

**Reprint
as at 1 January 2015**



**Student Allowances Amendment
Regulations (No 2) 2012**
(SR 2012/212)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 6th day of August 2012

Present:
His Excellency the Governor-General in Council

Pursuant to section 303 of the Education Act 1989, 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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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

These regulations are the Student Allowances Amendment Regulations (No 2) 2012.

2 Commencement

- (1) These regulations, except as provided in subclause (2), come into force on 6 September 2012.
- (2) Regulations 8, 10, and 13 come into force on 1 January 2013.

3 Principal regulations

These regulations amend the Student Allowances Regulations 1998 (the **principal regulations**).

4 Application

These regulations apply to allowances for courses of study that commence on or after 1 January 2013 (whether the allowance was first payable to students before, on, or after that date).

5 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), definition of **parent**, replace “a guardian and a step-parent,” with “a step-parent”.
- (2) In regulation 2(1), replace the definition of **parental home** with:
“**parental home**, in relation to a student, means a home where the student is living with a parent”.
- (3) In regulation 2(1), replace the definition of **programme** with:
“**programme** has the meaning set out in regulation 2A”.
- (4) In regulation 2(1), definition of **recognised programme**,—
 - (a) in paragraph (a)(i), replace “section 258” with “section 249”;
 - (b) in paragraph (a)(ii), replace “section 260” with “section 241”.
- (5) In regulation 2(1), insert in its appropriate alphabetical order:
“**step-parent**, in relation to a student, means a person—
 - “(a) who is not the student’s father or mother, or a person acting in place of a parent of the student; but
 - “(b) who is married to, or in a civil union or in a de facto relationship with, the mother or father of the student or a person acting in place of the parent of the student”.

6 New regulation 2A inserted (Meaning of programme)

After regulation 2, insert:

“2A Meaning of programme

- “(1) In these regulations, **programme** means,—
 - “(a) in relation to a secondary school, a full-time course;
 - “(b) in relation to a tertiary provider, any aggregate of courses, classes, and work required for the completion of a degree, diploma, certificate, or other qualification awarded by that provider.
- “(2) Despite subclause (1)(b), a programme does not include a degree, diploma, certificate, or other qualification that is listed at level 8 or above on the Qualifications Framework.
- “(3) Subclause (2) does not apply to a Bachelor Honours degree described in the Qualifications Framework.

“(4) In this regulation, **Qualifications Framework** means the framework referred to in section 248 of the Education Act 1989.”

7 Regulation 9 amended (Eligibility for accommodation benefit)

Replace regulation 9(4) with:

“(4) For the purposes of this regulation,—

“**outgoings** include—

“(a) local authority rates charged by a local authority (including water rates, regardless of how the rates are calculated):

“(b) mortgage payments (where there is a mortgage on the property):

“(c) house insurance premiums, excluding contents insurance (where the house is insured):

“(d) essential repairs and maintenance

“**parental home**, in relation to a student, means—

“(a) a home where the student is living with a parent; or

“(b) a home (not being a home to which paragraph (a) applies) provided or maintained by a parent of the student unless, in the opinion of the chief executive, that student—

“(i) is paying the market rent for the area of the home occupied by the student; or

“(ii) has responsibility for the payment of the outgoings payable for the area of the home occupied by the student.

“(4A) For the purposes of paragraph (b) of the definition of parental home in subclause (4), the **area of the home occupied by the student** is the part of the premises comprising the home that the student occupies with his or her spouse (if any) and supported children (if any).”

8 Regulation 12 amended (Eligibility for certain allowances)

Replace regulation 12(2) with:

“(2) An allowance continued by regulation 3(a) to (c) may be paid to every student enrolled, or intending to enrol, in a recognised

course of study that is less than a full-time course, who would otherwise be eligible for such an allowance, if either of the following paragraphs applies:

- “(a) the chief executive has, on the advice of a tertiary provider or the principal of the appropriate secondary school, approved a course of study that is less than a full-time course for that student for that year—
 - “(i) because of that student’s illness; or
 - “(ii) for any cause that is, in the opinion of the chief executive, a sufficient cause that is outside that student’s control; or
 - “(iii) where the chief executive considers such a course to be in that student’s academic best interests:
- “(b) in the opinion of the chief executive, the student—
 - “(i) will, on completing that course, complete a recognised programme; and
 - “(ii) is taking a course, or combination of courses, that constitutes more than half of a full-time course.

“(2A) For the purposes of subclause (2)(a)(iii), **academic best interests**, in relation to a student, means that the student would be likely to fail, for academic reasons, if he or she undertook a full-time course but would be likely to pass more than half of the course if he or she studied part-time.”

9 Regulation 20 amended (Maximum periods of allowances)

After regulation 20(7), insert:

“(7A) For the purposes of subclause (7), special circumstances do not exist merely because a person has been affected by an amendment to these regulations.”

10 Regulations 21 and 22 revoked

Revoke regulations 21 and 22.

11 Transitional arrangement for certain postgraduate students

[Revoked]

Regulation 11: revoked, on 1 January 2014, by regulation 11(3).

12 Continuation of certain approvals given in respect of part-time courses*[Revoked]*

Regulation 12: revoked, on 1 January 2015, by regulation 12(3).

13 Amendments consequential on revocation of regulations 21 and 22 and saving for approvals given under those regulations

- (1) In regulations 7(2), 8(4), and 9(5) delete “to 22”.
- (2) In regulation 20(1), replace “regulations 21, 22, and 30(3)” with “regulation 30(3)”.
- (3) Any approval given under regulation 21 or 22 (as in force immediately before their revocation by regulation 10 of these regulations) continues in effect according to its tenor.
- (4) Subclause (3) does not limit the Interpretation Act 1999.

Michael Webster,
for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 9 August 2012.

Reprints notes

1 *General*

This is a reprint of the Student Allowances Amendment Regulations (No 2) 2012 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*

Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212): regulations 11(3), 12(3)
