



Student Allowances Amendment Regulations (No 2) 2016

Hon Sir William Young, Administrator of the Government

Order in Council

At Wellington this 26th day of September 2016

Present:

His Excellency the Administrator of the Government in Council

These regulations are made under section 303 of the Education Act 1989 on the advice and with the consent of the Executive Council.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 2 amended (Interpretation)	2
5 New regulation 2B inserted (Transitional, savings, and related provisions)	2
2B Transitional, savings, and related provisions	2
6 Regulation 20 amended (Maximum periods of allowances)	2
7 New regulations 23A and 23B inserted	3
23A Limitation on payment for permanent residents enrolled at New Zealand campus studying overseas	3
23B Limitation on payment for students enrolled at overseas campus or delivery site of tertiary provider	3
8 Regulation 28 amended (Suspension of allowances during detention in prison)	4
9 Regulation 47 revoked (Transitional provision)	4
10 New Schedule 1 inserted	4
11 New Schedule 3A inserted	4

Schedule 1	5
New Schedule 1 inserted	
Schedule 2	6
New Schedule 3A inserted	

Regulations

1 Title

These regulations are the Student Allowances Amendment Regulations (No 2) 2016.

2 Commencement

These regulations come into force on 27 October 2016.

3 Principal regulations

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

4 Regulation 2 amended (Interpretation)

In regulation 2(1), insert in their appropriate alphabetical order:

overseas campus or delivery site, in relation to a tertiary provider, means—

- (a) a location outside New Zealand where the tertiary provider delivers (or commissions another institution to deliver on its behalf) 1 or more of its recognised courses of study; and
- (b) in relation to a provider that is not a university, a location approved for the purpose by the Tertiary Education Commission

permanent resident means a person who meets the description in regulation 12(1)(a)(ii), (iii), or (iv)

specified country means a country specified in Schedule 3A

5 New regulation 2B inserted (Transitional, savings, and related provisions)

After regulation 2A, insert:

2B Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

6 Regulation 20 amended (Maximum periods of allowances)

(1) In regulation 20(7),—

- (a) replace “grant a person eligibility for an allowance continued by regulation 3 for a period longer than” with “extend for a person”; and

- (b) replace “granted period of extended eligibility” with “extended entitlement period”.
- (2) Revoke regulation 20(8)(a).

7 New regulations 23A and 23B inserted

After regulation 23, insert:

23A Limitation on payment for permanent residents enrolled at New Zealand campus studying overseas

- (1) This regulation applies to a student who is—
 - (a) a permanent resident; and
 - (b) eligible to receive an allowance continued under regulation 3(a) to (c); and
 - (c) undertaking a tertiary course of study part of which is or will be done—
 - (i) by the student overseas; and
 - (ii) while the student is enrolled at a New Zealand campus or delivery site of a tertiary provider.
- (2) Payments may be made to the student while the student is studying overseas only if—
 - (a) the student is enrolled as an intramural student; and
 - (b) the overseas study is or will be done in a country with which the student is not familiar.
- (3) For the purposes of subclause (2)(b), a student is **not familiar** with a country if the student—
 - (a) has not previously been to that country; or
 - (b) has, in the 5 years before the date on which the overseas study begins, spent a total of less than 6 months in that country.

23B Limitation on payment for students enrolled at overseas campus or delivery site of tertiary provider

- (1) This regulation applies to a student who is—
 - (a) eligible to receive an allowance continued under regulation 3(a) to (c); and
 - (b) undertaking a course of study part of which is or will be done—
 - (i) by the student overseas; and
 - (ii) while the student is enrolled at an overseas campus or delivery site of a tertiary provider.
- (2) Payments may be made to the student while the student is studying overseas only if—

- (a) the student is enrolled as an intramural student; and
 - (b) the course of study is a component of a qualification listed at level 7 on the Qualifications Framework, or a component of a Bachelors Honours degree; and
 - (c) the study is or will be done in a specified country; and
 - (d) in the case of a permanent resident, the study is or will be done in a country with which the student is not familiar.
- (3) For the purposes of subclause (2)(d), a student is **not familiar** with a country if the student—
- (a) has not previously been to that country; or
 - (b) has, in the 5 years before the date on which the overseas study begins, spent a total of less than 6 months in that country.

8 Regulation 28 amended (Suspension of allowances during detention in prison)

In regulation 28(1), replace “imprisonment, preventive detention, or corrective training” with “imprisonment or preventive detention”.

9 Regulation 47 revoked (Transitional provision)

Revoke regulation 47.

10 New Schedule 1 inserted

Insert the Schedule 1 set out in Schedule 1 of these regulations as the first schedule to appear after the last regulation of the principal regulations.

11 New Schedule 3A inserted

After Schedule 3, insert the Schedule 3A set out in Schedule 2 of these regulations.

Schedule 1
New Schedule 1 inserted

r 10

Schedule 1
Transitional, savings, and related provisions

r 2B

Part 1
Provision relating to Student Allowances Amendment Regulations
(No 2) 2016

- 1 Amendments apply only to study starting on or after 1 January 2017**
- (1) This clause applies to the amendments made to these regulations by regulations 4, 5, 7, 10, and 11 of the Student Allowances Amendment Regulations (No 2) 2016.
- (2) Those amendments apply only to overseas study starting on or after 1 January 2017.
- (3) Subclause (2) applies even if the enrolment concerned was applied for, or permitted, or both, before 1 January 2017.

Schedule 2
New Schedule 3A inserted

r 11

Schedule 3A
Regions and countries

rr 2(1), 23B(2)(c)

Region	Country
Asia	Brunei Darussalam
Asia	Cambodia
Asia	China
Asia	Hong Kong
Asia	India
Asia	Indonesia
Asia	Japan
Asia	Laos
Asia	Malaysia
Asia	Myanmar
Asia	Philippines
Asia	Republic of Korea
Asia	Singapore
Asia	Sri Lanka
Asia	Taiwan
Asia	Thailand
Asia	Viet Nam
Latin America	Argentina
Latin America	Brazil
Latin America	Chile
Latin America	Colombia
Latin America	Mexico
Latin America	Paraguay
Latin America	Peru
Latin America	Uruguay
Middle East	Iran
Middle East	Oman
Middle East	Saudi Arabia
Middle East	United Arab Emirates

Michael Webster,
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 27 October 2016, amend the Student Allowances Regulations 1998 (the **principal regulations**). They are made under the Education Act 1989.

The regulations limit the payment of allowances to certain students studying overseas as part of a New Zealand tertiary course. The criteria by which the limits are imposed vary according to whether the student is, during the overseas study, enrolled at a New Zealand campus or delivery site of a tertiary provider or at an overseas campus or delivery site of a tertiary provider.

Permanent residents who are eligible for an allowance and who are undertaking tertiary study part of which is or will be done overseas and while they are enrolled at a New Zealand campus or delivery site of a tertiary provider will only be able to receive an allowance during their overseas study if—

- their enrolment is intramural; and
- the overseas study is in a country with which they are not familiar.

Students who are eligible for an allowance and who are undertaking tertiary study part of which is or will be done overseas and while they are enrolled at an overseas campus or delivery site of a tertiary provider will only be able to receive an allowance during their overseas study if—

- their enrolment is intramural; and
- the study is part of a level 7 qualification or of a Bachelors Honours degree; and
- the study is in a specified country; and
- in the case of a permanent resident, the overseas study is in a country with which the student is not familiar.

The regulations insert a *new Schedule 3A* into the principal regulations that prescribes several countries in Asia, Latin America, and the Middle East as specified countries for the purposes of these limitations.

The limitations apply only to overseas study starting on or after 1 January 2017, even if the relevant enrolment was applied for or permitted (or both) before that date (*see clause 1 of new Schedule 1*).

The regulations also make a number of minor amendments to the principal regulations to update terminology and revoke spent provisions.

Regulatory impact statement

The Ministry of Education produced a regulatory impact statement on 7 September 2016 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.education.govt.nz/ministry-of-education/regulatory-impact-statements/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 29 September 2016.

These regulations are administered by the Ministry of Social Development.