



Social Security (Long-term Residential Care—Value of Land) Amendment Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 22nd day of February 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 155(1) 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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Regulations

- 1 Title**

These regulations are the Social Security (Long-term Residential Care—Value of Land) Amendment Regulations 2010.
- 2 Commencement**

These regulations come into force on 1 April 2010.
- 3 Principal regulations amended**

These regulations amend the Social Security (Long-term Residential Care) Regulations 2005.
- 4 Interpretation**

Regulation 3(1) is amended by inserting the following definitions in their appropriate alphabetical order:

 - “**capital value**, in relation to land, means the capital value of that land appearing in the district valuation roll
 - “**district valuation roll** has the same meaning as in section 2(1) of the Rating Valuations Act 1998
 - “**rating unit** has the same meaning as in section 2(1) of the Rating Valuations Act 1998
 - “**registered valuer** has the same meaning as in section 2 of the Valuers Act 1948
 - “**tribunal** means a tribunal exercising a power of decision conferred by or under any Act”.
- 5 New regulations 9C to 9E inserted**

The following regulations are inserted after regulation 9B:

 - “**9C Value of land for purposes of means assessment to be assessed in accordance with regulations 9D and 9E**

For the purposes of a means assessment as to assets conducted under section 146 and Part 2 of Schedule 27 of the Act, or a review of a means assessment as to assets conducted under

section 150 of the Act, the chief executive must assess the value of a person's land in accordance with regulations 9D and 9E if the land is—

- “(a) a house, a piece of land, or any other asset that comes within the definition of land in section 2(1) of the Rating Valuations Act 1998; and
- “(b) a non-exempt asset of the person being means assessed.

“9D Value of land is capital value or fair proportion of capital value

“(1) For the purposes of a means assessment as to assets or a review of a means assessment as to assets, the value of a person's land is,—

- “(a) if the person's land is equivalent to a rating unit, the capital value of the rating unit on the date of the means assessment; or
- “(b) if the person's land is in the form of an estate or interest in a rating unit, the value that is the same proportion of the capital value of the rating unit on the date of the means assessment as the proportion that fairly represents the nature and extent of the person's estate or interest in the rating unit, with the proportion being determined by the chief executive.

“(2) When determining the proportion for the purposes of subclause (1)(b), the chief executive must have regard to—

- “(a) the nature and extent of any other person's estate or interest in the rating unit; and
- “(b) the nature and extent of any other estate or interest in the rating unit for which a value can be determined under regulation 9E; and
- “(c) any other factors the chief executive considers relevant.

“(3) Subclause (1) is subject to regulation 9E.

“9E Value of land if capital value unavailable or contested

“(1) For the purpose of a means assessment as to assets or a review of a means assessment as to assets, the chief executive may consider any evidence of the value of a person's land other than a capital value if—

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- “(a) a capital value required for determining the value of the land under regulation 9D does not appear on the district valuation roll; or
 - “(b) either the chief executive or the person being means assessed considers that the value of the land determined under regulation 9D is not the true value of the land.
- “(2) If the chief executive receives evidence under subclause (1), the value of a person’s land is—
- “(a) the value according to evidence that the chief executive considers to be the best evidence of the value of the land on the date of the means assessment; or
 - “(b) if the person’s land is in the form of an estate or interest in other land, the value that is the same proportion of the value of the other land as the proportion that fairly represents the nature and extent of the person’s estate or interest in the other land, with—
 - “(i) the value of the other land being determined according to paragraph (a); and
 - “(ii) the proportion being determined by the chief executive.
- “(3) When determining the proportion for the purposes of subclause (2)(b)(ii), the chief executive must have regard to the matters specified in regulation 9D(2).
- “(4) For the purposes of this regulation, **evidence**, in relation to the value of land, includes evidence in any of the following forms:
- “(a) a valuation report that is prepared and signed by a registered valuer;
 - “(b) a decision of a court or tribunal;
 - “(c) the district valuation roll.”

Rebecca Kitteridge,
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 1 April 2010, amend the Social Security (Long-term Residential Care) Regulations 2005. *New regulations 9C to 9E* prescribe how the value of a person's land (including a house or any other asset that comes within the definition of land in section 2(1) of the Rating Valuations Act 1998) is determined for the purposes of—

- a means assessment as to assets conducted under section 146 and Part 2 of Schedule 27 of the Social Security Act 1964; or
- a review of a means assessment as to assets conducted under section 150 of the Social Security Act 1964.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered by the Ministry of Social Development and the Ministry of Health.
