

Reprint  
as at 26 November 2018



## Social Security (Exemptions under Section 105) Regulations 1998 (SR 1998/270)

Social Security (Exemptions under Section 105) Regulations 1998: revoked, on 26 November 2018, by regulation 295(10) of the Social Security Regulations 2018 (LI 2018/202).

Regulations name: amended, on 1 July 2001, by section 45 of the Social Security Amendment Act 2001 (2001 No 1).

Michael Hardie Boys, Governor-General

### Order in Council

At Wellington this 14th day of September 1998

Present:

The Right Hon Jenny Shipley presiding in Council

Pursuant to sections 123D and 132 of the Social Security Act 1964, His Excellency the Governor-General, acting by and with the advice and 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.**

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## Regulations

### 1 Title and commencement

- (1) These regulations may be cited as the Social Security (Exemptions under Section 105) Regulations 1998.
- (2) These regulations come into force on 1 October 1998.

Regulation 1(1): amended, on 1 July 2001, by section 45 of the Social Security Amendment Act 2001 (2001 No 1).

### 2 Interpretation

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

**the Act** means the Social Security Act 1964

**family violence** includes, but is not limited to, domestic violence as that term is defined in section 3 of the Domestic Violence Act 1995

**foster child** means a child (except a dependent child) placed in a person's charge under section 362 of the Oranga Tamariki Act 1989

**reciprocal agreement** means an agreement on social security monetary benefits between the Government of New Zealand and the government of any other country which has been given effect in New Zealand by an Order in Council made under section 19 of the Social Welfare (Transitional Provisions) Act 1990

**special needs**, in relation to a child, means that the child has 1 or more of the following:

- (a) a physical or intellectual disability:
  - (b) a medical condition:
  - (c) a chronic or recurring illness:
  - (d) a learning or behavioural difficulty:
  - (e) a need to adjust to a new placement as a foster child.
- (2) Unless the context otherwise requires, terms and expressions used, but not defined, in these regulations but defined in the Act have the same meaning as in the Act.

Regulation 2(1) **family violence**: inserted, on 20 August 2012, by regulation 4(1) of the Social Security (Exemptions under Section 105) Amendment Regulations 2012 (SR 2012/208).

Regulation 2(1) **foster child**: inserted, on 27 September 2010, by regulation 4 of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 2(1) **foster child**: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Regulation 2(1) **special needs** paragraph (e): inserted, on 15 July 2013, by regulation 4 of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 2(2): inserted, on 20 August 2012, by regulation 4(2) of the Social Security (Exemptions under Section 105) Amendment Regulations 2012 (SR 2012/208).

### **3 Exemption from obligations under section 60HA**

*[Revoked]*

Regulation 3: revoked, on 15 July 2013, by section 98(9) of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

### **3A Exemption from obligations under section 60Q**

- (1) A person to whom section 60Q of the Act applies may apply under section 105 of the Act to be exempted from some or all of his or her obligations under section 60Q, on a ground specified in subclause (2).
- (1A) A person receiving a supported living payment under section 40B or 40D of the Act to whom section 60Q(3) of the Act applies by virtue of section 40F or 40H of the Act may apply for an exemption from his or her obligations under section 60Q(3) of the Act on any ground listed in subclause (2).
- (2) A person described in subclause (1) or (1A) may be granted an exemption from some or all of his or her obligations under section 60Q on the grounds that—
- (a) the person has recently changed his or her living circumstances because of family violence and needs time to adjust to the change; or
  - (b) in the case of a person who falls within section 60Q(1)(a), (ba), (bb), or (bc), the person needs time to adjust because—
    - (i) the person's spouse or partner has recently died; or

- (ii) the person has recently separated from or ceased to live together with his or her spouse or partner; or
  - (iii) the person's de facto relationship has recently ended; or
  - (c) the person is caring full-time for another person whose sickness, injury, or disability requires full-time care; or
  - (d) the person has a sickness, injury, or disability that prevents the person from meeting his or her obligations; or
  - (e) the person is the principal caregiver of a dependent child or foster child with special needs (as defined in regulation 2(1))—
    - (i) whose welfare would be unduly harmed if the person met his or her obligations; and
    - (ii) for whom satisfactory alternative care arrangements are not available, or are unable to be made, by the caregiver; or
  - (f) the person's capacity to meet his or her obligations is limited because that person is subject to—
    - (i) a sentence of supervision under the Sentencing Act 2002; or
    - (ii) release conditions (as that term is defined in section 4(1) of the Parole Act 2002); or
    - (iii) conditions of release on bail under any enactment; or
    - (iv) any other sentence or order imposed by a court.
- (3) *[Revoked]*

Regulation 3A: inserted, on 15 October 2012, by regulation 5 of the Social Security (Exemptions under Section 105) Amendment Regulations (No 2) 2012 (SR 2012/268).

Regulation 3A(1A): inserted, on 15 July 2013, by regulation 5(1) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 3A(2): amended, on 15 July 2013, by regulation 5(2) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 3A(2)(b): amended, on 15 July 2013, by regulation 5(3) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 3A(2)(b)(iii): amended, on 15 July 2013, by regulation 5(4) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 3A(2)(c): inserted, on 15 July 2013, by regulation 5(5) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 3A(2)(d): inserted, on 15 July 2013, by regulation 5(5) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 3A(2)(e): inserted, on 15 July 2013, by regulation 5(5) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 3A(2)(f): inserted, on 15 July 2013, by regulation 5(5) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 3A(3): revoked, on 15 July 2015, by regulation 5(7) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

**4 Exemption from work test obligations: all work-tested beneficiaries**

- (1) Any beneficiary to whom the work test applies may apply under section 105 of the Act to be exempted from some or all of his or her work test obligations, on any ground specified in subclause (2).
- (2) A person described in subclause (1) may be granted an exemption from the work test on the grounds that—
  - (a) *[Revoked]*
  - (b) *[Revoked]*
  - (c) *[Revoked]*
  - (ca) *[Revoked]*
  - (cb) *[Revoked]*
  - (cc) the person has recently changed his or her living circumstances because of family violence and needs time to adjust to the change; or
  - (d) the person's benefit is being paid under a reciprocal agreement, and the person resides in a country other than New Zealand; or
  - (e) the person is serving a sentence of home detention under the Sentencing Act 2002; or
  - (f) the person's capacity to meet the obligations of the work test is limited because that person is subject to—
    - (i) a sentence of supervision under the Sentencing Act 2002; or
    - (ii) release conditions (as that term is defined in section 4(1) of the Parole Act 2002); or
    - (iii) conditions of release on bail under any enactment; or
    - (iv) any other sentence or order imposed by a court; or
  - (g) the person needs time to adjust because—
    - (i) the person's spouse or partner has recently died; or
    - (ii) the person has recently separated from or ceased to live together with his or her spouse or partner; or
    - (iii) the person's de facto relationship has recently ended.
- (3) In determining whether to grant an exemption from some or all of a person's work test obligations on the grounds specified in subclause (2)(cc), the chief executive may consider, among other things, whether—
  - (a) the person is living in temporary accommodation (for example, a refuge) while seeking a more permanent accommodation;
  - (b) the exemption is required to allow the person to help any children who are in the person's care to adjust to the new family situation.
- (4) *[Revoked]*

Regulation 4 heading: amended, on 27 September 2010, by regulation 5(1) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 4(1): amended, on 27 September 2010, by regulation 5(2) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 4(2)(a): revoked, on 27 September 2010, by regulation 5(3) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 4(2)(b): revoked, on 24 September 2007, by regulation 4 of the Social Security (Exemptions under Section 105) Amendment Regulations 2007 (SR 2007/231).

Regulation 4(2)(c): revoked, on 8 December 2003, by regulation 3 of the Social Security (Exemptions under Section 105) Amendment Regulations 2003 (SR 2003/311).

Regulation 4(2)(ca): revoked, on 27 September 2010, by regulation 5(3) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 4(2)(cb): revoked, on 15 July 2013, by regulation 6(1) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 4(2)(cc): inserted, on 27 September 2010, by regulation 5(4) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 4(2)(d): amended, on 13 July 2001, by regulation 4 of the Social Security (Exemptions under Section 105) Amendment Regulations 2001 (SR 2001/175).

Regulation 4(2)(e): added, on 13 July 2001, by regulation 4 of the Social Security (Exemptions under Section 105) Amendment Regulations 2001 (SR 2001/175).

Regulation 4(2)(e): amended, on 27 September 2010, by regulation 5(5)(a) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 4(2)(e): amended, on 27 September 2010, by regulation 5(5)(b) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 4(2)(f): added, on 13 July 2001, by regulation 4 of the Social Security (Exemptions under Section 105) Amendment Regulations 2001 (SR 2001/175).

Regulation 4(2)(f)(i): amended, on 27 September 2010, by regulation 5(6) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 4(2)(f)(ii): substituted, on 27 September 2010, by regulation 5(7) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 4(2)(f)(iv): amended, on 15 October 2012, by regulation 6(1) of the Social Security (Exemptions under Section 105) Amendment Regulations (No 2) 2012 (SR 2012/268).

Regulation 4(2)(g): inserted, on 15 October 2012, by regulation 6(2) of the Social Security (Exemptions under Section 105) Amendment Regulations (No 2) 2012 (SR 2012/268).

Regulation 4(3): added, on 27 September 2010, by regulation 5(8) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 4(4): revoked, on 15 July 2015, by regulation 6(3) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

## **5 Exemption from work test obligations: work-tested spouses or partners**

- (1) A work-tested spouse or partner may apply under section 105 of the Act to be exempted from some or all of his or her work test obligations, on any ground specified in regulation 4 or in subclause (2).
- (2) A person described in subclause (1) may be granted an exemption from some or all of his or her work test obligations on the grounds that—
  - (a) it would be unreasonable to expect the person to undertake employment because—

- (i) the person is the principal caregiver of a dependent child or foster child with special needs whose welfare would be unduly harmed if the person attended employment or training, and for whom satisfactory alternative care arrangements are not available, or are unable to be made, by the caregiver; or
  - (ii) the person would qualify for a supported living payment on the ground of sickness, injury, disability, or total blindness under section 40B of the Act; or
  - (iii) the person is engaged in study of a kind approved by the chief executive, and was so engaged when he or she became subject to the work test; or
  - (b) the person is caring on a full-time basis for a person with a sickness, injury, or disability of a kind that requires that person to be cared for full-time; or
  - (caa) the person is engaged in full-time study of a kind approved by the chief executive; or
  - (c) both the following apply:
    - (i) the person is actively engaged in teaching the person's dependent child or foster child who is aged 5 years or is exempt from enrolment in school under an exemption granted under section 21 or 22 of the Education Act 1989; and
    - (ii) it would be unreasonable to expect the child to attend school because of the family's circumstances; or
  - (d) the person has primary responsibility for the day-to-day care of a child, other than on a temporary basis, and the child—
    - (i) is aged less than 3 years; and
    - (ii) is not a dependent child of that person; or
  - (e) the person is—
    - (i) at least 27 weeks pregnant; or
    - (ii) less than 27 weeks pregnant, if the chief executive is satisfied that the person is suffering from complications arising from the pregnancy; or
  - (f) *[Revoked]*
  - (g) the person meets the criteria for jobseeker support on the sickness, injury, or disability ground in section 88B(1)(c) or (d) of the Act.
- (3) In determining whether to grant an exemption from some or all of a person's work test obligations on the ground that subclause (2)(c)(ii) applies to the person, the chief executive may consider, among other things, whether—

- (a) there are particular needs or reasons that prevent the child from attending school (for example, the child has special needs or has been excluded or expelled from school):
- (b) there are other mitigating circumstances involved (for example, home schooling is a reasonable option because the nearest school is a significant distance away).

Regulation 5 heading: amended, on 27 September 2010, by regulation 6(1) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 5 heading: amended, on 24 September 2007, by regulation 5(1) of the Social Security (Exemptions under Section 105) Amendment Regulations 2007 (SR 2007/231).

Regulation 5 heading: amended, on 10 March 2003, by section 37(1) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Regulation 5(1): amended, on 27 September 2010, by regulation 6(2) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 5(1): amended, on 24 September 2007, by regulation 5(2) of the Social Security (Exemptions under Section 105) Amendment Regulations 2007 (SR 2007/231).

Regulation 5(1): amended, on 10 March 2003, by section 37(2) of the Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28).

Regulation 5(2): amended, on 27 September 2010, by regulation 6(2) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 5(2)(a)(i): amended, on 24 September 2007, by regulation 5(3) of the Social Security (Exemptions under Section 105) Amendment Regulations 2007 (SR 2007/231).

Regulation 5(2)(a)(ii): amended, on 15 July 2013, by section 97 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 5(2)(a)(iii): amended, on 27 September 2010, by regulation 6(3) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 5(2)(caa): inserted, on 15 July 2013, by regulation 7 of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 5(2)(c): substituted, on 27 September 2010, by regulation 6(4) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 5(2)(d)(i): amended, on 1 April 2016, by regulation 4 of the Social Security (Exemptions under Section 105) Amendment Regulations 2016 (LI 2016/50).

Regulation 5(2)(d)(ii): amended, on 8 December 2003, by regulation 4 of the Social Security (Exemptions under Section 105) Amendment Regulations 2003 (SR 2003/311).

Regulation 5(2)(e): substituted, on 27 September 2010, by regulation 6(5) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 5(2)(f): revoked, on 27 September 2010, by regulation 6(6) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 5(2)(g): replaced, on 15 July 2013, by section 114 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 5(3): substituted, on 27 September 2010, by regulation 6(8) of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).



**6 Exemption from work test obligations: work-tested sole parents receiving jobseeker support**

- (1) A work-tested beneficiary who is a sole parent in receipt of jobseeker support may apply under section 105 of the Act to be exempted from some or all of that beneficiary's work test obligations on any of the following grounds:
  - (a) any ground specified in regulation 4:
  - (b) any ground specified in subclause (2).
- (1A) *[Revoked]*
- (2) A person described in subclause (1) may be granted an exemption from some or all of his or her work test obligations on the grounds that—
  - (a) it would be unreasonable to expect the person to undertake employment because the person is the principal caregiver of a dependent child or foster child with special needs whose welfare would be unduly harmed if the person attended employment or training, and for whom satisfactory alternative care arrangements are not available, or unable to be made, by the caregiver; or
  - (b) *[Revoked]*
  - (c) both the following apply:
    - (i) the person is actively engaged in teaching the person's dependent child or foster child who is aged 5 years or is exempt from enrolment in school under an exemption granted under section 21 or 22 of the Education Act 1989; and
    - (ii) it would be unreasonable to expect the child to attend school because of the family's circumstances; or
  - (d) the person has primary responsibility for the day-to-day care of a child, other than on a temporary basis, and the child—
    - (i) is aged less than 3 years; and
    - (ii) is not a dependent child of that person.
  - (e) *[Revoked]*
- (3) In determining whether to grant an exemption from some or all of a person's work test obligations on the ground that subclause (2)(c)(ii) applies to the person, the chief executive may consider, among other things, whether—
  - (a) there are particular needs or reasons that prevent the child from attending school (for example, the child has special needs or has been excluded or expelled from school):
  - (b) there are other mitigating circumstances involved (for example, home schooling is a reasonable option because the nearest school is a significant distance away).
- (4) *[Revoked]*

Regulation 6: substituted, on 27 September 2010, by regulation 7 of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 6 heading: amended, on 15 July 2013, by regulation 8(1) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 6(1): replaced, on 15 July 2013, by regulation 8(2) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 6(1A): revoked, on 15 July 2013, by regulation 8(2) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 6(2)(a): replaced, on 15 July 2013, by regulation 8(3) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 6(2)(b): revoked, on 15 October 2012, by regulation 8(3) of the Social Security (Exemptions under Section 105) Amendment Regulations (No 2) 2012 (SR 2012/268).

Regulation 6(2)(d): replaced, on 15 July 2013, by regulation 8(4) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 6(2)(d)(i): amended, on 1 April 2016, by regulation 5 of the Social Security (Exemptions under Section 105) Amendment Regulations 2016 (LI 2016/50).

Regulation 6(2)(e): revoked, on 15 July 2013, by regulation 8(5) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 6(4): revoked, on 15 July 2014, by regulation 8(7) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

## **7 Exemption from work test obligations: work-tested sole parent support beneficiaries**

- (1) A work-tested sole parent support beneficiary may apply under section 105 of the Act to be exempted from some or all of his or her work test obligations, on any ground specified in regulation 4 or 6 or in subclause (2).
- (2) A person described in subclause (1) may be granted an exemption from some or all of his or her work test obligations on the grounds that—
  - (aaa) it would be unreasonable to expect the person to undertake employment because the person would qualify for a supported living payment on the ground of sickness, injury, disability, or total blindness under section 40B of the Act; or
  - (aab) the person is—
    - (i) at least 27 weeks pregnant; or
    - (ii) less than 27 weeks pregnant, if the chief executive is satisfied that the person is suffering from complications arising from the pregnancy; or
  - (aac) the person meets the criteria for jobseeker support on the sickness, injury, or disability ground in section 88B(1)(c) or (d) of the Act; or
  - (a) the person is engaged in full-time study at a level higher than NCEA level 3 on the National Qualifications Framework developed by the New Zealand Qualifications Authority under section 253(1)(c) of the Education Act 1989; or

- (b) the person is engaged in study of a kind approved by the chief executive, and was so engaged when he or she became subject to the work test; or
- (ba) the person is engaged in full-time study of a kind approved by the chief executive; or
- (c) the person has primary responsibility for the day-to-day care of a child, other than on a temporary basis, and the child—
  - (i) is aged less than 3 years; and
  - (ii) is not a dependent child of that person.

Regulation 7: substituted, on 27 September 2010, by regulation 7 of the Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260).

Regulation 7 heading: amended, on 15 July 2013, by section 86 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 7(1): amended, on 15 July 2013, by section 86 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 7(2)(aaa): inserted, on 15 July 2013, by regulation 9(1) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 7(2)(aab): inserted, on 15 July 2013, by regulation 9(1) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 7(2)(aac): inserted, on 15 July 2013, by regulation 9(1) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 7(2)(b): amended, on 2 May 2011, by regulation 4 of the Social Security (Exemptions under Section 105) Amendment Regulations 2011 (SR 2011/105).

Regulation 7(2)(ba): inserted, on 15 July 2013, by regulation 9(2) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 7(2)(c): added, on 2 May 2011, by regulation 4 of the Social Security (Exemptions under Section 105) Amendment Regulations 2011 (SR 2011/105).

Regulation 7(2)(c)(i): amended, on 1 April 2016, by regulation 6 of the Social Security (Exemptions under Section 105) Amendment Regulations 2016 (LI 2016/50).

## **8 Exemption from work test obligations: work-tested sickness beneficiaries**

*[Revoked]*

Regulation 8: revoked, on 15 July 2013, by regulation 10 of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

## **8A Exemption from obligations under section 170 or 171: youth support payment recipients and spouses and partners of specified beneficiaries**

- (1) Any young person who is subject to obligations under section 170 or 171 of the Act may apply under section 105 of the Act to be exempted from some or all of those obligations, on any ground specified in subclause (2).
- (2) A person referred to in subclause (1) may be granted an exemption from some or all of his or her obligations under section 170 or 171 on the ground that—
  - (a) the person has recently changed his or her living circumstances because of family violence and needs time to adjust to the change; or

- (b) the person would qualify for a supported living payment on the ground of sickness, injury, disability, or total blindness under section 40B of the Act; or
- (c) the person would meet the criteria (except for his or her age) for job-seeker support on the sickness, injury, or disability ground in section 88B(1)(c) or (d) of the Act; or
- (d) the person is caring full-time for his or her spouse or partner (who has a sickness, injury, or disability of a kind that requires that person to be cared for full-time); or
- (e) the person is serving a sentence of home detention under the Sentencing Act 2002; or
- (f) the person's capacity to meet his or her obligations under section 170 or 171 is limited because the person is subject to—
  - (i) a sentence of supervision under the Sentencing Act 2002; or
  - (ii) release conditions (as that term is defined in section 4(1) of the Parole Act 2002); or
  - (iii) conditions of release on bail under any enactment; or
  - (iv) any other sentence or order imposed by a court.

Regulation 8A: inserted, on 20 August 2012, by regulation 6 of the Social Security (Exemptions under Section 105) Amendment Regulations 2012 (SR 2012/208).

Regulation 8A(2)(b): amended, on 15 July 2013, by regulation 11(1) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

Regulation 8A(2)(c): replaced, on 15 July 2013, by regulation 11(2) of the Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250).

**8B Exemption from obligations under section 170: youth support payment recipients who have been married or in civil union or de facto relationship**

- (1) This regulation applies to any young person who receives—
  - (a) a young parent payment because he or she meets the criterion in section 166(a) of the Act; or
  - (b) a youth payment.
- (2) Any young person to whom this regulation applies may apply under section 105 of the Act to be exempted from some or all of his or her obligations under section 170 on the ground that the person needs time to adjust because—
  - (a) the person's spouse or partner has recently died; or
  - (b) the person has recently separated from or ceased to live together with his or her spouse or partner; or
  - (c) the person's de facto relationship has recently ended.

Regulation 8B: replaced, on 15 October 2012, by regulation 10 of the Social Security (Exemptions under Section 105) Amendment Regulations (No 2) 2012 (SR 2012/268).

**8C Exemption from obligations under section 170 or 171: young parent payment recipients, and young persons with dependent children who are spouses or partners of specified beneficiaries**

- (1) This regulation applies to any young person who is subject to obligations under section 170 or 171 of the Act because—
  - (a) he or she receives a young parent payment; or
  - (b) section 171(2) of the Act applies.
- (2) Any young person to whom this regulation applies may apply under section 105 of the Act to be exempted from some or all of his or her obligations under section 170 or 171 of the Act on the ground that—
  - (a) the person is the principal caregiver of a dependent child or foster child with special needs whose welfare would be unduly harmed if the person were required to comply with an obligation of the kind referred to in section 170 or 171 that requires full-time attendance, and for whom satisfactory alternative care arrangements are not available, or are unable to be made by the caregiver; or
  - (b) the person is aged 18 years and has primary responsibility for the day-to-day care of a foster child, other than temporarily, and the foster child is aged less than 12 months.

Regulation 8C: inserted, on 20 August 2012, by regulation 6 of the Social Security (Exemptions under Section 105) Amendment Regulations 2012 (SR 2012/208).

**9 Revocations**

The following regulations are revoked:

- (a) Social Security (Exemptions from Mandatory Interviews and Work Tests) Regulations 1996 (SR 1996/260):
- (b) Social Security (Exemptions from Mandatory Interviews and Work Tests) Amendment Regulations 1997 (SR 1997/50):
- (c) Social Security (Exemptions from Mandatory Interviews and Work Tests) Amendment Regulations (No 2) (SR 1997/63).

Marie Shroff,  
Clerk of the Executive Council.

## Reprints notes

### 1 *General*

This is a reprint of the Social Security (Exemptions under Section 105) Regulations 1998 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(10)

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

Social Security (Exemptions under Section 105) Amendment Regulations 2016 (LI 2016/50)

Social Security (Exemptions under Section 105) Amendment Regulations 2013 (SR 2013/250)

Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13): sections 86, 97, 98(9), 114

Social Security (Exemptions under Section 105) Amendment Regulations (No 2) 2012 (SR 2012/268)

Social Security (Exemptions under Section 105) Amendment Regulations 2012 (SR 2012/208)

Social Security (Exemptions under Section 105) Amendment Regulations 2011 (SR 2011/105)

Social Security (Exemptions under Section 105) Amendment Regulations 2010 (SR 2010/260)

Social Security (Exemptions under Section 105) Amendment Regulations 2007 (SR 2007/231)

Social Security (Exemptions under Section 105) Amendment Regulations 2003 (SR 2003/311)

Social Security (Personal Development and Employment) Amendment Act 2002 (2002 No 28): section 37

Social Security (Exemptions under Section 105) Amendment Regulations 2001 (SR 2001/175)

Social Security Amendment Act 2001 (2001 No 1): section 45