

Reprint

as at 24 January 2009

Social Security (Monetary Benefits) Regulations 1971

(SR 1971/167)

Social Security (Monetary Benefits) Regulations 1971: revoked, on 24 September 2007, by regulation 10 of the Social Security (Monetary Benefits) Regulations 2007 (SR 2007/229).

PURSUANT to 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 section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

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

These regulations are administered in the Social Security Department.

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1 Title

The regulations may be cited as the Social Security (Monetary Benefits) Regulations 1971.

2 Interpretation

In these regulations, unless the context otherwise requires—

The Act means the Social Security Act 1964

Application, in relation to a claim for any monetary benefit, means an original application or an application for the renewal of the benefit, as the case may require

Benefit or monetary benefit means a benefit under Part 1 of the Act; and includes national superannuation granted under Part 1 of the New Zealand Superannuation and Retirement Income Act 2001

Benefit or monetary benefit: this definition was substituted, as from 22 April 1977, by regulation 2 Social Security (Monetary Benefits) Regulations 1971, Amendment No 3 (SR 1977/87).

Benefit or monetary benefit: this definition was amended, as from 1 June 2005, by section 9(2) New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42) by substituting the words “Part 1 of the New Zealand Superannuation and Retirement Income Act 2001” for the words “that Part of the Act”.

Benefit order means an order issued by the Department for payment of an instalment of a benefit

Commission means the Social Security Commission appointed under the Act

Commissioner means a member of the Social Security Commission, and includes an Acting Commissioner

Department means the Social Security Department

District means the district under the charge of a Registrar in accordance with these regulations

Order book means a book of benefit orders

Postal warrant means a warrant issued by the Department for payment of a benefit or other money

Registrar means an officer of the Department appointed in charge of a district.

3 Registrars' Districts

- (1) To every Registrar the Commission shall allot a district. Each Registrar shall, for the purposes of the Act, be deemed to be in charge of the district allotted to him.
- (2) The boundaries of every district shall be fixed by the Commission, and may from time to time be altered by the Commission.
- (3) If any application or other document or any information which is intended for or should have been sent to the Registrar of any district is received by the Registrar of any other district, the Registrar by whom it is received shall forthwith transmit it to the Registrar for whom it is intended or to whom it should have been sent.

4 Powers of Commission and Registrars

- (1) The powers conferred on the Commission by Parts 1 and 3 of the Act, except the powers conferred by section 11 of the Act, may, with the written consent of the Minister of Social Security, be exercised in any district by the Registrar who for the time being is appointed to the charge of that district.
- (2) With the written consent of the Minister of Social Security, any of the powers, functions, or duties of a Registrar may at any time be exercised or performed by any of the Commissioners appointed under the Act.
- (3) With the written consent of the Minister of Social Security, any officer of the Department, though not holding office as a

Registrar, may exercise or perform any of the powers, functions, or duties of a Registrar.

5 Functions of Registrars

- (1) It shall be the function of each Registrar, on behalf of the Commission, to receive and investigate all applications for monetary benefits under the Act made in respect of persons resident within his district, and to deal with all matters arising out of those applications and the administration of benefits that may be required by the Commission or by these regulations to be dealt with locally.
- (2) It shall be the duty of every person to make true answers to all questions put to him by any of the Commissioners or by a Registrar or any other authorised officer in respect of any application or other matter arising in relation to the Act or these regulations, and without requiring the payment of any fee to furnish in writing such certificates or information as may be required for the purposes of these regulations.

6 Declarations

In addition to persons authorised to receive declarations in accordance with section 9 of the Oaths and Declarations Act 1957, any declaration required for the purposes of the Act or these regulations may be made before any Registrar (within the meaning of section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995), any constable, any minister of religion, any member of the New Zealand Society of Accountants, any member of the Practising Accountants Association of New Zealand (Incorporated), any Commissioner, or any officer of the Department or of the Post Office approved for the purpose by the Commission.

Regulation 6: amended, on 24 January 2009, by section 49(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Regulation 6 was amended, as from 25 October 1974, by regulation 2 Social Security (Monetary Benefits) Regulations 1971, Amendment No 2 (SR 1974/257).

7 Applications for monetary benefits

- (1) Every applicant for a monetary benefit under Part 1 of the Act shall furnish in such form as the Commission may require such personal and other particulars and (where applicable) such particulars of income and property as the Commission may require to enable it to determine whether or not the applicant is qualified to receive a benefit of the class applied for.
- (2) Every applicant shall declare that the contents of his application are true and correct in every material point.
- (3) In the case of an application for an orphan's benefit the particulars and declaration aforesaid shall be furnished and made by the person for the time being having the care and control of the child and, in the case of any person who by reason of mental or bodily infirmity is incapable of furnishing particulars or making a declaration or refuses to make a declaration such particulars and declaration may, with the approval of the Commission, be furnished and made by some responsible person on behalf of the applicant.
- (4) At the request of any Maori (within the meaning of the Maori Affairs Act 1953) it shall be the duty of every Government officer having the requisite knowledge of the Maori language to render, without fee or other consideration, all reasonable assistance in connection with an application by the Maori for a monetary benefit or for the renewal of a benefit.
- (5) Every application for a monetary benefit shall be posted to the Registrar of the district or shall be delivered at the nearest office of the Department in the district in which the applicant resides, and shall be recorded in such manner as may be determined by the Commission. The application shall be deemed to be received by the Commission when it has been received at an office of the Department.

Regulation 7(1) was amended, as from 22 April 1977, by regulation 3 Social Security (Monetary Benefits) Regulations 1971, Amendment No 3 (SR 1977/87) by omitting the words “, or for supplementary assistance under Part 3 of the Act,”.

8 Renewal and review of monetary benefits

- (1) For the purpose of enabling the Commission to renew or to review benefits from time to time, every beneficiary shall, when-

ever required by the Commission to do so, furnish in such manner and in such form as may be required, a statement setting forth the necessary particulars.

- (2) Any such statement by a beneficiary as to his income shall be in respect of such period as the Commission determines and, if the Commission so requires, shall include particulars as to any income that the beneficiary expects to receive as well as to income that has been actually received.
- (3) Any such statement as to property owned by the beneficiary shall, if the Commission so requires, include particulars as to any property disposed of by the beneficiary within the period to which the statement relates.
- (4) Similar particulars in respect of the income and property of the spouse or partner of the beneficiary, or in respect of the income and property of any child in respect of whom any benefit is payable, shall be given by the beneficiary or by any other person required to furnish such particulars as and when the Commission or a Registrar requires.

Subclause (4) was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting the words “spouse or partner” for the words “wife or husband”.

9 Change in circumstances of beneficiary

[Revoked]

Regulation 9 was revoked, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3).

10 Change in orphan’s circumstances

- (1) The person for the time being authorised to collect instalments of an orphan’s benefit shall forward notice in writing to the Registrar informing him immediately after any of the following events should happen:
 - (a) The orphan acquires any property or receives or becomes entitled to receive any income that may affect his right to receive the benefit or the rate of the benefit; or
 - (b) The orphan is legally adopted by any person or becomes an inmate of any State institution; or
 - (c) The orphan dies or leaves New Zealand.

- (2) Upon the happening of any of the foregoing events the person giving notice shall forward all unpaid benefit orders to the Registrar for cancellation or for amendment, as the case may require.

11 Payment of monetary benefits

- (1) Subject to the provisions of the Act and these regulations, every monetary benefit shall be paid in such manner as the Commission directs. The Commission may direct that different methods of payment shall be used in respect of different classes of beneficiaries and in respect of different individual beneficiaries.

(2)

(3)

(4)

- (5) Where under section 77 of the Act, any benefit is payable in respect of any period during which the beneficiary is absent from New Zealand, the Commission may make such arrangements for payment as it considers expedient, having regard to the circumstances of the case.

Regulation 11(1) was amended, as from 22 April 1977, by regulation 4(1) Social Security (Monetary Benefits) Regulations 1971, Amendment No 3 (SR 1977/87) by inserting the words “The Commission may direct that different methods of payment shall be used in respect of different classes of beneficiaries and in respect of different individual beneficiaries.”.

Regulation 11(2) was revoked, as from 22 April 1977, by regulation 4(2) Social Security (Monetary Benefits) Regulations 1971, Amendment No 3 (SR 1977/87).

Regulation 11(3) was revoked, as from 22 April 1977, by regulation 4(2) Social Security (Monetary Benefits) Regulations 1971, Amendment No 3 (SR 1977/87).

Regulation 11(4) was revoked, as from 22 April 1977, by regulation 4(2) Social Security (Monetary Benefits) Regulations 1971, Amendment No 3 (SR 1977/87).

12 Benefit orders

- (1) A benefit order or a book of benefit orders issued to any person shall remain the property of the Department, and shall be returnable to the Department on demand.

- (2) For the purposes of identification, a beneficiary shall be required to sign the order book with his usual signature:
Provided that where an agent is appointed by the Commission to receive payment of the benefit, the agent shall sign the order book.
- (3) When receiving payment of any instalment, the payee shall give a receipt in such manner and in such form as the Commission requires. Payment may be refused if—
 - (a) The signature does not correspond with the specimen signature on the order book cover; or
 - (b) The signature or order bears any erasure or alteration or is defaced or mutilated.
- (4) Any person who receives a benefit order shall acquire no better title to the order than that of the person from whom he received it.
- (5) If the sum mentioned in an order has been received by a person not entitled to it, the amount may be recovered from that person at the suit of any member of the Commission as a debt due to the Crown.

13 Loss of benefit book

- (1) In the event of a benefit order or book of orders being lost, destroyed, or mutilated, the beneficiary or his duly authorised agent may apply for a duplicate order or order book. Every such application shall be in writing and the circumstances under which it is made shall be declared by the applicant.
- (2) Every beneficiary or duly authorised agent of a beneficiary commits an offence against these regulations if at any time he presents for payment a benefit order whether in original or duplicate form in respect of any period for which he has already received payment by presenting, by himself or by his duly authorised agent, a benefit order for that same period whether in original or duplicate form.

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Regulation 14 was revoked, as from 25 October 1974, by regulation 3 Social Security (Monetary Benefits) Regulations 1971, Amendment No 2 (SR 1974/257).

15 Inmates of institutions

- (1) Unless in any case the Commission otherwise determines, the following provisions shall apply in every case where a benefit is payable in respect of a period during which the beneficiary is maintained as an inmate of, and wholly or partly at the expense of, any institution—
- (a) Instalments of the benefit shall be payable in the first instance to the governing body of the institution:
 - (b) The Commission shall fix the proportion of each instalment that may be retained by the governing body of the institution in respect of the maintenance of the beneficiary, and the balance shall be payable by the governing body to the beneficiary:
 - (c) The proportion so payable to the governing body of the institution shall in no case exceed the reasonable cost of the maintenance of the beneficiary in the institution:
 - (d) The decision of the Commission as to the apportionment between the governing body of the institution and the beneficiary shall be final and binding on both the governing body and the beneficiary.
- (2) Where any portion of a benefit is payable in respect of the spouse or partner or of any child or children of the inmate the provisions of this regulation shall apply only to the portion payable in respect of the inmate.

Subclause (2) was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting the words “spouse or partner” for the word “wife”.

16 Payment on death of beneficiary

In the event of the death of any beneficiary the amount (if any) of the benefit then unpaid (including any instalments of the benefit theretofore due and unpaid and that remain payable) and not disposed of in accordance with section 18 or section 85 of the Act to or for the benefit of the surviving spouse or partner or a dependent child or children of the deceased shall be paid as follows—

- (a) If probate of the will of the deceased has been granted, or letters of administration of his estate have been issued, the money shall be paid to the executor or administrator of the deceased:

- (b) In any other case the money shall be paid in accordance with section 43B(2) of the Administration Act 1952.

Regulation 16 was amended, as from 22 April 1977, by regulation 5 Social Security (Monetary Benefits) Regulations 1971, Amendment No 3 (SR 1977/87) by inserting the words “section 18 or”.

Regulation 16 was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting the words “surviving spouse or partner” for the words “widow, widower”.

17 Continuance of monetary benefits in respect of education of children over 16 years of age

- (1) Where any child in respect of whom a benefit has been granted attends any school or college as a full time day pupil or day student after he or she has attained the age of 16 years, application for the continuance of this benefit may be made by either parent of the child, or by any person for the time being having the care and control of the child.
- (2) Every such application shall be made to the Registrar of the district and shall be accompanied by a certificate signed by the Principal of the school or college or a responsible administrative officer that the child is enrolled as a full time day pupil or day student of the school or college, with particulars as to—
- (a) The hours of attendance; and
- (b) The course of instruction.
- (3) Where any benefit is continued under this regulation it shall be the duty of the principal of the school or college or of the chief administrative officer for the time being to notify the Registrar of the district if and when the child ceases to be enrolled as a full time day pupil or day student and of any material change in the hours of attendance or the course of instruction.

18 Travelling expenses and allowances

- (1) Any applicant or beneficiary who is obliged to be absent from his regular place of abode for the purpose of being medically examined pursuant to a direction of the Commission, or for the purpose of appearing before a Medical Appeal Board appointed by the Commission, or for such other purpose as may be approved by the Commission, may be provided with a travel warrant for his fares or may be granted a refund of travelling expenses reasonably incurred by way of public transport or by

private means of transport in circumstances where to use public transport facilities would be impracticable. In the discretion of the Commission warrants may also be issued for meals and accommodation during the period of necessary absence, or a refund may be allowed of actual and reasonable out of pocket expenses for the period of necessary absence.

- (2) In the case of the applicant or beneficiary whose physical or mental condition is such that he is unable to travel unaccompanied, warrants may be issued or refunds may be made in accordance with this regulation in respect of the travelling and accommodation expenses of the person travelling with the applicant or beneficiary.
- (3) No refund shall be made for any item of expense (other than transport fares) of more than \$1.00 unless the claim is supported by the receipt of the person to whom the amount has been paid, and no claim for a refund of any expenses shall be accepted unless made within 1 month of the date on which the expenses were incurred or within such extended time as the Commission in any special circumstances may deem reasonable.
- (4) Notwithstanding anything in the foregoing provisions of this regulation, the Commission may, in any special case, authorise payment of travelling expenses in respect of any person or class of person at such rates and subject to such conditions as may be determined by the Commission.

19 Medical services

The employment for the purposes of Part 1 or Part 3 of the Act of medical practitioners paid only by fees or commission or engaged for a specified period under a contract for services, and the payment of those fees including mileage allowances in connection with the employment shall be at such rates and subject to such conditions as may from time to time be determined by the Minister of Social Security.

20 Offences

- (1) If any person fails for at least 1 month to give any certificate or notice required to be given in accordance with these regulations, or wilfully fails to comply with any other requirements

of these regulations, he shall be guilty of an offence against these regulations, and shall be liable on summary conviction to a fine not exceeding \$40.

- (2) Nothing in these regulations shall relieve any person from liability in respect of any offence under section 127 of the Act, or from any liability to refund any money paid to him in excess or in error.

21 Proceedings in respect of offences or of money recoverable

- (1) In all proceedings in respect of offences under Parts 1 and 3 of the Act or under these regulations, or in respect of money recoverable under section 86 of the Act, the Registrar whose function it is within the district, or other person appointed by the Commission, may appear on behalf of the Commission, and the fact that any person so appears shall be sufficient evidence of his authority so to do. All those proceedings or actions that are commenced by an authorised officer of the Department may be continued by the same or any other authorised officer.
- (2) No Court fees shall be payable in connection with any such proceedings.

22 Revocations

The following regulations are hereby revoked:

- (a) The Social Security (Monetary Benefits) Regulations 1939¹;
- (b) The Social Security (Monetary Benefits) Regulations 1939, Amendment No 1;
- (c) The Social Security (Monetary Benefits) Regulations 1939, Amendment No 3.

J M K HILL,
for Clerk of the Executive Council.

¹ SR 1939/55

Amendment No 1: SR 1958/200

Amendment No 2: (*Revoked* by SR 1963/20)

Amendment No 3: SR 1963/20

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**Social Security (Monetary Benefits)
Regulations 1971**

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations replace the Social Security (Monetary Benefits) Regulations 1939 and make minor amendments.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 29 July 1971.

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Notes**1 General**

This is an eprint of the Social Security (Monetary Benefits) Regulations 1971. It incorporates all the amendments to the regulations as at 24 January 2009. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see "Making online legislation official" under "Status of legislation on this site" in the About section of this website.

**3 List of amendments incorporated in this eprint
(most recent first)**

Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48): section 49

Social Security (Monetary Benefits) Regulations 2007 (SR 2007/229)
