

Reprint
as at 26 November 2018



Social Security (Alternative Arrangement for Overseas Pensions) Regulations 1996 (SR 1996/317)

Social Security (Alternative Arrangement for Overseas Pensions) Regulations 1996: revoked, on 26 November 2018, by regulation 295(2) of the Social Security Regulations 2018 (LI 2018/202).

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 7th day of October 1996

Present:

The Right Hon J B Bolger presiding in Council

Pursuant to section 132C of the Social Security Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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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 and commencement

- (1) These regulations may be cited as the Social Security (Alternative Arrangement for Overseas Pensions) Regulations 1996.
- (2) These regulations shall come into force on 7 November 1996.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the Social Security Act 1964

alternative arrangement has the meaning given to it by regulation 3

competent authority means the competent authority of the country paying the overseas pension

nominated bank—

- (a) means a bank with which the chief executive has, for the time being, entered into an agreement under regulation 5(1); and
- (b) where the chief executive has entered into such agreements with different banks in respect of overseas pensions payable by different countries, pursuant to regulation 5(3), means, in relation to an overseas pensioner, the bank with which the chief executive has entered into an agreement in respect of the country paying the overseas pensioner's overseas pension

operate, in relation to a special bank account, includes—

- (a) to deposit money into the account:
- (b) to withdraw money from the account, or to draw on the account in any other way:
- (c) to authorise another person to do any action referred to in paragraph (a) or paragraph (b)

special bank account has the meaning given to it by regulation 4.

- (2) Terms defined in section 3(1) of the Act have the meanings so defined.

Regulation 2(1) **nominated bank** paragraph (a): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 2(1) **nominated bank** paragraph (b): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

3 Meaning of alternative arrangement

- (1) In these regulations, the term **alternative arrangement** means an arrangement, made pursuant to section 70(3)(a) of the Act by the chief executive with an overseas pensioner, that includes—
 - (a) the condition that no payment shall be made pursuant to section 70(3)(b) of the Act before 1 April 1997; and
 - (b) the condition that the disposition by the overseas pensioner of his or her overseas pension to the chief executive is made in consideration of the chief executive making payments to the overseas pensioner pursuant to section 70(3)(b) of the Act; and
 - (c) the conditions set out in subclause (2).
- (2) The conditions referred to in subclause (1)(c) are that the overseas pensioner—
 - (a) complies with any obligation imposed on the overseas pensioner by these regulations; and
 - (b) signs a written authority to the nominated bank to—
 - (i) open and administer a special bank account in the overseas pensioner's name; and
 - (ii) operate the account for the purposes for which it may be operated; and
 - (iii) on the occurrence of any of the circumstances set out in subclause (3), transfer any money in the account to the chief executive and close the account; and
 - (c) signs a written authority to the competent authority to pay the overseas pension into the overseas pensioner's special bank account; and
 - (d) shall not revoke an authority given under paragraph (b) or paragraph (c) unless the overseas pensioner closes the special bank account with effect from the date on which the revocation of the authority takes effect; and
 - (e) shall not operate the overseas pensioner's special bank account for any purpose for which it may not be operated; and
 - (f) agrees that the chief executive, the competent authority, and the nominated bank may disclose to one another—
 - (i) information about the overseas pensioner's special bank account; and
 - (ii) information about payments of the overseas pension made to the special bank account,—

if the disclosure is necessary to facilitate the administration of the overseas pensioner's alternative arrangement or special bank account.
- (3) The circumstances referred to in subclause (2)(b)(iii) are—

- (a) the nominated bank receives notice from the chief executive of the cessation of the alternative arrangement with the overseas pensioner; or
- (b) the nominated bank receives notice from the chief executive of the termination of the alternative arrangement with the overseas pensioner; or
- (c) the overseas pensioner attempts to operate his or her special bank account for a purpose for which it may not be operated; or
- (d) the nominated bank is notified, by means on which it is reasonable to rely, that—
 - (i) the overseas pensioner has ceased to reside in New Zealand; or
 - (ii) the overseas pensioner has died.

Regulation 3(1): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 3(1)(b): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 3(2)(b)(iii): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 3(2)(f): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 3(3)(a): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 3(3)(b): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

4 Meaning of special bank account

- (1) In these regulations, the term **special bank account** means a bank account that is opened and administered by the nominated bank in the name of an overseas pensioner in respect of a pension or pensions received from a country listed in regulation 6(b).
- (2) The purposes for which a special bank account may be operated are—
 - (a) to receive payments of the overseas pensioner's overseas pension or pensions from the competent authority of a country listed in regulation 6(b); and
 - (b) to transfer to the chief executive, from time to time, amounts equivalent to the amounts of those payments of the overseas pension or pensions.
- (3) No special bank account shall—
 - (a) be opened and administered in the name of more than 1 overseas pensioner; or
 - (b) be operated for any purpose other than a purpose referred to in subclause (2); or
 - (c) be operated in respect of more than 1 country listed in regulation 6(b).

Regulation 4(1): amended, on 1 April 2006, by regulation 3(1) of the Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2006 (SR 2006/30).

Regulation 4(2)(a): amended, on 1 April 2006, by regulation 3(2)(a) of the Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2006 (SR 2006/30).

Regulation 4(2)(a): amended, on 1 April 2006, by regulation 3(2)(b) of the Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2006 (SR 2006/30).

Regulation 4(2)(b): amended, on 1 April 2006, by regulation 3(3) of the Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2006 (SR 2006/30).

Regulation 4(2)(b): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 4(3)(b): amended, on 1 April 2006, by regulation 3(4) of the Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2006 (SR 2006/30).

Regulation 4(3)(c): added, on 1 April 2006, by regulation 3(4) of the Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2006 (SR 2006/30).

5 Nominated bank

- (1) The chief executive shall from time to time enter into an agreement, whether by way of contract or otherwise, with a bank, specifying terms and conditions in respect of the opening, administration, and operation of special bank accounts.
- (2) The terms and conditions of any agreement entered into under subclause (1) may include, without limitation, terms and conditions relating to—
 - (a) the obligations of the bank not to—
 - (i) open or administer any special bank account in the name of more than 1 overseas pensioner; or
 - (ii) allow any special bank account to be operated for any purpose for which it may not be operated:
 - (b) the frequency with which the nominated bank shall transfer to the chief executive amounts equivalent to amounts of payments of overseas pensioners' overseas pensions:
 - (c) the disclosure of information by the chief executive, the competent authority, and the nominated bank to one another about—
 - (i) overseas pensioners' special bank accounts; and
 - (ii) payments of overseas pensions made to special bank accounts,—
if the disclosure is necessary to facilitate the administration of overseas pensioners' alternative arrangements or special bank accounts:
 - (d) the obligation of the bank to notify the chief executive of the closure of any special bank account and of the reason for the closure:
 - (e) the transfer to the chief executive of any money in a special bank account that is closed for any reason other than the bankruptcy of the overseas pensioner.

- (3) The chief executive may enter into agreements under subclause (1) with different banks in respect of overseas pensions payable by different countries.

Regulation 5(1): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 5(2)(b): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 5(2)(c): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 5(2)(d): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 5(2)(e): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 5(3): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

6 Category of eligible overseas pensioners

The chief executive may make an offer to make an alternative arrangement with any overseas pensioner who—

- (a) is not an undischarged bankrupt; and
- (b) is entitled to receive or receives an overseas pension paid by, or on behalf of, any of the following:
 - (i) the Government of the United Kingdom and Northern Ireland;
 - (ii) the Government of Australia;
 - (iii) the Government of the Kingdom of the Netherlands;
 - (iv) the Government of the Republic of Ireland;
 - (v) the States of Jersey;
 - (vi) the States of Guernsey.

Regulation 6: amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 6(b): substituted, on 1 July 2002, by regulation 3 of the Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2002 (SR 2002/118).

Regulation 6(b): amended, on 1 April 2006, by regulation 4(1) of the Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2006 (SR 2006/30).

Regulation 6(b)(v): added, on 1 April 2006, by regulation 4(2) of the Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2006 (SR 2006/30).

Regulation 6(b)(vi): added, on 1 April 2006, by regulation 4(2) of the Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2006 (SR 2006/30).

7 Making of alternative arrangement

An overseas pensioner who wishes to accept an offer made under regulation 6 shall—

- (a) give the chief executive written notice of his or her acceptance; and

- (b) annex, to that written notice, the authorities signed pursuant to regulation 3(2)(b) and (c).

Regulation 7(a): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

8 Cessation of alternative arrangement

- (1) An alternative arrangement shall cease if—
 - (a) the nominated bank closes the special bank account on the occurrence of any of the circumstances set out in regulation 3(3)(c) or (d); or
 - (b) the overseas pensioner gives the chief executive written notice that the alternative arrangement is to cease; or
 - (c) the chief executive determines that the overseas pensioner either never has been or is no longer—
 - (i) entitled to a benefit; or
 - (ii) an overseas pensioner to whom regulation 6 applies; or
 - (d) the overseas pensioner ceases to reside in New Zealand; or
 - (e) the overseas pensioner is adjudicated bankrupt; or
 - (f) the overseas pensioner dies.
- (2) The chief executive shall give notice of the cessation of any alternative arrangement—
 - (a) to the competent authority, where any of paragraphs (a) to (f) of subclause (1) applies; and
 - (b) to the nominated bank, where any of paragraphs (b) to (f) of subclause (1) applies.
- (3) The cessation of an alternative arrangement under subclause (1) shall take effect immediately after—
 - (a) the nominated bank transfers any money in the special bank account to the chief executive (or, where the overseas pensioner has been adjudicated bankrupt, to the Official Assignee) and closes the special bank account; and
 - (b) the chief executive makes (except where the overseas pensioner has been adjudicated bankrupt) the corresponding payment under section 70(3)(b) of the Act.

Regulation 8(1)(b): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 8(1)(c): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 8(2): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 8(3)(a): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 8(3)(b): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

9 Termination of alternative arrangement

- (1) The chief executive may terminate an alternative arrangement, with effect from a date determined by the chief executive, if the overseas pensioner fails to comply with any condition set out in regulation 3(2).
- (2) The chief executive shall give notice of the termination of any alternative arrangement—
 - (a) to the competent authority; and
 - (b) to the nominated bank.

Regulation 9(1): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Regulation 9(2): amended, on 1 October 1998, pursuant to section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 10 October 1996.

Reprints notes

1 *General*

This is a reprint of the Social Security (Alternative Arrangement for Overseas Pensions) Regulations 1996 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(2)

Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2006 (SR 2006/30)

Social Security (Alternative Arrangement for Overseas Pensions) Amendment Regulations 2002 (SR 2002/118)

Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96): section 11