

Reprint
as at 26 November 2018



Social Security (Effect on Benefit of Warrant to Arrest— Excluded Beneficiaries) Regulations 2013

(SR 2013/249)

Social Security (Effect on Benefit of Warrant to Arrest—Excluded Beneficiaries) Regulations 2013: revoked, on 26 November 2018, by regulation 295(9) of the Social Security Regulations 2018 (LI 2018/202).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 10th day of June 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 132L 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 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.

Exclusion from warrant to arrest provisions

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Regulations**1 Title**

These regulations are the Social Security (Effect on Benefit of Warrant to Arrest—Excluded Beneficiaries) Regulations 2013.

*Preliminary provisions***2 Commencement**

These regulations come into force on 15 July 2013.

3 Interpretation

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

Act means the Social Security Act 1964

adopted reciprocity agreement means an agreement or convention that is adopted under section 19, or the provisions of which are given force and effect so far as they relate to New Zealand by an order under section 19(1), of the Social Welfare (Transitional Provisions) Act 1990.

- (2) In these regulations, unless the context otherwise requires, terms used and not defined, but defined in the Act, have the meanings given to them by the Act.

Exclusion from warrant to arrest provisions

4 Beneficiaries excluded from operation of section 75B

Each class, description, or kind of beneficiary to which one of the rest of these regulations applies is for the purposes of section 75B(2)(a)(iii) or, as the case requires, section 75B(2)(b)(ii), of the Act, prescribed by this regulation as a class, description, or kind of beneficiary—

- (a) excluded from the operation of all of the provisions of section 75B of the Act; and
- (b) each of whom is therefore an **excluded beneficiary** for the purposes of section 75B(3) to (6) or, as the case requires, section 75B(7) and (8), of the Act.

Excluded beneficiaries

5 Beneficiaries younger than 14 years, or aged 14 to 16 years and who are or have been married or in civil union

This regulation applies to every beneficiary who—

- (a) has been granted a benefit, or is a person in respect of whom a benefit or part of a benefit has been granted (for example, a benefit that is sole parent support, an orphan's benefit under section 28 of the Act, or an unsupported child's benefit under section 29 of the Act); and
- (b) is not a young person as defined in section 2(1) of the Oranga Tamariki Act 1989 (and so is not an excluded beneficiary under section 75B(2)(a)(i) or (b)(i) of the Act); but
- (c) is of or under the age of 13 years, or is of or over the age of 14 years but under 17 years and is a person who is or has been married or in a civil union.

Regulation 5(b): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

6 Principal caregivers paid only or mainly orphan's benefit or unsupported child's benefit

This regulation applies to every beneficiary who—

- (a) is a principal caregiver in respect of a dependent child; and
- (b) is being paid, in respect of that dependant child, an orphan's benefit under section 28 of the Act or an unsupported child's benefit under section 29 of the Act; and
- (c) is not being paid a main benefit under this Act (as defined in section 3(1) of the Act), New Zealand superannuation, or a veteran's pension, in his or her own right.

7 Overseas residents paid specified benefits under adopted reciprocity agreements

This regulation applies to every beneficiary who—

- (a) is residing (even if not ordinarily resident) in another country; and
- (b) is being paid a benefit that is a main benefit under this Act (as defined in section 3(1) of the Act), New Zealand superannuation, or a veteran's pension, pursuant to an adopted reciprocity agreement with the government of that country.

8 Persons absent from New Zealand and under specified provisions paid portable New Zealand superannuation

(1) This regulation applies to every beneficiary who—

- (a) is absent from New Zealand; but
- (b) is being paid New Zealand superannuation (not under any adopted reciprocity agreement but) under section 26 of the New Zealand Superannuation and Retirement Income Act 2001.

(2) This regulation also applies to every beneficiary who—

- (a) is absent from New Zealand; but
- (b) is being paid New Zealand superannuation in a specified Pacific country (not under any adopted reciprocity agreement but) under section 31 of the New Zealand Superannuation and Retirement Income Act 2001.

9 Persons absent from New Zealand and under specified provisions paid portable veterans' pensions

(1) This regulation applies to every beneficiary who—

- (a) is absent from New Zealand; but
- (b) is being paid a veteran's pension (not under any adopted reciprocity agreement but) under section 182 of the Veterans' Support Act 2014.

(2) This regulation also applies to every beneficiary who—

- (a) is absent from New Zealand; but
- (b) is being paid a veteran's pension in a specified Pacific country (not under any adopted reciprocity agreement but) under section 191 of the Veterans' Support Act 2014.

Regulation 9(1)(b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Regulation 9(2)(b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

10 Beneficiaries paid benefits at specified hospital rates

This regulation applies to every beneficiary who is being paid a benefit at the rate of benefit specified in—

- (a) Schedule 22 (which specifies rates of benefits payable to long-term hospital patients) of the Act; or
- (b) clause 3 (which specifies a hospital rate of New Zealand superannuation) of Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001.

11 Beneficiaries paid Residential Care Subsidy

This regulation applies to every beneficiary—

- (a) who has been granted a benefit, or is a person in respect of whom a benefit or part of a benefit has been granted; and
- (b) who is a resident assessed as requiring care (within the meaning of section 136 of the Act); and
- (c) to whom section 141, 142, or 143 of the Act applies.

12 Beneficiaries paid Residential Support Subsidy

This regulation applies to every beneficiary—

- (a) who has been granted a benefit, or is a person in respect of whom a benefit or part of a benefit has been granted; and
- (b) who is not a resident assessed as requiring care (within the meaning of section 136 of the Act); but
- (c) who is receiving care—
 - (i) because he or she has a psychiatric, intellectual, physical, or sensory disability; and
 - (ii) that is residential disability care or rest home care (within the meaning of the Health and Disability Services (Safety) Act 2001); and
 - (iii) that is wholly or partly funded under the New Zealand Public Health and Disability Act 2000.

Rebecca Kitteridge,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Social Security (Effect on Benefit of Warrant to Arrest—Excluded Beneficiaries) Regulations 2013 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(9)

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

Veterans' Support Act 2014 (2014 No 56): section 278(9)