



30 October 2023

Tēnā koe

On 5 October 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

Is it correct that if a person is granted Superannuation under NZ Residency and the Superannuation and Veterans Act, then their UK State pensions are not to be deducted from their entitlement to Superannuation as they are not granted under the Social Security Act or the Social Welfare Reciprocity Agreement 1990.

To address your question, it might be helpful if we briefly describe the United Kingdom's pension system. According to the GOV.UK website, under the UK Pensions Act 2014 and the Social Security Contributions and Benefits Act 1992, a person is entitled to the basic State Pension if they attained the pensionable age before 6 April 2016, or the new State Pension if they attained the pensionable age on or after 6 April 2016. More information on the UK State Pension can be found on this webpage: www.gov.uk/government/publications/your-new-state-pension-explained/your-state-pension-explained.

Under the UK Overseas Pension Act 1973 these payments can be made to people whilst they are a resident in New Zealand. The social security agreement between the UK and New Zealand (the Social Welfare (Reciprocity with the United Kingdom) Order 1990) enables former UK residents that now reside in New Zealand the ability to use their residence in the UK and/or their contributions to the UK National Insurance Scheme to meet the residential requirements for benefits or pensions in New Zealand.¹

The four classes/categories of UK State Pensions mentioned in your request are directly deductible under New Zealand law.

¹ [Social security agreement with the United Kingdom - Work and Income](#)

Sections 187-191 of New Zealand's Social Security Act 2018 set out the requirement for the deduction of New Zealand Superannuation (NZS) or Veteran's Pension (VP) payments by the amount of a UK State Pension. Article 15 of the Social Welfare (Reciprocity with the United Kingdom) Order 1990 largely reflects this.²

Furthermore, Article 2 of the Social Welfare (Reciprocity with the United Kingdom) Order 1990 states that this will also apply to any legislation which supersedes, replaces, amends, supplements, or consolidates the UK Social Security Acts 1975 to 1982 and the NZ Social Security Act 1964. This means that the requirements for the deduction of NZS or VP payments by the amount of a UK State Pension are still in place, regardless of the fact that the payments may now be paid under new legislation.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

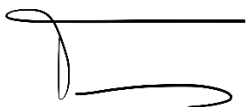
- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui



Guillaume Teerling
Policy Manager
International Policy

² [United Kingdom pensions paid in New Zealand - Work and Income](#)