



26 April 2024

Tēnā koe

### **Official Information Act request**

Thank you for your email of 4 April 2024, requesting information about the name/s of the UK State pensions that are deducted under Article 15, Part 1 of the Social Welfare (Reciprocity with the United Kingdom) Order 1990. I have considered your request under the Official Information Act 1982 (the Act). Please find my decision set out below.

***1. Under the Official Information Act could you please supply me with with the name/s of the UK State pensions that are deducted under Article 15, Part 1 of the Social Welfare (Reciprocity with the United Kingdom) Order 1990.***

Any overseas pension is directly deductible if it meets the criteria under sections 187 to 189 of the Social Security Act 2018. There is no legislation that states specifically which overseas pensions are deductible. Sections 187 to 189 of the Social Security Act 2018 sets the criteria that the Ministry must use when deciding whether an overseas pension should affect a person's New Zealand Superannuation (NZS). An overseas pension can be deducted if it is:

- Granted elsewhere than in New Zealand; and
- Administered by or on behalf of the Government of the overseas country; and
- Part of a program that provides benefits, pensions or allowances for circumstances that may also be paid under New Zealand benefits legislation; and
- Not a Government Occupational Pension; and
- Not determined by the Ministry to be paid for similar purposes as compensation for injury or death, a war pension or allowance, or a disability allowance; and
- Not determined by the Ministry to be attributable to any voluntary contributions.

However, the Ministry does have an internal list of UK pensions that are directly deductible:

- State pension (new)
- State pension (basic)
- State pension (basic) increase due to Home Responsibility Protection
- State Second Pension (S2P)
- Bereavement Allowance (including Widows Benefit)
- Bereavement Payment (pre-6 April 2017)
- Bereavement Support Payment (post 6 April 2017)
- Dependant's Increase
- Financial Assistance Scheme (Pension Protection Fund)
- Widowed Parent's Allowance (formerly Widowed Mother's Allowance)

I have also attached a copy of sections 187 to 189 of the Social Security Act 2018 and you can find a copy of the full legislation online here: [www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783115.html?src=qs](http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783115.html?src=qs)

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with my decision on your request, 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](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

pp. 

Magnus O'Neill  
**General Manager**  
**Ministerial and Executive Services**

## *Factors reducing benefits: entitlement to overseas pensions*

### **187 Interpretation**

In this section and in [sections 188 to 190](#),—

**NZ benefits legislation** means all or any of the following enactments:

- (a) this Act;
- (b) [Part 1](#) of the New Zealand Superannuation and Retirement Income Act 2001;
- (c) [Part 6](#) of the Veterans' Support Act 2014

**overseas pension** means a benefit, pension, or periodical allowance, or any part of it, that—

- (a) is granted elsewhere than in New Zealand; and
- (b) is determined by MSD to be a payment that is part of a programme that—
  - (i) provides benefits, pensions, or periodical allowances for any of the contingencies for which benefits, pensions, or allowances may be paid under NZ benefits legislation; and
  - (ii) is administered by or on behalf of the Government of the country from which the benefit, pension, or periodical allowance is received; and
- (c) is not a Government occupational pension (as defined in [Schedule 2](#)); and
- (d) is not determined by MSD to be in the nature of, and paid for similar purposes as,—
  - (i) compensation for injury or death for which payment could be made under the [Accident Compensation Act 2001](#) if the injury or death had occurred in New Zealand after the commencement of that Act; or
  - (ii) a war pension or allowance granted under the [Veterans' Support Act 2014](#) of a type that would not affect any recipient's entitlement to a benefit under [sections 18 and 199 to 201](#) of this Act unless the pension or allowance is a pension or payment granted under [Part 6](#) of the Veterans' Support Act 2014; or
  - (iii) a disability allowance; and
- (e) is not determined by MSD to be attributable to any voluntary contributions made by or on behalf of the person to whom it is granted or the person's spouse, partner, or parent.

Compare: 1964 No 136 s 70(1), (1A), (1B), (2)

Section 187 **overseas pension** paragraph (e): inserted, on 9 November 2020, by [section 38](#) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

### **188 Persons affected by receipt of overseas pension**

A person (**P**) is a person affected by the receipt of an overseas pension if P is a person who is qualified to receive a benefit under the NZ benefits legislation and—

- (a) P is entitled to receive or receives an overseas pension in respect of any of the following persons:
  - (i) P;
  - (ii) P's spouse or partner;
  - (iii) any dependant of P; or
- (b) P's spouse or partner is entitled to receive or receives an overseas pension; or
- (c) any of P's dependants is entitled to receive or receives an overseas pension.

Compare: 1964 No 136 s 70(1)(a)

### **189 Benefit of person affected is reduced by amount of overseas pension**

- (1) The rate of the benefit or benefits that would otherwise be payable under the NZ benefits legislation to a person affected by the receipt of an overseas pension must be reduced by the amount of the overseas pension as determined by MSD under regulations made under [section 434](#).
- (2) The rate of New Zealand superannuation or a veteran's pension that a person is qualified to receive must not be reduced under this section by any amount of an overseas pension if the New Zealand superannuation or veteran's pension is payable to the person overseas under [section 26](#) of the New Zealand Superannuation and Retirement Income Act 2001 or [section 182](#) of the Veterans' Support Act 2014.
- (3) The rate of New Zealand superannuation or a veteran's pension, or related winter energy payment, that a person is qualified to receive must not be reduced under this section by any amount of an overseas pension that—
  - (a) the person is entitled to receive or receives in respect of the person's spouse or partner (as referred to in [section 188\(a\)\(ii\)](#)); or
  - (b) the person's spouse or partner is entitled to receive or receives (as referred to in [section 188\(b\)](#)).
- (4) *See* [clause 82](#) of Schedule 1 in relation to the application of subsection (3) to persons who are qualified to receive New Zealand superannuation or a veteran's pension at certain grandparented rates.
- (5) The rate of New Zealand superannuation or a veteran's pension, or related winter energy payment, that a person is qualified to receive must not be reduced under this section by any amount of an overseas pension that—

- (a) the person is entitled to receive or receives in respect of any of the person's dependants (as referred to in [section 188\(a\)\(iii\)](#)); or
  - (b) any of the person's dependants is entitled to receive or receives (as referred to in [section 188\(c\)](#)).
- (6) In this section, a person is qualified to receive a **related winter energy payment** if the person is entitled to receive a winter energy payment under [section 72](#) because New Zealand superannuation or a veteran's pension is payable to the person.

Compare: 1964 No 136 s 70(1)

Section 189(2): replaced, on 9 November 2020, by [section 39](#) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 189(3): inserted, on 9 November 2020, by [section 39](#) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 189(4): inserted, on 9 November 2020, by [section 39](#) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 189(5): inserted, on 9 November 2020, by [section 39](#) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).

Section 189(6): inserted, on 9 November 2020, by [section 39](#) of the New Zealand Superannuation and Veteran's Pension Legislation Amendment Act 2020 (2020 No 36).