

**Reprint
as at 26 November 2018**



**Social Security (Income and Cash Assets Exemptions)
Amendment Regulations 2016
(LI 2016/232)**

Social Security (Income and Cash Assets Exemptions) Amendment Regulations 2016: revoked, on 26 November 2018, pursuant to regulation 295(12) of the Social Security Regulations 2018 (LI 2018/202).

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 sections 132 and 132AA 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.

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Regulations

1 Title

These regulations are the Social Security (Income and Cash Assets Exemptions) Amendment Regulations 2016.

2 Commencement

These regulations come into force on 31 October 2016.

3 Principal regulations

These regulations amend the Social Security (Income and Cash Assets Exemptions) Regulations 2011 (the **principal regulations**).

4 New Part 1AA inserted

After regulation 3, insert:

Part 1AA		
Accommodation supplement arrears payments		
3A	Interpretation	
	In this Part, 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).	
3B	Application	
	The exemptions in regulations 3C and 3D—	
	(a) apply to any lump sum payment of arrears of accommodation supplement made—	
	(i) on or after 1 November 2016; and	

- (ii) as a result of the department correcting a specified processing error; and
- (b) have effect, in respect of the income or cash assets specified in regulations 3C and 3D, on and after 1 November 2016; but
- (c) apply only for the first 12 months after the payment concerned is made.

3C Items declared not to be income

Any income derived by the person from a payment specified in regulation 3B(a) is not income for the purposes of the Act.

3D Payments declared not to be cash assets

A payment specified in regulation 3B(a) is not cash assets for the purposes of the Act.

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 (the **Act**). They amend the Social Security (Income and Cash Assets Exemptions) Regulations 2011. The amendment inserts *new Part IAA* relating to lump sum payments, made on or after 1 November 2016, of arrears of accommodation supplement. The definition of income in section 3(1) of the Act excludes (*see* paragraph (f)(i) of that definition) any benefit received under the Act. However, *new Part IAA* ensures that, on and after 1 November 2016, but only for the first 12 months after the payments are made,—

- income derived from the payments is not income for the purposes of the Act; and
- the payments are not cash assets for the purposes of the Act.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 20 October 2016.

Reprints notes

1 *General*

This is a reprint of the Social Security (Income and Cash Assets Exemptions) Amendment Regulations 2016 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(12)