

Reprint
as at 26 November 2018



Social Security (Overseas Pension Deduction) Amendment Regulations 2017

(LI 2017/227)

Social Security (Overseas Pension Deduction) Amendment Regulations 2017: revoked, on 26 November 2018, pursuant to regulation 295(15) of the Social Security Regulations 2018 (LI 2018/202).

Patsy Reddy, Governor-General

Order in Council

At Wellington this 14th day of August 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 132C of the Social Security Act 1964 on the advice and with the consent of the Executive Council.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 3 amended (Interpretation)	2
5 New regulation 3A inserted (Transitional, savings, and related provisions)	2

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.

	3A	Transitional, savings, and related provisions	2
6		Regulation 4 amended (Reduction formula)	2
7		Regulation 5 amended (Calculation rate)	3
8		New Schedule 1 inserted	3
		Schedule	3
		New Schedule 1 inserted	

Regulations

1 Title

These regulations are the Social Security (Overseas Pension Deduction) Amendment Regulations 2017.

2 Commencement

These regulations come into force on 16 September 2017.

3 Principal regulations

These regulations amend the Social Security (Overseas Pension Deduction) Regulations 2013 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

- (1) In regulation 3, definition of **figure**, replace “instalment period” with “payment month”.
- (2) In regulation 3, revoke the definition of **instalment period**.
- (3) In regulation 3, insert in its appropriate alphabetical order:

payment month, for an instalment of a benefit, means the calendar month in which the instalment is payable (under section 82 of the Act)

5 New regulation 3A inserted (Transitional, savings, and related provisions)

After regulation 3, insert:

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

6 Regulation 4 amended (Reduction formula)

Replace regulation 4(1) with:

- (1) If section 70(1) of the Act requires a benefit to be reduced,—
 - (a) each instalment of the benefit payable in the payment month immediately following the end of a calculation period must be reduced; and

- (b) the amount per week by which each instalment is reduced must be calculated according to the following formula:

$$(a \times b) - c$$

where—

- a is the rate per week of the overseas pension, in the currency of the country paying the pension, calculated by reference to the amount of that pension payable to the overseas pensioner during the calculation period; and
- b is the calculation rate determined under regulation 5; and
- c is the bank fee determined under regulation 6.
- (1A) If the benefit is payable by an instalment of 2 or more weeks' benefit, the amount by which each instalment is reduced is the amount calculated according to the formula in subclause (1)(b) multiplied by the appropriate number of weeks.

7 Regulation 5 amended (Calculation rate)

- (1) In regulation 5(2)(a), delete “(during the calculation period immediately before the instalment period for which the calculation is made)”.
- (2) In regulation 5(2)(b), delete “during a calculation period”.
- (3) In regulation 5(2)(c), delete “during a calculation period”.
- (4) After regulation 5(2), insert:
- (3) For the purpose of subclause (2), a currency exchange rate must be notified to the chief executive or publicly before the notification deadline that is immediately before the payment month for which the calculation is made.
- (4) For the purpose of subclause (3), **notification deadline** means—
- (a) the close of the fifth day after the end of the calculation period; or
- (b) if that fifth day is not a working day, the close of the next working day.

8 New Schedule 1 inserted

Insert the Schedule 1 set out in the Schedule of these regulations as the first schedule to appear after the last regulation of the principal regulations.

Schedule New Schedule 1 inserted

Schedule 1

Transitional, savings, and related provisions

r 3A

Part 1

Provisions relating to Social Security (Overseas Pension Deduction) Amendment Regulations 2017

The Social Security (Overseas Pension Deduction) Amendment Regulations 2017 apply to—

- (a) a calculation period that begins on the commencement of 16 September 2017 and subsequent calculation periods; and
- (b) an instalment of a benefit that is payable on or after 1 November 2017.

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 16 September 2017, are made under the Social Security Act 1964. They amend the Social Security (Overseas Pension Deduction) Regulations 2013. The amendments ensure that the regulations reflect current practice relating to exchange rates and the formula for calculating a deduction in the New Zealand benefit because of an overseas pension.

The amendments—

- ensure that the calculated exchange rates and the reduction formula apply to a reduction in a benefit instalment that is payable in the calendar month (the **payment month**) (rather than the instalment period) immediately following the end of a calculation period;
- provide for a weekly calculation of the reduction of the benefit instalment, which is then multiplied by the appropriate number of weeks for benefit instalments that are greater than 1 week;
- amend the reduction formula by applying the rate per week of the overseas pension calculated by reference to the amount of the overseas pension that is payable during the calculation period immediately preceding the payment month (rather than the amount of overseas pension payable in the instalment period);
- expand the time within which a country (or a bank on its behalf) must notify an exchange rate under regulation 5(2). Currently, the exchange rate must be noti-

fied during the calculation period, which ends with the close of the 15th day of the month. The amendments extend the notification deadline to the close of the 20th day of the month (or the close of the next working day).

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 17 August 2017.

Reprints notes

1 *General*

This is a reprint of the Social Security (Overseas Pension Deduction) Amendment Regulations 2017 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(15)