

DEBT REPAYMENT (ENERGY TRUSTS) PROGRAMME

This is an unofficial consolidation, produced by and for the use of Work and Income. For official use, reference should be made to the original programme and its amendments.

Minister of Social Services and Employment

At Wellington this 10 day of MARCH 2001

Pursuant to section 124(1)(d) of the Social Security Act 1964, the Minister of Social Services and Employment establishes and approves the following welfare programme for special assistance.

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Programme

1 Title

This is the Debt Repayment (Energy Trusts) Programme.

2 Commencement

This programme comes into effect on the day after the date on which it was approved.

3 Purpose

The purpose of this programme is to provide financial assistance to persons who receive payments from certain energy trusts to repay debt arising from the treatment of those payments as income under the Act.

4 Interpretation

- (1) In this programme, unless the context otherwise requires, –

Act means the Social Security Act 1964

distribution means an amount paid as a distribution from trustee to beneficiary

energy company means a company listed in the Schedule

energy trust means a trust listed in the Schedule

overpayment means –

- (a) an amount to which a person was not entitled; or

- (b) an amount in excess of that to which a person was entitled

payment means the special assistance under this programme

- (2) Expressions otherwise defined in section 3(1) of the Act have the meanings so defined.

5 Application of the Social Security Act

- (1) Sections 12, 74A, and 81 of the Act apply to this programme as if the special assistance under it were a benefit.
- (2) Nothing in subclause (1) limits or affects any other section of the Act.

6 Payment: eligibility

Clause 7 applies where –

- (a) a person (**person A**) who is an electricity customer of an energy company has received, on or after 8 December 2000 and before 30 June 2001, a distribution from an energy trust; and
- (b) person A, or some other person, was on the date of that receipt a person to whom any benefit, or any special assistance under section 124(1)(d) of the Act, was granted; and
- (c) the income of person A was taken into account in determining –
- (i) eligibility for that benefit or special assistance; or
 - (ii) the amount of it; or
 - (iii) both; and
- (d) the chief executive has determined that the person to whom that benefit or special assistance was granted has received an overpayment of it on account of the income attributed to the distribution received by person A.

7 Payment: grant and application

- (1) Where this clause applies, the chief executive must, without application, grant a lump sum payment equivalent to the amount of the overpayment referred to in clause 6(d) to the person who received that overpayment.
- (2) The chief executive must apply a payment granted under subclause (1) to repayment of that overpayment.

Schedule

Clause 4

Energy Companies and Energy Trusts

1 Energy Companies

Mainpower Limited

Vector Power Limited

Waipa Networks Limited

2 Energy Trusts

Auckland Energy Consumer Trust, a trust operating under a Trust Deed dated 27 August 1993

Mainpower Trust, a trust operating under a Trust Deed dated 24 October 1995

Waipa Networks Trust, a trust operating under a Trust Deed dated 30 April 1993

Explanatory Note

This note is not part of the programme, but is intended to explain its general effect.

This programme provides for grants of special assistance to be made to people who have incurred a debt to the Department of Work and Income because a distribution payment from a listed energy trust was treated as income for social security purposes. The special assistance grants will repay the debt.