



Social Security (Long-term Residential Care) Amendment Regulations (No 4) 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 23rd day of October 2007

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 4) 2007.

2 Commencement

These regulations come into force on 26 October 2007.

3 Principal regulations amended

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

4 Assets exempt from means assessment

- (1) Regulation 10(1) is amended by adding the following paragraph:
 - “(h) any compensation payment or ex gratia payment—
 - “(i) made to the person, on or after 26 October 2007, by or on behalf of the Crown; and
 - “(ii) made because the person is a former patient of the Lake Alice Psychiatric Hospital.”
- (2) Regulation 10(1A) is amended by omitting “exemption in subclause (1)(f) applies” and substituting “exemptions in subclause (1)(f) and (h) apply”.

Diane Morcom,
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 26 October 2007, are made under the Social Security Act 1964 (the **Act**). They extend the categories, prescribed by regulation 10 of the Social Security (Long-term Residential Care) Regulations 2005, of assets that are exempt from means assessment under Part 4 of the Act.

The new category of exempt assets, which is prescribed by *new regulation 10(1)(h)*, is any compensation payment or ex gratia payment—

- made to a person, on or after 26 October 2007, by or on behalf of the Crown; and
- made because the person is a former patient of the Lake Alice Psychiatric Hospital.

The exemption applies only for the first 12 months after the payments concerned are made. For that 12-month period, the exempted payments are also—

- not income or cash assets (and any income derived, directly or indirectly, from them is also not income for that 12-month period) for the purposes of the Act, because of the related exemptions (which also extend to similar payments made on or after 1 September 2001) in regulations 5 and 6 of the Social Security (Income and Cash Assets Exemptions—Lake Alice Compensation or Ex Gratia Payments) Regulations 2007; and
 - excluded from cash assets used in determining eligibility for temporary additional support, because of the related exclusion in regulation 8(3)(g) of the Social Security (Temporary Additional Support) Regulations 2005.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 25 October 2007.

These regulations are administered by the Ministry of Social Development and the Ministry of Health.
