



COVID-19 Resurgence Support Payments Scheme (August 2021) Amendment Order (No 7) 2021

Cindy Kiro, Governor-General

Order in Council

At Wellington this 29th day of November 2021

Present:

Her Excellency the Governor-General in Council

This order is made under section 7AAC of the Tax Administration Act 1994 on the advice and with the consent of the Executive Council.

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Order

1 Title

This order is the COVID-19 Resurgence Support Payments Scheme (August 2021) Amendment Order (No 7) 2021.

2 Commencement

This order comes into force on 10 December 2021.

3 Principal order

This order amends the COVID-19 Resurgence Support Payments Scheme (August 2021) Order 2021.

4 Clause 4 amended (Activation and operation of CRSP scheme)

In clause 4(2), replace “1 month after all areas of New Zealand are at Orange or Green under the COVID-19 Protection Framework or all areas of New Zealand return to COVID-19 alert level 1” with “6 weeks after the first date on which any area of New Zealand moves to the COVID-19 Protection Framework”.

5 Clause 5E amended (Persons eligible for fourth grant under this order)

In clause 5E(1)(b), after “17 August 2021”, insert “(but *see* clause 8 if the person has not)”.

6 Clause 5G amended (Persons eligible for fifth grant under this order)

In clause 5G(1)(b), after “17 August 2021”, insert “(but *see* clause 8 if the person has not)”.

7 Clause 5I amended (Persons eligible for sixth grant under this order)

In clause 5I(1)(b), after “17 August 2021”, insert “(but *see* clause 8 if the person has not)”.

8 New clause 5J inserted (Persons eligible for seventh grant under this order)

After clause 5I, insert:

5J Persons eligible for seventh grant under this order

A specified person living, or (if a non-natural person) registered or otherwise established, in New Zealand is eligible to receive a seventh grant of money under the CRSP scheme if—

- (a) the person has a minimum 30% decline in revenue in relation to their business or organisation, which is calculated by comparing the following:
 - (i) the revenue received by the person during a 7-day period nominated by the person—
 - (A) in accordance with the eligibility criteria set by the Commissioner; and
 - (B) which period must be during the period starting on or after 3 October 2021 and ending with the close of 9 November 2021;
 - (ii) the revenue received by the person during a 7-day period nominated by the person—
 - (A) in accordance with eligibility criteria set by the Commissioner; and
 - (B) which period must be during the comparator period set by the Commissioner that applies to that person's business or organisation; and
- (b) the person has been operating the business or organisation in relation to which the revenue is received for a period of at least 1 month before 17 August 2021 (but *see* clause 8 if the person has not); and
- (c) in the case of a person who is one of a commonly owned group of specified persons, those persons collectively have a 30% decline in revenue, which is calculated by comparing the following:
 - (i) the revenue received by the commonly owned group of specified persons during the same 7-day period nominated by the person in paragraph (a)(i):
 - (ii) the revenue received by the commonly owned group of specified persons during the same 7-day period nominated by the person in paragraph (a)(ii).

9 New clause 6B inserted (Amount of seventh grant)

After clause 6A, insert:

6B Amount of seventh grant

- (1) This clause applies to a grant under clause 5J.
- (2) A person who is eligible to receive a grant of money under clause 5J is eligible for 1 grant only under that clause.

- (3) The amount of each grant must be calculated under subclauses (4) and (5) (but a person who is one of a commonly owned group of specified persons may apply the modifications in clause 7).
- (4) The amount of each grant is the lesser of the following:
 - (a) \$4,000 plus an additional amount of \$400 for each full-time equivalent worker employed by the person (up to a maximum of 50 full-time equivalent workers); or
 - (b) 8 times the amount by which the eligible person's revenue has declined (as calculated in accordance with clause 5J, and declared by the person in their application).
- (5) For the purposes of calculating the number of full-time equivalent workers employed by a person, the number of full-time and part-time workers must be added together (applying clause 3(2)) and if that addition produces a fraction it must be rounded up to the nearest whole number.

10 Clause 7 amended (Calculating number of workers for members of commonly owned group)

In clause 7(1), after “or clause 6A(4) and (5)”, insert “or clause 6B(4) and (5)”.

11 New clause 8 inserted (Businesses acquired after 17 July 2021)

After clause 7, insert:

8 Businesses acquired after 17 July 2021

- (1) Clauses 5E, 5G, 5I, and 5J apply with the modifications in this clause if—
 - (a) the person applying for the grant (the **applicant**) has not been operating the business or organisation in relation to which the revenue is received for a period of at least 1 month before 17 August 2021; and
 - (b) the business or organisation in relation to which the revenue is received has been operating for a period of at least 1 month before 17 August 2021; and
 - (c) the applicant acquired that business or organisation from another person (the **vendor**) after 17 July 2021; and
 - (d) the nature and character of the business or organisation has not substantially changed between the comparator period and the revenue period.
- (2) Any revenue received by the vendor from operating that business or organisation in a comparator period that commences before 17 August 2021 is treated as being received by the applicant for the purposes of the calculation involving that comparator period.
- (3) For the purposes of this clause, whether a business or an organisation has been acquired, and whether the nature and character of the business or organisation has not substantially changed, must be established in accordance with the terms and conditions determined by the Commissioner.

(4) In this clause,—

comparator period means the 7-day period nominated by the applicant in paragraph (a)(ii) of clause 5E(1), 5G(1), 5I(1), or 5J, as the case may be

revenue period means the 7-day period nominated by the applicant in paragraph (a)(i) of clause 5E(1), 5G(1), 5I(1), or 5J, as the case may be.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 10 December 2021, amends the COVID-19 Resurgence Support Payments Scheme (August 2021) Order 2021 (the **August order**) to provide for a seventh grant payment. The August order requires that, for a person to be eligible for a grant under the COVID-19 resurgence support payments scheme (August 2021),—

- the person must have experienced a minimum 30% decline in revenue in relation to a business or an organisation during a nominated 7-day period; and
- the nominated 7-day period must be during the specified period for that grant.

New clause 5J sets out the criteria for determining who is eligible for a seventh grant of money under the CRSP scheme. The specified period for the seventh grant starts on or after 3 October 2021 and ends with 9 November 2021.

The seventh grant is of a different amount to earlier grants. The fifth and sixth grants were based on \$3,000 plus an additional amount of \$800 for each full-time equivalent worker. The seventh grant is based on \$4,000 plus an additional amount of \$400 for each full-time equivalent worker. The fifth and sixth grants were double the amounts of the earlier grants.

Further amendments—

- provide that the resurgence support payments scheme (August 2021) ends 6 weeks after the first date on which any area of New Zealand moves to the COVID-19 Protection Framework;
- allow newly-acquired businesses to apply for the fourth to seventh grants (that is, the 29 October, 12 November, 26 November, and 10 December payments).

**COVID-19 Resurgence Support Payments Scheme
(August 2021) Amendment Order (No 7) 2021**

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Wellington, New Zealand:

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