for the application of this Part to that class of benefit.

24. “Pay period” defined—Section ten of the principal Act (as amended by section fifteen of the Social Security Amendment Act 1951) is hereby further amended by adding the following definition:

“‘Pay period’ means a period of four complete weeks.”

25. Commencement of pay period—The date of commencement of a pay period in relation to any specified class of benefit shall be fixed from time to time by the Commission, and different dates may be so fixed in respect of different classes of benefits.

26. Benefits to be paid four-weekly—(1) The principal Act is hereby amended in the manner indicated in the Schedule to this Act.

(2) Section fifteen of the Social Security Amendment Act 1945 is hereby amended by omitting from subsection one, and also from subsections two and two A, the word “month” wherever it occurs, and substituting in each case the words “pay period”.

(3) Section six of the Social Security Amendment Act 1946 is hereby consequentially repealed.

27. Assignment of benefit orders prohibited—Section sixty-nine of the principal Act is hereby amended by inserting in subsection two, after the word “certificate”, the words “or order”.

PART IV

FINANCIAL PROVISIONS

28. Amending provisions as to Social Security Fund—(1) Section one hundred and five of the principal Act is hereby amended by repealing paragraph (a) (as substituted by subsection three of section five of the Income Tax Assessment Act 1957).

(2) Section one hundred and six of the principal Act is hereby amended by repealing paragraph (b) of subsection one (as substituted by subsection three of section five of the Income Tax Assessment Act 1957).

(3) The Third Schedule to the Income Tax Assessment Act 1957 is hereby consequentially amended by repealing so much thereof as relates to section one hundred and five and subsection one of section one hundred and six of the principal Act.

(4) This section shall come into force on the first day of April, nineteen hundred and fifty-nine.

29. Advances to beneficiaries and war pensioners for repair or maintenance of home—(1) The principal Act is hereby amended by inserting, after section one hundred and six, the following section:

"106A. (1) The Commission in its discretion may from time to time, out of the money appropriated for the purposes of paragraph (c) of subsection two of section one hundred and six of this Act, make an advance of such amount, not exceeding two hundred pounds, and subject to such conditions as it thinks fit to any person (being the owner of an estate in fee simple in any premises occupied by him as a home, or being the lessee under a lease which is perpetually renewable of any premises occupied by him as a home) who is in receipt of a benefit under Part II of this Act or of a pension or allowance under the War Pensions Act 1954 (in this section referred to as the beneficiary) for the purpose of carrying out essential repairs to and maintenance of the premises.

"(2) Any advance under this section shall be a charge upon the estate or interest of the beneficiary in the land, and may be registered against the land under the provisions of the Statutory Land Charges Registration Act 1928.

"(3) For the purposes of the Statutory Land Charges Registration Act 1928, notice of any charge under this section and any certificate releasing any such charge may be signed by any member of the Commission or by any Registrar of the Department.

"(4) Except with the consent of the Commission, no disposition of the land or, as the case may be, of the leasehold interest in the land (other than a transmission on the death of the beneficiary) shall be registered while a charge under this section is registered against the land or, as the case may be, that leasehold interest."

(2) This section shall come into force on the first day of October, nineteen hundred and fifty-eight.

Section 26

SCHEDULE

AMENDMENTS OF PRINCIPAL ACT

Section Amended	Nature of Amendment
Section 26	By omitting from subsection (4) and also from subsection (4A) the word "month", and substituting in each case the words "pay period".
Section 61	By omitting from subsection (3) the words "the period of twelve months ended on the last day of the last month but one preceding the month in which the application for the benefit is made", and substituting the words "a period of twelve months ending on such day preceding the date of the application for the benefit as the Commission determines".
Section 66 (as amended by section 6 of the Social Security Amendment Act 1946)	By repealing subsection (5). By omitting from subsection (1) the words "expiring not later than the end of the year in which the child attains the age of eighteen years", and substituting the words "expiring not later than the last day of the pay period that occurs nearest to the thirty-first day of December of the year in which the child attains the age of eighteen years".
Section 67	By omitting from subsection (1) the word "month", and substituting the words "pay period".
Section 68	By repealing subsection (1), and substituting the following subsections: "(1) Every benefit granted under Part II of this Act shall be payable as follows: "(a) In the case of an unemployment benefit or a sickness benefit, by weekly instalments: "(b) In the case of any other benefit, by instalments at intervals of not more than four weeks. "(1A) The amount of a four-weekly instalment of a benefit that is payable at an annual rate shall be ascertained by dividing the annual rate of the benefit by thirteen."

SCHEDULE—*continued*
 AMENDMENTS OF PRINCIPAL ACT—*continued*

Section Amended	Nature of Amendment
Section 75 	<p>By omitting from the first proviso to paragraph (a) of subsection (1) (as enacted by section 20 of the Social Security Amendment Act 1949) the word "month", and substituting the words "pay period".</p> <p>By omitting from the second proviso to the same paragraph (as enacted by subsection (2) of section 16 of the Social Security Amendment Act 1954) the word "month" wherever it appears, and substituting in each case the words "pay period".</p>