

**Reprint  
as at 22 September 2011**



**Social Security (Income and Cash  
Assets Exemptions—Canterbury  
Earthquake) Regulations 2011**

(SR 2011/15)

Social Security (Income and Cash Assets Exemptions—Canterbury Earthquake) Regulations 2011: revoked, on 22 September 2011, by regulation 47 of the Social Security (Income and Cash Assets Exemptions) Regulations 2011 (SR 2011/287).

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 21st day of February 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 132 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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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**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—Canterbury Earthquake) Regulations 2011.

### 2 Commencement

These regulations come into force on 25 February 2011.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—  
**Canterbury earthquake** means the earthquake that occurred on 4 September 2010 in Canterbury, and includes all of its aftershocks

**related interest** on a payment to which regulation 4(1) or (3) applies means any interest that is—

- (a) interest derived from that payment; or
- (b) interest derived from related interest.

### 4 Payments and amounts in respect of which exemptions have effect on and after specified dates

- (1) This subclause applies to every payment made on or after 13 September 2010—

- (a) by the Canterbury Earthquake Commission (a body set up by the National Board of New Zealand Red Cross Incorporated in consultation with the Mayors of Christchurch City, the Waimakariri District, and the

- Selwyn District, and proposed to be incorporated as a charitable trust under the Charitable Trusts Act 1957); and
- (b) in relation to the effects of the Canterbury earthquake; and
  - (c) out of the fund created by donations made to the Canterbury Earthquake Appeal of New Zealand Red Cross Incorporated (and by money from other sources).
- (2) This subclause applies to every amount that is—
- (a) an amount of related interest on a payment to which subclause (1) applies; and
  - (b) acquired on or after 13 September 2010 and before the expiry of 12 months starting on the day when that payment was made.
- (3) This subclause applies to every payment made on or after 24 December 2010—
- (a) by the Earthquake Commission continued in existence by section 4(1) of the Earthquake Commission Act 1993, or by an insurance company; and
  - (b) either in respect of the destruction of or any damage to any property caused by the Canterbury earthquake, or for or towards the costs of renting accommodation in place of residential premises destroyed or made uninhabitable by the Canterbury earthquake.
- (4) This subclause applies to every amount that is—
- (a) an amount of related interest on a payment to which subclause (3) applies; and
  - (b) acquired on or after 24 December 2010 and before the close of 31 March 2012.

**5 Payments and amounts declared not to be income**

A payment or amount to which regulation 4(1), (2), or (4) applies is not income for the purposes of the Social Security Act 1964 in relation to the person to whom the payment is made or by whom the amount is acquired.

**6 Payments declared not to be cash assets**

On any day, a payment to which regulation 4(1) applies that was made less than 12 months before that day is not cash assets

for the purposes of the Social Security Act 1964 in relation to the person to whom the payment is made.

**7 Revocation**

The Social Security (Income and Cash Assets Exemptions—Canterbury Earthquake) Regulations 2010 (SR 2010/310) are revoked.

Michael Webster,  
for Clerk of the Executive Council.

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**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 25 February 2011, ensure that certain payments made in relation to the effects of the Canterbury earthquake of 4 September 2010 are neither income nor cash assets for the purposes of the Social Security Act 1964.

The exemptions in these regulations—

- replace and extend the income and cash assets exemptions in the Social Security (Income and Cash Assets Exemptions—Canterbury Earthquake) Regulations 2010 (those regulations are revoked on 25 February 2011, and ensure that a payment is not cash assets for only 12 months starting on the day that the payment was made); and
- supplement and extend the cash assets exemption in the modification (to the definition of cash assets in section 61E(1) of the Social Security Act 1964) effected by clause 5 of the Canterbury Earthquake (Social Security Act) Order (No 3) 2010 (that order expires on the close of 31 March 2012).

The extensions made by these regulations ensure that certain amounts of related interest on the payments are also not income for the purposes of the Social Security Act 1964.

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Reprinted as at **Social Security (Income and Cash Assets  
Exemptions—Canterbury Earthquake)  
Regulations 2011**  
22 September 2011

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 24 February 2011.

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## Notes

### 1 *General*

This is a reprint of the Social Security (Income and Cash Assets Exemptions—Canterbury Earthquake) Regulations 2011. The reprint incorporates all the amendments to the regulations as at 22 September 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### 2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### 3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

Social Security (Income and Cash Assets Exemptions) Regulations 2011 (SR 2011/287): regulation 47

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