Version
as at 10 July 2026

Student Allowances Regulations 1998

(SR 1998/277)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 21st day of September 1998

Present:
The Right Hon Jenny Shipley presiding in Council

Pursuant to sections 303, 306, and 307 of the Education Act 1989, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Social Development.

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1 Title and commencement

(1) These regulations may be cited as the Student Allowances Regulations 1998

(2) These regulations come into force on 1 October 1998.

2 Interpretation

(1) In these regulations, unless the context otherwise requires,—

accommodation benefit means an accommodation benefit continued by regulation 3(c)

accommodation supplement means an accommodation supplement under sections 65, 66, and 67 of the Social Security Act 2018

the Act means the Education and Training Act 2020

Afghan emergency resettlement visa means a permanent resident visa of a kind described in the immigration instructions S4.35 (Afghan Emergency Resettlement Category)

appeal means an appeal under clause 5 of Schedule 10 of the Act

applicant means an applicant for a student allowance or, if the context requires, a recipient of a student allowance

Authority means a Student Allowance Appeal Authority appointed under clause 1 of Schedule 10 of the Act

basic grant means a basic grant continued by regulation 3(a)

chief executive has the same meaning as in Schedule 2 of the Social Security Act 2018

childless means not having a supported child or children

Christchurch mosques attack support payment—

(a) means a payment made to a person because they are a person affected by an attack on 15 March 2019 on a Christchurch mosque; and

(b) includes, without limitation, a payment specified in paragraph (a) made from donations collected or made by all or any of the following:

(i) an organisation that has collected donations, for example, by means that are or include any of the following crowdfunding Internet sites:

(A) https://www.everydayhero.co.nz:

(B) https://www.givealittle.co.nz:

(C) https://www.launchgood.com:

(ii) businesses:

(iii) employers:

(iv) individuals:

(v) overseas governments

Christchurch response visa means a permanent resident visa of a kind described in the following immigration instructions:

(a) RV2.16 (Permanent resident visas for residents affected by terrorist attacks on 15 March 2019); and

(b) S4.30 (Christchurch Response (2019) Category)

combined income, in relation to any student, means—

(a) the personal income of that student; and

(b) the spousal or partner's income of that student

cost of living payment means a payment under the cost of living payments scheme (as defined in section 3(1) of the Tax Administration Act 1994)

council, in relation to a tertiary provider, means the governing body of that provider

Crown means all or any of the following:

(a) the Sovereign in right of New Zealand:

(b) all Ministers of the Crown, and all public service agencies as defined in section 5 of the Public Service Act 2020:

(c) Crown entities as defined in section 7(1) of the Crown Entities Act 2004 (for example, Health New Zealand):

(d) every other instrument of the Crown in respect of the Government of New Zealand, whether the instrument is or was an agency, corporation, department, division, enterprise, service, or otherwise (for example, every predecessor in title of Health New Zealand)

dependent student, in relation to a parent whose income is being assessed, means a child of that parent—

(a) who is attending a full-time course at a tertiary provider or a secondary school; and

(b) who is not younger than 16 on 31 December in the year before the year of application and is not older than 23 on 1 January in the year of application; and

(c) who has not been awarded an independent circumstances grant; and

(d) in respect of whom an orphan's benefit is not paid; and

(e) in respect of whom an unsupported child's benefit is not paid; and

(f) who receives financial support from that parent

DHB and **disability support services** have the same meanings as in section 6(1) of the New Zealand Public Health and Disability Act 2000

family scheme income has the meaning given to it by the definition of that term in section MA 8 of the Income Tax Act 2007 except that the calculation of the amount referred to in that definition must not include—

(a) any income described as exempt income in section CW 32 of that Act; or

(b) to the extent that it would otherwise be included in family scheme income under that Act, any income of the kind referred to in section MB 11(1) of that Act derived by any dependent child (within the meaning of section YA 1 of that Act); or

(c) any income of the kind referred to in section MB 12 of that Act

FamilyBoost payment means a payment made to a person under subpart MH of the Income Tax Act 2007

foreign-sourced amount has the same meaning as in section YA 1 of the Income Tax Act 2007

full-time course means any recognised course of study approved by the chief executive as a full-time course forming part of a recognised programme

grant means a basic grant, an independent circumstances grant, or a merit grant

Health New Zealand has the meaning in section 4 of the Healthy Futures (Pae Ora) Act 2022

income before tax includes gains before tax and profits before tax

independent circumstances grant means an independent circumstances grant continued by regulation 3(b)

Kāinga Ora energy subsidy means a subsidy paid by Kāinga Ora to an energy retailer for the supply of electricity to a person residing in Kāinga Ora housing (as defined in section 2(1) of the Public and Community Housing Management Act 1992)

living with a parent has the same meaning as in Schedule 2 of the Social Security Act 2018

local authority has the meaning given in section 5(1) of the Local Government Act 2002

married—

(a) means having a spouse; and

(b) for the avoidance of doubt, does not include a person who is legally married but who does not have a spouse (as that term is defined in this subclause)

merit grant means a University Junior Scholarship; and includes any other award declared by the chief executive of the Ministry of Education to be a merit grant

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

parent, in relation to a student, includes—

(a) a step-parent of that student (other than a specified caregiver of that student); and

(b) a person acting in place of a parent of that student (other than a specified caregiver of that student)

parental home, in relation to a student, means a home where the student is living with a parent

parental income means, in relation to any person who is a parent in any tax year nominated by the chief executive as a relevant tax year for the purpose of assessment,—

(a) if the person is or was resident in New Zealand throughout the year, the person's family scheme income for the year; and

(b) if at any time during the year the person is or was not resident in New Zealand, the sum of—

(i) the person's family scheme income for the year; and

(ii) every foreign-sourced amount derived by the person in the year (each being an amount on which tax, whether a form of income tax or some other form of tax, that is or was payable in the State in which the amount was derived, the State in which the person was resident when the amount was derived, or both States)

partner, in relation to an applicant, means a person who is the civil union partner or de facto partner (as defined in section 29 of the Interpretation Act 1999) of that applicant if—

(a) both of them are of or over 24; or

(b) one or both of them are younger than 24 and at least 1 of them has a supported child

partnered—

(a) means having a partner; and

(b) for the avoidance of doubt, does not include a person who is in a civil union or a de facto relationship (as defined in section 29A of the Interpretation Act 1999) but who does not have a partner (as defined in this subclause)

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

personal income, in relation to any student, means the personal income of that student which is derived in New Zealand or overseas, whether or not taxable; and—

(aa) includes, on and after 1 January 2005, and for the purposes of any assessment of eligibility undertaken before that date for an allowance that is to be paid in respect of the undertaking of a portion of a recognised course of study commencing on or after 1 January 2005, and to the extent (if any) determined by the chief executive, any lump sum or periodical payment of any kind received by the student from any bursary, grant, or scholarship; but

(a) does not include the amount of any of the following benefits or payments received by the student under the Social Security Act 1964 or the Social Security Act 2018, namely:

(i) a child disability allowance; or

(ii) a disability allowance; or

(iii) an accommodation supplement; or

(iv) an orphan's benefit; or

(v) an unsupported child's benefit; or

(vi) a special benefit; or

(via) temporary additional support; or

(vii) a childcare subsidy; or

(viii) a home help payment; and

(b) does not include any other benefit, pension, or other payment from time to time determined by the chief executive; and

(c) does not include—

(i) any financial assistance received by the student from any parent of the student or the student's caregiver, if the student is single, childless, and is younger than 24; or

(ii) any compensation payment received under the Accident Compensation Act 2001 by the student as a result of the death of a parent of the student, if the student is single, childless, and is younger than 24; or

(iii) except as provided in paragraph (aa), lump sum payments of any kind received by the student (excluding any interest received from the investment of such sums); or

(iv) any payment received by the student in respect of tuition fees payable for a course of study for which a grant or allowance may be awarded under these regulations; or

(v) except as provided in paragraph (aa), amounts received by the student under any grant other than a merit grant; or

(vi) the lesser of the following amounts:

(A) the total of all amounts received by the student under merit grants:

(B) $750; or

(vii) any student loan, as defined in section 4(1) of the Student Loan Scheme Act 2011, received by the student; or

(viii) for a student with a disability (**A**), any direct payment of disability support made by or on behalf of the Crown to A, or a person on A's behalf, for the purpose of purchasing or obtaining disability support services for A; and

(d) does not include any amount received by way of any tax credit under—

(i) subparts MA to MG of the Income Tax Act 2007; or

(ii) subpart MZ of the Income Tax Act 2007; and

(e) does not include income from work that is a pre-requisite to a course; and

(f) does not include any financial assistance received by the student under section 386AAG(1) or 386B(1)(b) of the Oranga Tamariki Act 1989; and

(g) does not include any Christchurch mosques attack support payment received by the student; and

(h) does not include any cost of living payment received by the student; and

(i) does not include a Kāinga Ora energy subsidy paid in relation to the student; and

(j) does not include—

(i) any relevant severe weather event payment made to the student on or after 6 November 2022; and

(ii) any interest derived (directly or indirectly) by the student from the payment during the specified period; and

(k) does not include any FamilyBoost payment made to the student

predecessor in title, in relation to Health New Zealand, has the meaning given to it by section 2(1) of the Health Sector (Transfers) Act 1993

programme has the meaning set out in regulation 2A

recognised course of study—

(a) means a course of study leading to the completion of a recognised programme; and

(b) includes a course of study leading to the completion of a programme—

(i) that was a recognised programme when the person enrolled in it; but

(ii) whose recognition for the purposes of these regulations the Tertiary Education Commission or the chief executive of the Ministry of Education has later withdrawn

recognised programme means—

(a) in relation to a tertiary provider, a programme approved by the Tertiary Education Commission, and approved—

(i) by the New Zealand Qualifications Authority under section 439 of the Act; or

(ii) by the New Zealand Vice-Chancellors Committee under section 453 of the Act; and

(b) in relation to a secondary school, a programme determined by the chief executive of the Ministry of Education to be a full-time course of secondary instruction; and

(c) in relation to any disabled student, a programme approved by the chief executive of the Ministry of Education

relevant severe weather event means any of the following weather events:

(a) heavy rainfall commencing on 17 August 2022 and ending on 20 August 2022 in the Nelson, Tasman, and Marlborough districts:

(b) Cyclone Hale, which crossed the North Island during the period commencing on 8 January 2023 and ending on 12 January 2023:

(c) heavy rainfall commencing on 26 January 2023 and ending on 3 February 2023 in the Northland, Auckland, Waikato, and Bay of Plenty regions:

(d) Cyclone Gabrielle, which crossed the North Island during the period commencing on 12 February 2023 and ending on 16 February 2023

relevant severe weather event payment means any of the following payments:

(a) an insurance payment made to a person—

(i) to cover the costs of repairing, replacing, or rebuilding any of that person's real property that was damaged by a relevant severe weather event; or

(ii) to cover the costs of temporary accommodation needed by the person, and any members of the person's family who usually reside with the person, because of a relevant severe weather event:

(b) a donation made to a person because they are affected by a relevant severe weather event:

(c) a payment made by a local authority or the Crown to a person—

(i) who has an estate or interest in land that has been affected by a relevant severe weather event; and

(ii) because the local authority or the Crown considers that the land is exposed to an unacceptable risk from future severe weather events that cannot be sufficiently mitigated

secondary school means—

(a) a secondary school established under Part 3 of the Act or registered under section 214 of the Act; or

(b) a school that provides secondary instruction and is designated as a distance school under section 196 of the Act; or

(c) a specialist school established under section 197 of the Act or a specified institution listed in Schedule 2 of the Act

single—

(a) means not having a spouse or partner; and

(b) for the avoidance of doubt, includes—

(i) a person who is legally married but who does not have a spouse (as that term is defined in this subclause); and

(ii) a person who is in a civil union but who does not have a partner (as that term is defined in this subclause)

specified caregiver, in relation to a student, means a person who is, or is the spouse or civil union partner or de facto partner (as defined in section 29 of

the Interpretation Act 1999) of, a caregiver or former caregiver of that student who—

(a) is receiving or has received, in respect of that student, a payment made under section 363 (payment to person or organisation providing care) of the Oranga Tamariki Act 1989; or

(b) is providing or has provided, in respect of that student, a living arrangement under section 386AAD (young persons entitled to live with caregiver up to age of 21 years) of that Act; or

(c) is receiving or has received, in respect of that student, an orphan's benefit payable under section 43 of the Social Security Act 2018; or

(d) is receiving or has received, in respect of that student, an unsupported child's benefit payable under section 46 of that Act

specified country means a country specified in Schedule 3A

specified period, in relation to interest derived from a relevant severe weather event payment referred to in the definitions of personal income and spousal or partner's income, means the period—

(a) starting on 6 November 2023 or the date on which the relevant severe weather event payment is made, whichever is later; and

(b) ending on the date that is 12 months after the date on which that payment is made

spousal or partner's income, in relation to any student, means the personal income of the spouse or partner of that student which is derived in New Zealand and overseas, whether or not taxable; and—

(aa) includes, on and after 1 January 2005, and for the purposes of any assessment of eligibility undertaken before 1 January 2005 for an allowance that is to be paid in respect of the undertaking of a portion of a recognised course of study commencing on or after 1 January 2005, and to the extent (if any) determined by the chief executive, any lump sum or periodical payment of any kind received by the spouse or partner from any bursary, grant, or scholarship; but

(a) does not include the amount of any of the following benefits or payments received by the spouse or partner under the Social Security Act 1964 or the Social Security Act 2018, namely:

(i) a child disability allowance; or

(ii) a disability allowance; or

(iii) an accommodation supplement; or

(iv) an orphan's benefit; or

(v) an unsupported child's benefit; or

(vi) a special benefit; or

(via) temporary additional support; or

(vii) a childcare subsidy; or

(viii) a home help payment; and

(b) does not include any other benefit, pension, or other payment from time to time determined by the chief executive; and

(c) does not include,—

(i) except as provided in paragraph (aa), lump sum payments of any kind received by the spouse or partner (excluding any interest received from the investment of such sums); or

(ii) any payment received by the spouse or partner in respect of tuition fees payable for a course of study for which a grant or allowance may be awarded under these regulations; or

(iii) except as provided in paragraph (aa), amounts received by the spouse or partner under any grant other than a merit grant; or

(iv) the lesser of the following amounts:

(A) the total of all amounts received by the spouse or partner under merit grants:

(B) $750; or

(v) any student loan, as defined in section 4(1) of the Student Loan Scheme Act 2011, received by the spouse or partner; or

(vi) in relation to that student's spouse or partner, being a spouse or partner with a disability (**B**), any direct payment of disability support made by or on behalf of the Crown to B, or a person on B's behalf, for the purpose of purchasing or obtaining disability support services for B; and

(d) does not include any amount received by way of any tax credit under—

(i) subparts MA to MG of the Income Tax Act 2007; or

(ii) subpart MZ of the Income Tax Act 2007; and

(e) does not include income from work that is a pre-requisite to a course; and

(f) does not include any financial assistance received by the spouse or partner under section 386AAG(1) or 386B(1)(b) of the Oranga Tamariki Act 1989; and

(g) does not include any Christchurch mosques attack support payment received by the spouse or partner; and

(h) does not include any cost of living payment received by the spouse or partner; and

(i) does not include a Kāinga Ora energy subsidy paid in relation to the spouse or partner; and

(j) does not include—

(i) any relevant severe weather event payment made to the spouse or partner on or after 6 November 2022; and

(ii) any interest derived (directly or indirectly) by the spouse or partner from the payment during the specified period; and

(k) does not include any FamilyBoost payment made to the spouse or partner

spouse, in relation to an applicant, means a person who is legally married to that applicant if—

(a) both of them are of or over 24; or

(b) one or both of them are younger than 24 and at least 1 of them has a supported child

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

student means a person who is enrolled or intends to enrol in a recognised course of study

supported child, in relation to a student applying for an allowance, means a person younger than 24—

(a) whose well-being and financial support are the responsibility of the student; and

(b) who lives with that student at least half of the time; and

(c) who is not in receipt of—

(i) an allowance continued by regulation 3(a) to (c); or

(ii) jobseeker support, sole parent support, an emergency benefit, or a supported living payment under the Social Security Act 1964 or the Social Security Act 2018; or

(iii) New Zealand superannuation under the New Zealand Superannuation and Retirement Income Act 2001 or a veteran's pension under the Veterans' Support Act 2014; or

(iv) payments under any government-assisted scheme (other than the Student Loan Scheme) which, in the opinion of the chief executive, is similar to a benefit under the Social Security Act 1964 or the Social Security Act 2018; or

(v) income before tax from employment or self-employment which exceeds $80 per week; and

(d) in respect of whom no orphan's benefit or unsupported child's benefit is payable under the Social Security Act 1964

tax year has the the same meaning as in the Income Tax Act 2007

taxable income has the same meaning as in section YA 1 of the Income Tax Act 2007

tertiary provider means a university, a polytechnic, the New Zealand Institute of Skills and Technology and its Crown entity subsidiaries, a wānanga, a private training establishment, or any other education provider approved by the chief executive of the Ministry of Education for the purpose

value means amount payable per week before tax

weekly parental income, in relation to any person, means the amount of parental income in relation to that person divided by 52.

(1A) In this regulation, **immigration instructions** has the same meaning as in section 4 of the Immigration Act 2009, and a reference in subclause (1) to a specified immigration instruction (the **specified immigration instruction**)—

(a) is a reference to the specified immigration instruction—

(i) as at 21 September 2020 (for the Christchurch response visa) or 5 December 2021 (for the Afghan emergency resettlement visa); and

(ii) as published by the chief executive of the department responsible for the administration of that Act; and

(b) includes a reference to any later immigration instruction that, with or without modification, replaces, or that corresponds to, the specified immigration instruction.

(2) Terms used in these regulations that are defined in clause 1 of Schedule 9 of the Act have the meanings given to them by that clause.

Compare: SR 1991/295 r 2

Regulation 2(1) **A-Bursary**: revoked, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 6(1) of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Regulation 2(1) **accommodation supplement**: inserted, on 1 July 2015, by regulation 4(1) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 2(1) **accommodation supplement**: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Regulation 2(1) **the Act**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2(1) **Afghan emergency resettlement visa**: inserted, on 5 December 2021, by regulation 4(1) of the Student Allowances Amendment Regulations (No 2) 2021 (SL 2021/396).

Regulation 2(1) **appeal**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2(1) **applicant**: inserted, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students

before, on, or after that date)), by regulation 5(6) of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

Regulation 2(1) **Authority**: replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2(1) **B-Bursary**: revoked, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 6(1) of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Regulation 2(1) **chief executive**: replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2(1) **Christchurch mosques attack support payment**: inserted, on 21 September 2020, by regulation 4(1) of the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020 (LI 2020/168).

Regulation 2(1) **Christchurch response visa**: inserted, on 21 September 2020, by regulation 4(1) of the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020 (LI 2020/168).

Regulation 2(1) **combined income** paragraph (b): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **cost of living payment**: inserted, on 1 August 2022, by regulation 4(1) of the Student Allowances (Income Exemptions—Cost of Living Payment) Amendment Regulations 2022 (SL 2022/184).

Regulation 2(1) **Crown**: inserted, on 1 January 2019, by regulation 4(1) of the Student Allowances Amendment Regulations (No 2) 2018 (LI 2018/178).

Regulation 2(1) **Crown** paragraph (b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Regulation 2(1) **Crown** paragraph (c): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Regulation 2(1) **Crown** paragraph (d): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Regulation 2(1) **dependent student** paragraph (a): amended, on 1 July 2015, by regulation 4(2) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 2(1) **dependent student** paragraph (b): amended, on 1 January 2009, by regulation 4(1) of the Student Allowances Amendment Regulations (No 2) 2008 (SR 2008/282).

Regulation 2(1) **DHB** and **disability support services**: inserted, on 1 January 2019, by regulation 4(1) of the Student Allowances Amendment Regulations (No 2) 2018 (LI 2018/178).

Regulation 2(1) **family scheme income**: inserted, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students before, on, or after that date)), by regulation 5(6) of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

Regulation 2(1) **FamilyBoost payment**: inserted, on 1 October 2024, by regulation 4(1) of the Student Allowances (Income Exemptions—FamilyBoost) Amendment Regulations 2024 (SL 2024/165).

Regulation 2(1) **foreign-sourced amount**: amended, on 1 April 2008 (effective only for 2008–09 income year and later), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Regulation 2(1) **Health New Zealand**: inserted, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Regulation 2(1) **Health New Zealand**: amended, on 10 July 2026, by section 41(2) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Regulation 2(1) **income limit**: revoked, on 1 September 2005, by regulation 4(a) of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

Regulation 2(1) **income year**: revoked, on 1 April 2005, by section YA 2 of the Income Tax Act 2004 (2004 No 35).

Regulation 2(1) **Kāinga Ora energy subsidy**: inserted, on 12 May 2023, by regulation 4(1) of the Student Allowances (Income Exemptions—Kāinga Ora Energy Subsidy) Amendment Regulations 2023 (SL 2023/64).

Regulation 2(1) **living with a parent**: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Regulation 2(1) **local authority**: inserted, on 6 November 2023, by regulation 4(1) of the Student Allowances (Income Exemptions—Severe Weather Events) Amendment Regulations 2023 (SL 2023/276).

Regulation 2(1) **married**: substituted, on 7 October 2004, by regulation 3(2) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 2(1) **merit grant**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2(1) **overseas campus or delivery site**: inserted, on 27 October 2016, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

Regulation 2(1) **parent**: replaced, on 13 December 2019, by regulation 4(1) of the Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019 (LI 2019/307).

Regulation 2(1) **parental home**: replaced, on 6 September 2012 (applying 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)), by regulation 5(2) of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

Regulation 2(1) **parental income**: amended, on 1 April 2005 (effective for 2005–06 tax year and later), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

Regulation 2(1) **parental income** paragraph (a): amended, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students before, on, or after that date)), by regulation 5(1) of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

Regulation 2(1) **parental income** paragraph (b)(i): amended, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students before, on, or after that date)), by regulation 5(1) of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

Regulation 2(1) **partner**: substituted, on 1 April 2007 (applying in respect of allowances payable on and after 1 April 2007), by regulation 9 of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Regulation 2(1) **partner**: amended, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students before, on, or after that date)), by regulation 5(2) of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

Regulation 2(1) **partner**: amended, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students before, on, or after that date)), by regulation 5(3) of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

Regulation 2(1) **partner** paragraph (a): amended, on 1 January 2009, by regulation 4(2) of the Student Allowances Amendment Regulations (No 2) 2008 (SR 2008/282).

Regulation 2(1) **partner** paragraph (b): amended, on 1 January 2009, by regulation 4(2) of the Student Allowances Amendment Regulations (No 2) 2008 (SR 2008/282).

Regulation 2(1) **partnered**: substituted, on 1 April 2007, by regulation 9 of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Regulation 2(1) **permanent resident**: inserted, on 27 October 2016, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

Regulation 2(1) **permanent resident**: amended, on 27 March 2022, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2022 (SL 2022/66).

Regulation 2(1) **personal income**: amended, on 7 October 2004, by regulation 3(1)(a) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 2(1) **personal income** paragraph (aa): inserted, on 7 October 2004, by regulation 3(1)(b) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 2(1) **personal income** paragraph (a): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Regulation 2(1) **personal income** paragraph (a)(via): inserted, on 1 April 2006, by section 21 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Regulation 2(1) **personal income** paragraph (c)(i): amended, on 1 January 2009, by regulation 4(3) of the Student Allowances Amendment Regulations (No 2) 2008 (SR 2008/282).

Regulation 2(1) **personal income** paragraph (c)(i): amended, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 5 of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Regulation 2(1) **personal income** paragraph (c)(ii): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Regulation 2(1) **personal income** paragraph (c)(ii): amended, on 1 January 2009, by regulation 4(3) of the Student Allowances Amendment Regulations (No 2) 2008 (SR 2008/282).

Regulation 2(1) **personal income** paragraph (c)(ii): amended, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 5 of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Regulation 2(1) **personal income** paragraph (c)(iii): amended, on 7 October 2004, by regulation 3(1)(c) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 2(1) **personal income** paragraph (c)(v): amended, on 7 October 2004, by regulation 3(1)(d) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 2(1) **personal income** paragraph (c)(vii): amended, on 1 April 2012, by section 224 of the Student Loan Scheme Act 2011 (2011 No 62).

Regulation 2(1) **personal income** paragraph (c)(viii): inserted, on 1 January 2019, by regulation 4(2) of the Student Allowances Amendment Regulations (No 2) 2018 (LI 2018/178).

Regulation 2(1) **personal income** paragraph (d): replaced, on 1 July 2018, by regulation 5(1) of the Student Allowances Amendment Regulations 2018 (LI 2018/24).

Regulation 2(1) **personal income** paragraph (e): replaced, on 13 December 2019, by regulation 4(2) of the Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019 (LI 2019/307).

Regulation 2(1) **personal income** paragraph (f): inserted, on 13 December 2019, by regulation 4(2) of the Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019 (LI 2019/307).

Regulation 2(1) **personal income** paragraph (g): inserted, on 21 September 2020, by regulation 4(2) of the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020 (LI 2020/168).

Regulation 2(1) **personal income** paragraph (h): inserted, on 1 August 2022, by regulation 4(2) of the Student Allowances (Income Exemptions—Cost of Living Payment) Amendment Regulations 2022 (SL 2022/184).

Regulation 2(1) **personal income** paragraph (i): inserted, on 12 May 2023, by regulation 4(2) of the Student Allowances (Income Exemptions—Kāinga Ora Energy Subsidy) Amendment Regulations 2023 (SL 2023/64).

Regulation 2(1) **personal income** paragraph (j): inserted, on 6 November 2023, by regulation 4(3) of the Student Allowances (Income Exemptions—Severe Weather Events) Amendment Regulations 2023 (SL 2023/276).

Regulation 2(1) **personal income** paragraph (k): inserted, on 1 October 2024, by regulation 4(2) of the Student Allowances (Income Exemptions—FamilyBoost) Amendment Regulations 2024 (SL 2024/165).

Regulation 2(1) **predecessor in title**: inserted, on 1 January 2019, by regulation 4(1) of the Student Allowances Amendment Regulations (No 2) 2018 (LI 2018/178).

Regulation 2(1) **predecessor in title**: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Regulation 2(1) **programme**: replaced, on 6 September 2012 (applying 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)), by regulation 5(3) of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

Regulation 2(1) **recognised course of study** paragraph (b)(ii): amended, on 28 September 2006, by regulation 5(1) of the Student Allowances Amendment Regulations (No 2) 2006 (SR 2006/270).

Regulation 2(1) **recognised programme**: replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2(1) **relevant severe weather event**: inserted, on 6 November 2023, by regulation 4(1) of the Student Allowances (Income Exemptions—Severe Weather Events) Amendment Regulations 2023 (SL 2023/276).

Regulation 2(1) **relevant severe weather event payment**: inserted, on 6 November 2023, by regulation 4(1) of the Student Allowances (Income Exemptions—Severe Weather Events) Amendment Regulations 2023 (SL 2023/276).

Regulation 2(1) **secondary school**: replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2(1) **single**: substituted, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **specified caregiver**: inserted, on 13 December 2019, by regulation 4(3) of the Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019 (LI 2019/307).

Regulation 2(1) **specified country**: inserted, on 27 October 2016, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

Regulation 2(1) **specified period**: inserted, on 6 November 2023, by regulation 4(1) of the Student Allowances (Income Exemptions—Severe Weather Events) Amendment Regulations 2023 (SL 2023/276).

Regulation 2(1) **spousal or partner's income**: amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **spousal or partner's income**: amended, on 7 October 2004, by regulation 3(6)(a) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 2(1) **spousal or partner's income** paragraph (aa): inserted, on 7 October 2004, by regulation 3(6)(b) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 2(1) **spousal or partner's income** paragraph (aa): amended, on 1 July 2015, by regulation 4(3) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 2(1) **spousal or partner's income** paragraph (aa): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **spousal or partner's income** paragraph (a): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Regulation 2(1) **spousal or partner's income** paragraph (a): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **spousal or partner's income** paragraph (a)(via): inserted, on 1 April 2006, by section 21 of the Social Security (Working for Families) Amendment Act 2004 (2004 No 51).

Regulation 2(1) **spousal or partner's income** paragraph (c): amended, on 1 July 2015, by regulation 4(4) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 2(1) **spousal or partner's income** paragraph (c)(i): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **spousal or partner's income** paragraph (c)(i): amended, on 7 October 2004, by regulation 3(6)(c) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 2(1) **spousal or partner's income** paragraph (c)(ii): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **spousal or partner's income** paragraph (c)(iii): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **spousal or partner's income** paragraph (c)(iii): amended, on 7 October 2004, by regulation 3(6)(d) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 2(1) **spousal or partner's income** paragraph (c)(iv)(A): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **spousal or partner's income** paragraph (c)(v): amended, on 1 April 2012, by section 224 of the Student Loan Scheme Act 2011 (2011 No 62).

Regulation 2(1) **spousal or partner's income** paragraph (c)(v): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 2(1) **spousal or partner's income** paragraph (c)(vi): inserted, on 1 January 2019, by regulation 4(3) of the Student Allowances Amendment Regulations (No 2) 2018 (LI 2018/178).

Regulation 2(1) **spousal or partner's income** paragraph (d): replaced, on 1 July 2018, by regulation 5(2) of the Student Allowances Amendment Regulations 2018 (LI 2018/24).

Regulation 2(1) **spousal or partner's income** paragraph (e): replaced, on 13 December 2019, by regulation 4(4) of the Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019 (LI 2019/307).

Regulation 2(1) **spousal or partner's income** paragraph (f): inserted, on 13 December 2019, by regulation 4(4) of the Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019 (LI 2019/307).

Regulation 2(1) **spousal or partner's income** paragraph (g): inserted, on 21 September 2020, by regulation 4(3) of the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020 (LI 2020/168).

Regulation 2(1) **spousal or partner's income** paragraph (h): inserted, on 1 August 2022, by regulation 4(3) of the Student Allowances (Income Exemptions—Cost of Living Payment) Amendment Regulations 2022 (SL 2022/184).

Regulation 2(1) **spousal or partner's income** paragraph (i): inserted, on 12 May 2023, by regulation 4(3) of the Student Allowances (Income Exemptions—Kāinga Ora Energy Subsidy) Amendment Regulations 2023 (SL 2023/64).

Regulation 2(1) **spousal or partner's income** paragraph (j): inserted, on 6 November 2023, by regulation 4(5) of the Student Allowances (Income Exemptions—Severe Weather Events) Amendment Regulations 2023 (SL 2023/276).

Regulation 2(1) **spousal or partner's income** paragraph (k): inserted, on 1 October 2024, by regulation 4(3) of the Student Allowances (Income Exemptions—FamilyBoost) Amendment Regulations 2024 (SL 2024/165).

Regulation 2(1) **spouse**: substituted, on 1 April 2007, by regulation 9 of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Regulation 2(1) **spouse**: amended, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students

before, on, or after that date)), by regulation 5(4) of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

Regulation 2(1) **spouse**: amended, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students before, on, or after that date)), by regulation 5(5) of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

Regulation 2(1) **spouse** paragraph (a): amended, on 1 January 2009, by regulation 4(4) of the Student Allowances Amendment Regulations (No 2) 2008 (SR 2008/282).

Regulation 2(1) **spouse** paragraph (b): amended, on 1 January 2009, by regulation 4(4) of the Student Allowances Amendment Regulations (No 2) 2008 (SR 2008/282).

Regulation 2(1) **standard tax**: revoked, on 1 September 2005, by regulation 4(c) of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

Regulation 2(1) **step-parent**: inserted, on 6 September 2012 (applying 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)), by regulation 5(5) of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

Regulation 2(1) **supported child**: amended, on 1 January 2009, by regulation 4(5) of the Student Allowances Amendment Regulations (No 2) 2008 (SR 2008/282).

Regulation 2(1) **supported child** paragraph (c)(ii): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Regulation 2(1) **supported child** paragraph (c)(ii): amended, on 15 July 2013, by section 86 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 2(1) **supported child** paragraph (c)(ii): amended, on 15 July 2013, by section 97 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 2(1) **supported child** paragraph (c)(ii): amended, on 15 July 2013, by section 114 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 2(1) **supported child** paragraph (c)(ii): amended, on 15 July 2013, by section 129 of the Social Security (Benefit Categories and Work Focus) Amendment Act 2013 (2013 No 13).

Regulation 2(1) **supported child** paragraph (c)(iii): substituted, on 15 April 2003, by section 12(2) of the War Pensions Amendment Act 2003 (2003 No 18).

Regulation 2(1) **supported child** paragraph (c)(iii): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Regulation 2(1) **supported child** paragraph (c)(iii): amended, on 21 April 2005, by section 9(2) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Regulation 2(1) **supported child** paragraph (c)(iii): amended, on 7 October 2004, by regulation 3(7) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 2(1) **supported child** paragraph (c)(iv): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Regulation 2(1) **tax year**: inserted, on 1 April 2005 (effective for 2005–06 tax year and later), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

Regulation 2(1) **tax year**: amended, on 1 April 2008 (effective only for 2008–09 income year and later), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Regulation 2(1) **taxable income**: amended, on 1 April 2008 (effective only for 2008–09 income year and later), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Regulation 2(1) **tertiary provider**: amended, on 22 October 2025, by section 51 of the Education and Training (Vocational Education and Training System) Amendment Act 2025 (2025 No 56).

Regulation 2(1) **tertiary provider**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2(1) **tertiary provider**: amended, on 1 April 2020, by section 78(2) of the Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1).

Regulation 2(1) **weekly parental income**: added, on 7 October 2004, by regulation 3(5) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 2(1A): inserted, on 21 September 2020, by regulation 4(4) of the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020 (LI 2020/168).

Regulation 2(1A)(a)(i): amended, on 5 December 2021, by regulation 4(2) of the Student Allowances Amendment Regulations (No 2) 2021 (SL 2021/396).

Regulation 2(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

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 and Credentials Framework.

(3) Subclause (2) does not apply to a Bachelor Honours degree described in the Qualifications and Credentials Framework.

(4) In this regulation, **Qualifications Framework and Credentials** means the framework referred to in section 436 of the Act.

Regulation 2A: inserted, on 6 September 2012 (applying 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)), by regulation 6 of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

Regulation 2A(2): amended, on 1 August 2022, by section 74 of the Education and Training Amendment Act 2022 (2022 No 38).

Regulation 2A(3): amended, on 1 August 2022, by section 74 of the Education and Training Amendment Act 2022 (2022 No 38).

Regulation 2A(4): amended, on 1 August 2022, by section 74 of the Education and Training Amendment Act 2022 (2022 No 38).

Regulation 2A(4): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

2B Transitional, savings, and related provisions

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

Regulation 2B: inserted, on 27 October 2016, by regulation 5 of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

Part 1
Allowances

3 Allowances continued

The following allowances are continued:

(a) basic grants:

(b) independent circumstances grants:

(c) accommodation benefits:

(d) *[Revoked]*

(e) *[Revoked]*

Compare: SR 1991/295 r 18

Regulation 3(d): revoked, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 6(2) of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Regulation 3(e): revoked, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 6(2) of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Part 2
Assessment of parental and spousal or partner's income

Part 2 heading: amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

4 Assessment of parental income

(1) A student's parental income must be assessed if the student is single, younger than 24, without a supported child or children, and applies for an allowance continued by regulation 3(a) or (c).

(2) Where a student's parental income is to be assessed, the chief executive may make such an assessment and the following provisions apply:

(a) if a student has more than 2 parents, the student must nominate, as the student's parents for the purposes of this subclause, the 2 parents who are the major contributors to the student's support, and the combined parental incomes of those 2 contributors is considered to be the parental income of the student:

(b) the chief executive may require any student who applies for a basic grant to ensure that such evidence of the parental income of that student as the chief executive specifies is provided to the chief executive before the portion of the course of study to which the allowance relates ends:

(c) if a student whose parents are not living together wishes to have the income tested portion of a basic grant assessed on 1 parental income, the chief executive may make such an assessment if the student—

(i) makes an application to the chief executive accompanied by a statement from that parent establishing the student's independence from the student's other parent; and

(ii) provides any other statements and information from independent persons specified by the chief executive as the chief executive may require to establish that fact:

(d) where one or both of the parents of any student has or have more than 1 dependent student who is enrolled in a full-time course at a secondary school or tertiary provider, the combined parental income of the parents of that student is considered to be reduced by $7,000 for each such additional dependent student:

(da) if both the parents of the student live in separate house-holds and the assessment is not made under paragraph (c), the combined parental income of the parents of the student is considered to be reduced by $3,400 (in addition to any reduction under paragraph (d)):

(e) where the income of a parent of a student is negative, it must be treated as nil.

(3) Upon completion of the assessment, the assessment must be applied by the chief executive in determining the eligibility of any student for an allowance continued by regulation 3(a) or (c) or the rate at which payment is to be made.

(4) A student must not be considered to have established independence from his or her other parent for the purposes of subclause (2)(c)(i) unless the chief executive is satisfied that—

(a) the student is estranged from that other parent to the extent that contact between them would have a detrimental psychological effect on the student or the parent; or

(b) the student is or has been subject to severe mental cruelty by that other parent; or

(c) the student is or has been subject to physical or sexual abuse by that other parent or that other parent's spouse; or

(d) that other parent is unable to take responsibility for the student or contribute towards the student's support because that other parent is—

(i) subject to a sentence of imprisonment; or

(ii) otherwise remanded or detained in a prison; or

(iii) under an inpatient order made under the Mental Health (Compulsory Assessment and Treatment) Act 1992; or

(e) by reason of other special circumstances, the relationship between the student and that other parent has so broken down that the student should be considered independent of the other parent.

(5) To avoid doubt, a student is not independent from his or her other parent for the purposes of subclause (2)(c)(i) by reason only that he or she is financially independent from that other parent.

(6) The chief executive may extend the time allowed for a student to provide evidence of parental income under subclause (2)(b) if he or she is satisfied that in the particular case there are special circumstances warranting an extension of time.

Compare: SR 1991/295 r 15

Regulation 4(1): amended, on 1 January 2009, by regulation 5 of the Student Allowances Amendment Regulations (No 2) 2008 (SR 2008/282).

Regulation 4(2)(a): amended, on 1 September 2005, by regulation 5(1) of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

Regulation 4(2)(b): amended, on 19 January 2007, by regulation 5(1) of the Student Allowances Amendment Regulations (No 4) 2006 (SR 2006/379).

Regulation 4(2)(d): amended, on 1 September 2005, by regulation 5(2) of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

Regulation 4(2)(da): inserted, on 1 September 2005, by regulation 5(3) of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

Regulation 4(4): added, on 18 March 2005, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2005 (SR 2005/62).

Regulation 4(5): added, on 18 March 2005, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2005 (SR 2005/62).

Regulation 4(6): added, on 19 January 2007, by regulation 5(2) of the Student Allowances Amendment Regulations (No 4) 2006 (SR 2006/379).

5 Reassessment of parental income

(1) The chief executive may reassess the annual parental income of any student exceeding the amount specified in clause 3(3) or (4) of Schedule 2 multiplied by 52 if, in any year during that student's course of study, that income decreases by not less than 25%.

(2) A decrease in the parental income of any student may not be taken into account unless it is of a percentage to which subclause (1) applies.

(3) If the parental income of the student is reassessed at a reduced level, the student must be paid at the new rate of the allowance on and from the beginning of the week in which the change in circumstances of the parents, as reassessed, occurs.

(4) Where the parental income of a student is to be reassessed, regulation 4(2) and (3) apply with any necessary modifications.

Compare: SR 1991/295 r 16

Regulation 5(1): substituted, on 1 September 2007 (applying in relation to the assessment and payment of allowances to students for weeks starting on or after 1 January 2008), by regulation 5(1) of the Student Allowances Amendment Regulations (No 2) 2007 (SR 2007/253).

Regulation 5(1): amended, on 1 April 2024, by regulation 5 of the Student Allowances Amendment Regulations 2024 (SL 2024/14).

Regulation 5(1): amended, on 1 July 2019, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2019 (LI 2019/117).

Regulation 5(2): amended, on 1 September 2007 (applying in relation to the assessment and payment of allowances to students for weeks starting on or after 1 January 2008), by regulation 5(2) of the Student Allowances Amendment Regulations (No 2) 2007 (SR 2007/253).

6 Assessment of income of spouse or partner

(1) The spousal or partner's income of a student's spouse or partner must be assessed if the student applies for any allowance continued by regulation 3(a) or (c).

(2) Where a student's spousal or partner's income is to be assessed, regulation 4(2)(b) and (3) apply with any necessary modifications.

(3) Where the income of a student or a student's spouse or partner is negative, it must be treated as nil.

Regulation 6 heading: amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 6(1): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 6(2): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 6(3): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Part 3
Eligibility for allowances

7 Eligibility for basic grant

(1) Every student is eligible for a basic grant if he or she is—

(a) a secondary student of or over 16 but younger than 18 who is married or partnered with a supported child or children; or

(b) a tertiary student of or over 16 but younger than 18 who has a supported child or children; or

(c) a secondary student or tertiary student who is of or over 18, whether living at home or away from home.

(1A) As from the commencement of 1 January 2004, the students who are eligible for a basic grant include a single tertiary student of or over 16 but younger than 18 who—

(a) has completed a course of secondary instruction to year 13 level; or

(b) has not completed a course of secondary instruction to year 13 level but—

(i) *[Revoked]*

(ii) has obtained, at level 3 of the National Certificate of Educational Achievement, 42 credits or more.

(2) This regulation is subject to regulations 4 to 6, 12 to 16, 20, 28 to 31, 34, 35, 40, and 44 to 48.

Compare: SR 1991/295 rr 2(1), 22(1)

Regulation 7(1)(a): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 7(1)(b): substituted, on 7 October 2004, by regulation 4(1) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 7(1A): inserted, on 16 October 2003, by regulation 3 of the Student Allowances Amendment Regulations (No 2) 2003 (SR 2003/251).

Regulation 7(1A)(b)(i): revoked, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 7(1A)(b)(ii): amended, on 7 October 2004, by regulation 4(2) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 7(2): amended, on 1 January 2013, by regulation 13(1) of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

Regulation 7(2): amended, on 1 September 2005, by regulation 6 of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

8 Eligibility for independent circumstances grant

(1) A single student without a supported child or children is eligible for an independent circumstances grant, if—

(a) either—

(i) the student is of or over 16 and younger than 24, and is undertaking a course at a tertiary provider; or

(ii) is of or over 18 and younger than 24, and is undertaking a course at a secondary school; and

(b) the student is neither living in a parental home nor receiving financial assistance from any parent of that student; and

(c) the chief executive considers that it would, by reason of exceptional circumstances, be unreasonable for the student to live with a parent and receive financial assistance from any parent of that student.

(2) *[Revoked]*

(3) Despite subclause (1), no student is eligible for an independent circumstances grant if the student receives a basic grant.

(4) This regulation is subject to regulations 12 to 16, 20, 28 to 31, 34, 35, 40, and 44 to 48.

Compare: SR 1991/295 r 20

Regulation 8(1)(a)(i): amended, on 1 January 2009, by regulation 7 of the Student Allowances Amendment Regulations (No 2) 2008 (SR 2008/282).

Regulation 8(1)(a)(ii): amended, on 1 January 2009, by regulation 7 of the Student Allowances Amendment Regulations (No 2) 2008 (SR 2008/282).

Regulation 8(2): revoked, on 7 October 2004, by regulation 5(1)(a) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 8(3): amended, on 7 October 2004, by regulation 5(1)(b) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 8(4): amended, on 1 January 2013, by regulation 13(1) of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

Regulation 8(4): amended, on 1 September 2005, by regulation 7 of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

9 Eligibility for accommodation benefit

(1) Subject to subclauses (2) to (6), a student who receives a basic grant or an independent circumstances grant is eligible for an accommodation benefit.

(2) The following classes of student are not eligible for an accommodation benefit:

(aa) students who are applicable persons in respect of social housing (as the terms applicable person and social housing are defined in section 2 of the Public and Community Housing Management Act 1992):

(a) students who live in a parental home if neither the student nor his or her spouse or partner (if any) have any supported children:

(b) married or partnered students living with a spouse or partner whose combined income before tax for the relevant week is more than the amount of combined income for the week specified in clause 2(1) of Schedule 2.

(3) Where a student without supported children who receives an accommodation benefit begins living in a parental home or a married or partnered student begins living with a spouse or partner in circumstances where subclause 2(b) applies,—

(a) his or her beginning so to live will cancel that benefit; and

(b) he or she will not be entitled to any payment under that benefit in respect of any period beginning after his or her beginning so to live.

(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).

(5) This regulation is subject to regulations 4 to 6, 12 to 16, 20, 28 to 31, 34, 35, 40, and 44 to 48.

Compare: SR 1991/295 rr 34, 36

Regulation 9(2)(aa): replaced, on 14 April 2014, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2014 (LI 2014/117).

Regulation 9(2)(aa): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Regulation 9(2)(a): substituted, on 1 September 2007, by regulation 12(1) of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Regulation 9(2)(b): amended, on 1 September 2005, by regulation 8(1) of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

Regulation 9(2)(b): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 9(3): amended, on 1 September 2007, by regulation 12(2) of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Regulation 9(3): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 9(4): replaced, on 6 September 2012 (applying 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)), by regulation 7 of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

Regulation 9(4A): inserted, on 6 September 2012 (applying 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)), by regulation 7 of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

Regulation 9(5): amended, on 1 January 2013, by regulation 13(1) of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

Regulation 9(5): amended, on 1 September 2005, by regulation 8(2) of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

10 Award of A-Bursary

[Revoked]

Regulation 10: revoked, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 6(3) of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

11 Award of B-Bursary

[Revoked]

Regulation 11: revoked, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 6(3) of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

12 Eligibility for certain allowances

(1) No student is eligible for an allowance continued by regulation 3(a) to (e) unless—

(a) he or she—

(i) is a New Zealand citizen; or

(ii) satisfies the chief executive that he or she is ordinarily resident in New Zealand, has lived in New Zealand for at least 3 years, and has been entitled under the Immigration Act 2009 to reside indefinitely in New Zealand for at least 3 years; or

(iii) satisfies the chief executive that he or she is recognised under the Immigration Act 2009 as a refugee or a protected person and is entitled under the Immigration Act 2009 to reside indefinitely in New Zealand; or

(iiia) satisfies the chief executive that the student is a person who holds a residence class visa that is an Afghan emergency resettlement visa under the Immigration Act 2009; or

(iv) satisfies the chief executive that he or she is entitled under the Immigration Act 2009 to reside indefinitely in New Zealand and was sponsored into New Zealand by a family member who, at the time of the student's entry into New Zealand,—

(A) was recognised under the Immigration Act 1987 or the Immigration Act 2009 as a refugee or protected person; and

(B) held a residence permit issued under the Immigration Act 1987 or a residence class visa issued under the Immigration Act 2009; or

(v) satisfies the chief executive that the student is a person who holds a residence class visa that is a Christchurch response visa under the Immigration Act 2009; or

(vi) satisfies the chief executive that the student is a person who—

(A) holds a residence class visa (other than a Christchurch response visa) under the Immigration Act 2009; and

(B) would have been eligible for a Christchurch response visa if the student did not hold a residence class visa (other than a Christchurch response visa) under the Immigration Act 2009; or

(via) satisfies the chief executive that the student holds a residence class visa under the Immigration Act 2009 that was issued at any time during the period beginning on 15 March 2019 and ending with the close of 31 December 2024 and is a relative of an affected person described in subclause (4B); or

(vii) satisfies the chief executive that the student holds a temporary entry class visa and—

(A) has been recognised under the Immigration Act 2009 as a person who is a refugee or protected person; or

(B) is residing in New Zealand, is a specified family member of a person who has been recognised under the Immigration Act 2009 as a refugee or protected person, and is eligible to transition to a residence class visa with that person; or

(viii) satisfies the chief executive that the student holds a residence class visa that was transitioned from a temporary entry class visa at the time when a family member recognised under the Immigration Act 2009 as a refugee or protected person was issued with a residence class visa; and

(ab) if the allowance is in respect of a course of study commencing on or after 1 January 2014, he or she is, when the course of study commences, under the age specified in section 7(1) of the New Zealand Superannuation and Retirement Income Act 2001; and

(b) he or she makes an application for an allowance in accordance with Part 7; and

(c) he or she either—

(i) is enrolled in a full-time course at a tertiary provider or secondary school and meets the attendance and performance requirements of that provider or school for tuition; or

(ii) is approved to study overseas under regulation 26; or

(iii) is approved to study in a part-time course under regulation 12A.

(1A) *[Revoked]*

(2) *[Revoked]*

(2A) *[Revoked]*

(3) No student may be awarded an allowance continued by regulation 3(a) to (e) who—

(a) either—

(i) has been granted a temporary permit to enter New Zealand for the purposes of study, training, or paid employment, which permit requires that student to leave New Zealand after completing that study, training, or paid employment; or

(ii) is the spouse or partner of such a student and is not a New Zealand citizen; and

(b) is not or has not subsequently become a person to whom subclause (1)(a) applies.

(4) Subclauses (1) to (3) are subject to—

(a) regulation 47B (which relates to the effect of the 1 September 2013 changes to residence-related eligibility periods); and

(b) regulation 47C (which contains an exception to the ineligibility ground introduced on 1 September 2013).

(4A) In subclause (1)(a)(via), a student is a **relative of an affected person** (**A**) if the student is—

(a) A's spouse, civil union partner, or de facto partner:

(b) A's child or step-child (of any age), son-in-law, or daughter-in-law:

(c) A's parent (whether or not by a step relationship) or parent-in-law:

(d) A's sibling (whether or not by a step relationship) or sibling-in-law:

(e) A's grandparent:

(f) A's grandchild:

(g) A's aunt or uncle:

(h) A's nephew or niece:

(i) A's first cousin.

(4B) An **affected person** referred to in subclauses (1)(a)(via) and (4A) is a person (not being a deceased person) who is—

(a) the holder of a Christchurch response visa residing in or outside New Zealand; or

(b) a New Zealand citizen residing in or outside New Zealand, and who—

(i) was a resident visa holder under the Immigration Act 2009 on 15 March 2019 and eligible for a Christchurch response visa; or

(ii) would have been eligible for a Christchurch response visa had they not been the holder of a permanent resident visa under the Immigration Act 2009 on 15 March 2019; or

(iii) would have been eligible for a Christchurch response visa had they not been a New Zealand citizen on 15 March 2019; or

(iv) was granted New Zealand citizenship after holding a Christchurch response visa; or

(c) the holder of a permanent resident visa under the Immigration Act 2009 residing in or outside New Zealand, and who—

(i) was a resident visa holder under the Immigration Act 2009 on 15 March 2019 and eligible for a Christchurch response visa; or

(ii) would have been eligible for a Christchurch response visa had they not been the holder of a permanent resident visa under the Immigration Act 2009 on 15 March 2019; or

(d) the holder, under the Immigration Act 2009, of a resident visa that they held on 15 March 2019, and who—

(i) is residing in or outside New Zealand; and

(ii) was eligible for a Christchurch response visa.

(5) In subclause (1)(a)(vii)(B),—

specified family member, in relation to a person who has been recognised under the Immigration Act 2009 as a refugee or protected person, means—

(a) the husband or wife of that person:

(b) the civil union partner of that person:

(c) the de facto partner of that person:

(d) a child of that person:

(e) a parent or sibling of that person, if the person is a dependent child.

Compare: SR 1991/295 rr 9, 22(3)

Regulation 12(1)(a): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Regulation 12(1)(a)(ii): amended, on 1 September 2013, by regulation 5(1) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

Regulation 12(1)(a)(iii): amended, on 1 September 2013, by regulation 5(2) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

Regulation 12(1)(a)(iii): amended, immediately after 2 am on 29 November 2010, by regulation 5(1) of the Student Allowances Amendment Regulations (No 2) 2010 (SR 2010/291).

Regulation 12(1)(a)(iiia): inserted, on 5 December 2021, by regulation 5 of the Student Allowances Amendment Regulations (No 2) 2021 (SL 2021/396).

Regulation 12(1)(a)(iv): added, immediately after 2 am on 29 November 2010, by regulation 5(2) of the Student Allowances Amendment Regulations (No 2) 2010 (SR 2010/291).

Regulation 12(1)(a)(iv)(A): amended, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students before, on, or after that date)), by regulation 6 of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

Regulation 12(1)(a)(v): inserted, on 21 September 2020, by regulation 5 of the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020 (LI 2020/168).

Regulation 12(1)(a)(vi): inserted, on 21 September 2020, by regulation 5 of the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020 (LI 2020/168).

Regulation 12(1)(a)(vi)(B): amended, on 16 October 2023, by regulation 4(1) of the Student Allowances Amendment Regulations (No 2) 2023 (SL 2023/176).

Regulation 12(1)(a)(via): inserted, on 16 October 2023, by regulation 4(2) of the Student Allowances Amendment Regulations (No 2) 2023 (SL 2023/176).

Regulation 12(1)(a)(vii): inserted, on 27 March 2022, by regulation 5(1) of the Student Allowances Amendment Regulations (No 2) 2022 (SL 2022/66).

Regulation 12(1)(a)(viii): inserted, on 27 March 2022, by regulation 5(1) of the Student Allowances Amendment Regulations (No 2) 2022 (SL 2022/66).

Regulation 12(1)(ab): inserted, on 1 September 2013, by regulation 5(3) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

Regulation 12(1)(b): amended, on 1 July 2015, by regulation 5(1) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 12(1)(c): amended, on 1 July 2015, by regulation 5(2) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 12(1)(c)(iii): amended, on 1 July 2015, by regulation 5(3) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 12(1A): revoked, on 1 July 2015, by regulation 5(4) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 12(2): revoked, on 1 July 2015, by regulation 5(4) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 12(2A): revoked, on 1 July 2015, by regulation 5(4) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 12(3)(a)(ii): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 12(3)(b): amended, on 1 October 2002, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2002 (SR 2002/257).

Regulation 12(4): inserted, on 1 September 2013, by regulation 5(4) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

Regulation 12(4A): inserted, on 16 October 2023, by regulation 4(3) of the Student Allowances Amendment Regulations (No 2) 2023 (SL 2023/176).

Regulation 12(4B): inserted, on 16 October 2023, by regulation 4(3) of the Student Allowances Amendment Regulations (No 2) 2023 (SL 2023/176).

Regulation 12(5): inserted, on 27 March 2022, by regulation 5(2) of the Student Allowances Amendment Regulations (No 2) 2022 (SL 2022/66).

Regulation 12(5): amended, on 16 October 2023, by regulation 4(4) of the Student Allowances Amendment Regulations (No 2) 2023 (SL 2023/176).

12A Chief executive may approve part-time course for student

(1) For the purpose of regulation 12(1)(c)(iii), the chief executive may approve a course of study for a student that is less than a full-time course if either of the following applies:

(a) the student is enrolled, or intending to enrol, in a recognised course of study that is less than a full-time course and, on the advice of a tertiary provider or the principal of the appropriate secondary school, the chief executive considers a course of study that is less than full time is appropriate—

(i) because of the student's illness; or

(ii) for any cause that is, in the opinion of the chief executive, a sufficient cause that is outside the student's control; or

(iii) because the chief executive considers such a course to be in the student's academic best interests:

(b) the student is enrolled in a recognised course of study that is less than a full-time course and, in the opinion of the chief executive, the student—

(i) has completed part of the course in which he or she is enrolled; and

(ii) will, on completing that course, complete a recognised programme; and

(iii) is taking a course, or combination of courses, that constitutes more than half of a full-time course.

(2) For the purposes of subclause (1)(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.

Regulation 12A: inserted, on 1 July 2015, by regulation 6 of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

13 Student not eligible for certain allowances where student or spouse or partner receiving social security payments, New Zealand superannuation, or veteran's pension

(1) No student is eligible for an allowance continued by regulation 3(a) to (c) while that student or that student's spouse or partner is receiving any of the following benefits under the Social Security Act 2018:

(a) jobseeker support:

(b) sole parent support:

(c) a supported living payment:

(d) a youth payment:

(e) a young parent payment:

(f) an emergency benefit.

(2) No student is eligible for an allowance continued by regulation 3 while that student or that student's spouse or partner is receiving either or both of the following:

(a) New Zealand superannuation under the New Zealand Superannuation and Retirement Income Act 2001:

(b) a veteran's pension under the Veterans' Support Act 2014.

(3) Subclause (2) is subject to regulation 47A(b) (which relates to an application after 30 September 2010 for an allowance for a course commencing before 1 January 2011).

Compare: SR 1991/295 r 19

Regulation 13 heading: amended, on 1 October 2010, by regulation 6(1) of the Student Allowances Amendment Regulations (No 2) 2010 (SR 2010/291).

Regulation 13 heading: amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 13(1): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Regulation 13(2): added, on 1 October 2010, by regulation 6(2) of the Student Allowances Amendment Regulations (No 2) 2010 (SR 2010/291).

Regulation 13(2)(b): amended, on 7 December 2014, by section 278 of the Veterans' Support Act 2014 (2014 No 56).

Regulation 13(3): added, on 1 October 2010, by regulation 6(2) of the Student Allowances Amendment Regulations (No 2) 2010 (SR 2010/291).

14 Student may not be eligible for certain allowances if eligible for other government study assistance

(1) This regulation applies to every student who is the recipient of any bursary, scholarship, or award, however described (other than an allowance continued by regulation 3(d) or (e)), awarded or made out of money appropriated for the purpose by Parliament, for the purpose of study at a secondary school or a tertiary provider.

(2) Despite anything to the contrary in these regulations, no student to whom this regulation applies may be awarded an allowance continued by regulation 3(a) to (c) without the consent of the chief executive, which allowance is subject to such conditions (if any) as the chief executive may determine in any particular case or class of case.

(3) Without limiting the generality of subclause (2), it may be a condition of the award of an allowance continued by regulation 3(a) to (c) to a student to whom this regulation applies that the amount of that allowance and the term for which it is payable is less than that to which that student would be otherwise entitled.

Compare: SR 1991/295 r 45

Regulation 14 heading: amended, on 7 October 2004, by regulation 6 of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

15 Eligibility where change of course

Where any student at a secondary school or tertiary provider commences a second or further course at that school or at another school, or at that tertiary provider or at another tertiary provider, before completing any other course at that place or at another place, that student does not cease to be entitled to any allowance continued by regulation 3(a) to (c) because of that change of course, if—

(a) the allowance is not suspended under Part 5; and

(b) the appropriate principal, proprietor, or head of department or head of faculty certifies that the student is capable of passing the course of study in which the student is enrolled or is intending to enrol; and

(c) the student is in all other respects eligible for the allowance.

Compare: SR 1991/295 r 13

16 Continuing eligibility for certain allowances

(1) A student continues to be eligible for an allowance continued by regulation 3(a) to (c) only if the student gives a statement in writing to the chief executive, during every specified period, in the form specified under regulation 42.

(2) In subclause (1), **specified period** means a period specified from time to time for the purposes of that subclause by the chief executive.

17 Reduction of course

(1) Where in any year, after having undertaken the academic work of a full-time course for at least 12 weeks, the recipient of an allowance continued by regulation 3(a) to (c) has, on the advice of the chief executive, undertaken a reduced amount of work,—

(a) the recipient does not, by reason only of that reduction, cease to be entitled to that allowance; and

(b) regulation 29 will apply to the recipient as if every reference in that regulation to his or her course of study were a reference to the residue of that full-time programme.

(2) The chief executive must not provide advice under subclause (1) unless, before providing that advice, he or she has consulted with the relevant tertiary provider or principal of the appropriate secondary school.

Compare: SR 1991/295 r 24

Part 4
Payment of allowances

18 Amount of allowances to be paid to students

(1) Every student who is eligible for a basic grant or an independent circumstances grant, and has not lost that eligibility, must be paid the appropriate amount calculated under Schedule 2, unless that schedule provides that the grant is not payable to the student.

(1A) The rates in Schedule 2 (as amended by regulation 15 and the Schedule of the Student Allowances Amendment Regulations (No 2) 2010) must be used for any payment on or after 1 October 2010 of an allowance continued by regulation 3 (regardless of whether the allowance is one awarded in respect of a course of study commencing before, on, or after 1 October 2010).

(2) *[Revoked]*

(3) Every student who is eligible for an accommodation benefit, and has not lost that eligibility, must be paid the appropriate amount determined in accordance with regulation 24 or 24A.

(4) Despite subclauses (1) to (3), no allowances are payable to any student unless the aggregate value of all of those allowances is $2 or more.

Regulation 18(1): amended, on 1 September 2005, by regulation 11(1) of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

Regulation 18(1A): inserted, on 1 October 2010, by regulation 7 of the Student Allowances Amendment Regulations (No 2) 2010 (SR 2010/291).

Regulation 18(2): revoked, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 6(3) of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

Regulation 18(3): amended, on 1 July 2015, by regulation 7 of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

19 Payment of certain allowances

(1) A student who is eligible for an allowance continued by regulation 3(a) to (c), and has not lost that eligibility, must be paid that allowance by instalments of such number of weeks' allowance on such day or date or such date or dates in the month as the chief executive from time to time determines.

(2) Payment of any allowance must be made by payment of the sum due into a bank account nominated from time to time by the student who is eligible for that allowance.

20 Maximum periods of allowances

(1) No student is entitled (except in the circumstances described in this regulation and in regulation 30(3)) to receive for more than the following period allowances continued by regulation 3:

(a) 92 weeks, if the allowances are for any recognised course or courses of study leading to the completion of any recognised programme or programmes that are a full-time course or courses of secondary instruction:

(b) 200 weeks, if the allowances are for any other recognised course or courses of study, but that 200-week period is reduced to 120 weeks if, or insofar as, the other recognised course or courses of study are any course or courses commencing on or after 1 January 2014 and at the commencement of which the student is of or over the age of 40 years.

(2) The period of 92 weeks specified in subclause (1)(a)—

(a) commences when a student first receives an allowance continued by regulation 3 in respect of the course or courses specified in subclause (1)(a); but

(b) does not include any period when no allowance of that type is paid.

(3) The period of 200 weeks or, as the case requires, the period of 120 weeks, specified in subclause (1)(b)—

(a) commences when a student first receives an allowance continued by regulation 3 in respect of the course or courses specified in subclause (1)(b); but

(b) does not include any period when no allowance of that type is paid.

(4) For the purposes of subclauses (1) to (3), the recipient of an allowance continued by regulation 3 is deemed not to have received any payments under it in respect of a course of study if that recipient withdraws from the course before the commencement of his or her final examination period and, with the chief executive's consent, ensures all payments made to the recipient in respect of the course under the allowance are refunded to the chief executive before the following deadline:

(a) within 12 months of the commencement of the course, where it is a full academic year long; and

(b) before the end of the course, in every other case.

(5) No recipient of an allowance continued by regulation 3 is entitled to receive, or may receive, despite anything in these regulations, any payments under that allowance in respect of any period during which he or she undertakes paid employment that is recognised as fulfilling part of the requirements of the recognised course of study in respect of which the allowance was awarded.

(6) The period of 92 weeks specified in subclause (1)(a) or, if applicable, the period of 200 weeks or, as the case requires, the period of 120 weeks, specified in subclause (1)(b) must be reduced, for a student who has been paid a basic grant, independent circumstances grant, or accommodation benefit before 1 January 1999, by the number of weeks calculated under regulation 48.

(7) The chief executive may, where he or she considers that in any particular case special circumstances exist, extend for a person whichever of the following maximum entitlement periods applies to the person (even if the person will or may, during that extended entitlement period, achieve the age that is referred to in regulation 12(1)(ab)):

(a) the 92-week period specified in subclause (1)(a):

(b) the 200-week period or, as the case requires, the 120-week period, specified in subclause (1)(b).

(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.

(8) Subclauses (1) to (7) are subject to—

(a) *[Revoked]*

(b) regulation 47D (which contains an exception to the 120-week maximum entitlement period introduced on 1 September 2013); and

(c) regulation 47E (which relates to savings for grants of extended eligibility made, or sought but not determined, on 1 September 2013).

Regulation 20: substituted, on 1 October 2010, by regulation 8 of the Student Allowances Amendment Regulations (No 2) 2010 (SR 2010/291).

Regulation 20(1): amended, on 1 January 2013, by regulation 13(2) of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

Regulation 20(1)(b): amended, on 1 September 2013, by regulation 6(1) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

Regulation 20(3): amended, on 1 September 2013, by regulation 6(2) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

Regulation 20(6): amended, on 1 September 2013, by regulation 6(3) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

Regulation 20(7): replaced, on 1 September 2013, by regulation 6(4) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

Regulation 20(7): amended, on 27 October 2016, by regulation 6(1)(a) of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

Regulation 20(7): amended, on 27 October 2016, by regulation 6(1)(b) of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

Regulation 20(7A): inserted, on 6 September 2012 (applying 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)), by regulation 9 of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

Regulation 20(8): replaced, on 1 September 2013, by regulation 6(5) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

Regulation 20(8)(a): revoked, on 27 October 2016, by regulation 6(2) of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

21 Payment of certain allowances for long programme of study (other than secondary instruction)

[Revoked]

Regulation 21: revoked, on 1 January 2013, by regulation 10 of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

22 Payment of certain allowances for further programmes of study permitted for retraining for employment, etc

[Revoked]

Regulation 22: revoked, on 1 January 2013, by regulation 10 of the Student Allowances Amendment Regulations (No 2) 2012 (SR 2012/212).

23 Period for which certain allowances payable

(1) A basic grant or independent circumstances grant must be paid for a period commencing with the beginning of the week during which, in the opinion of the chief executive, the portion of the recognised course of study in respect of which the allowance was awarded commences, and ending—

(a) on the Sunday of the last week on which the last examination of the course in that year is conducted; or

(b) at the end of the week during which, in the opinion of the chief executive, that portion ends, if that portion ends without any examination of the student.

(1A) Despite subclause (1), if the application for the basic grant or independent circumstances grant was received more than 7 days after the commencement of the portion of the recognised course of study (being a portion that commences

on or after 1 January 2005), a basic grant or independent circumstances grant must not be paid for any period before the beginning of the week in which the application was received unless the application has been brought within any extended time for the application to be made given under regulation 40(7).

(1B) The period for which a basic grant or independent circumstances grant to which subclause (1A) applies must be paid commences with—

(a) the beginning of the week in which the application for it is received; or

(b) if the application for it is brought within any extended time allowed under regulation 40(7), on the same day on which payment would have commenced under subclause (1).

(2) Despite subclause (1), the chief executive may extend or reduce by such number of weeks as the chief executive thinks fit the period in any year for which payments under a basic grant or an independent circumstances grant are made, in any particular case or class or classes of case, to provide for any variation in the course prescribed by the principal of any secondary school or the governing body of any tertiary provider.

Compare: SR 1991/295 r 21(1)

Regulation 23(1A): inserted, on 7 October 2004, by regulation 7 of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 23(1B): inserted, on 7 October 2004, by regulation 7 of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

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.

Regulation 23A: inserted, on 27 October 2016, by regulation 7 of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

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 and Credentials 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.

Regulation 23B: inserted, on 27 October 2016, by regulation 7 of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

Regulation 23B(2)(b): amended, on 1 August 2022, by section 74 of the Education and Training Amendment Act 2022 (2022 No 38).

24 Amount of accommodation benefit

(1) The amount of an accommodation benefit per week is the amount, not exceeding the applicable weekly value of the benefit specified in Schedule 3, that may be determined in any case in accordance with guidelines issued from time to time by the chief executive.

(1A) Subclause (1) applies unless regulation 24A applies.

(2) Any guidelines issued under subclause (1) may make provision for the payment of different rates in different regions, and for different types of accommodation.

(3) Before issuing any guidelines under subclause (1), the chief executive must consider such information as is reasonably available to the chief executive about accommodation costs in different regions and for different types of accommodation.

(4) *[Revoked]*

(5) *[Revoked]*

Compare: SR 1991/295 r 35

Regulation 24 heading: amended, on 1 July 2015, by regulation 8(1) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 24(1): amended, on 1 October 2002, by regulation 6 of the Student Allowances Amendment Regulations (No 2) 2002 (SR 2002/257).

Regulation 24(1A): inserted, on 1 July 2015, by regulation 8(2) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 24(4): revoked, on 1 July 2015, by regulation 8(3) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 24(5): revoked, on 1 July 2015, by regulation 8(3) of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

24A Amount of accommodation benefit for single student with supported child

(1) This regulation applies to a single student who—

(a) has 1 or more supported children; and

(b) is eligible for an accommodation benefit in respect of a portion of a recognised course of study commencing on or after 1 July 2015.

(2) The amount of the accommodation benefit per week is the appropriate rate of accommodation supplement that the student would receive if the student were a beneficiary who—

(a) received sole parent support under the Social Security Act 2018; and

(b) was entitled to receive, and had been granted, an accommodation supplement.

(3) For the purposes of subclause (2), the appropriate rate of accommodation supplement must be determined as provided in subclauses (3A) and (3B).

(3A) If, under section 65(1)(b) of the Social Security Act 2018, the student does not meet the assets requirement (as set out in regulations made under section 423 of that Act), the appropriate rate of accommodation supplement is zero.

(3B) If, under section 65(1)(b) of the Social Security Act 2018, the student meets the assets requirement (as set out in regulations made under section 423 of that Act), the appropriate rate of accommodation supplement must be determined in accordance with the following legislation:

(a) section 17 and Part 7 of Schedule 4 of that Act; and

(b) regulations made under section 423 of that Act.

(4) In this regulation, **beneficiary** has the meaning given in Schedule 2 of the Social Security Act 2018.

Regulation 24A: inserted, on 1 July 2015, by regulation 9 of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 24A(2)(a): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Regulation 24A(3): replaced, on 2 March 2026, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2025 (SL 2025/307).

Regulation 24A(3A): inserted, on 2 March 2026, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2025 (SL 2025/307).

Regulation 24A(3B): inserted, on 2 March 2026, by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2025 (SL 2025/307).

Regulation 24A(4): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

24B Period for which accommodation benefit payable

(1) Payments under an accommodation benefit must be made for a period commencing not earlier than the date the chief executive specifies, which date must not precede the date payments are made under the student's basic grant or independent circumstances grant.

(2) An amount of accommodation benefit is not payable to a student for a week for which the value of the basic grant or independent circumstances grant payable to the student is reduced to nil because of the student's personal income for the week.

Regulation 24B: inserted, on 1 July 2015, by regulation 9 of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

25 Payment of A-Bursaries and B-Bursaries

[Revoked]

Regulation 25: revoked, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 6(3) of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

26 Payments may be made where work undertaken outside New Zealand

(1) Where the chief executive is satisfied that it is desirable for the recipient of an allowance continued by regulation 3(a) to (e) to undertake any work outside New Zealand, the chief executive may declare specified work intended to be done by that student outside New Zealand to be a full-time course in respect of that student only; and payments may be made to that student while he or she is carrying out that work outside New Zealand.

(2) Subclause (3) applies where the chief executive is satisfied that it is necessary or desirable for the recipient of an allowance continued by regulation 3(a) to (c) to undertake a short course of study overseas to augment—

(a) a full-time course that that recipient is undertaking in New Zealand as part of a programme; or

(b) a full-time course that—

(i) does not constitute the completion of the programme of which it forms part; but

(ii) has been satisfactorily completed by the recipient in New Zealand.

(3) Where subclause (2) applies, the chief executive of the Ministry of Education may, for the purposes of this subclause, declare that course to be associated with that programme and that recipient may be paid an allowance continued by regulation 3(a) to (c) to the same extent as would be appropriate if that course, and all travel reasonably necessary to enable that recipient to undertake that course, were part of that programme and being undertaken at the tertiary provider at which the recipient is enrolled in that programme.

Compare: SR 1991/295 r 6

Part 5
Suspension of allowances

27 No payment if income limit exceeded

[Revoked]

Regulation 27: revoked, on 1 September 2005, by regulation 13 of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

28 Suspension of allowances during detention in prison

(1) A student who is imprisoned or detained in a prison, as defined in section 3(1) of the Corrections Act 2004, pursuant to a sentence of imprisonment or preventive detention is not entitled to receive any payment under these regulations in respect of any period of any such imprisonment or detention.

(2) *[Revoked]*

Compare: SR 1991/295 r 47

Regulation 28 heading: amended, on 1 June 2005, by section 207 of the Corrections Act 2004 (2004 No 50).

Regulation 28(1): amended, on 27 October 2016, by regulation 8 of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

Regulation 28(1): amended, on 1 June 2005, by section 207 of the Corrections Act 2004 (2004 No 50).

Regulation 28(2): revoked, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 6(3) of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

29 Suspension of certain allowances for failure to attend or perform work

(1) Subject to regulation 17, if any student—

(a) fails to attend regularly for classes appropriate to his or her course of study; or

(b) fails to submit the work required by the teachers or lecturers of that course or any part of it,—

the chief executive may order the suspension of any allowance continued by regulation 3(a) to (c) which is received by the student for that course.

(2) Where the chief executive orders the suspension of any allowance under this regulation, the student ceases to be entitled to that allowance, and it must be suspended at the end of the week during which the chief executive so orders.

(3) Where an allowance is suspended under this regulation, the chief executive may reinstate that allowance in the year of its suspension if, in that year, the recipient resumes meeting the requirements of the course of study which he or she is undertaking.

Compare: SR 1991/295 r 26

30 Suspension of certain allowances for failure of full-time course of study (other than secondary instruction)

(1) Subject to regulations 12A and 17 and this regulation, an allowance continued by regulation 3(a) to (e) must be suspended if the amount of work (if any) passed by the recipient in the most recent course of study for which an allowance was paid (the **relevant course**) was, in the opinion of the chief executive, equivalent to half of or less than half of a full-time course.

(2) Where—

(a) the chief executive is satisfied that the failure of the recipient of an allowance continued by regulation 3(a) to (e) to pass the required proportion of a full-time course is due to reasons beyond the recipient's control; or

(b) the recipient of an allowance continued by regulation 3(a) to (e) awarded in respect of a Masters degree has not completed the degree due to reasons beyond the recipient's control,—

the chief executive may direct that that allowance should not be suspended despite the amount of work the recipient has passed in the relevant course; and, in that case, that allowance may not be suspended merely because of the work passed by that recipient in the relevant course.

(3) Where the chief executive gives a direction under subclause (2), the chief executive may also direct that the recipient of the allowance concerned may receive payments under that allowance for such further period as the chief executive specifies which may exceed the maximum period of eligibility for an allowance continued by regulation 3(a) to (c), allowed under regulation 20(1)(b).

(4) Nothing in this regulation applies to secondary students.

Compare: SR 1991/295 r 31

Regulation 30 heading: amended, on 1 October 2010, by regulation 11(1) of the Student Allowances Amendment Regulations (No 2) 2010 (SR 2010/291).

Regulation 30(1): amended, on 1 July 2015, by regulation 10 of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

Regulation 30(1): amended, on 19 January 2007, by regulation 6(1)(a) of the Student Allowances Amendment Regulations (No 4) 2006 (SR 2006/379).

Regulation 30(1): amended, on 19 January 2007, by regulation 6(1)(b) of the Student Allowances Amendment Regulations (No 4) 2006 (SR 2006/379).

Regulation 30(2): amended, on 19 January 2007, by regulation 6(2) of the Student Allowances Amendment Regulations (No 4) 2006 (SR 2006/379).

Regulation 30(3): amended, on 1 October 2010, by regulation 11(2) of the Student Allowances Amendment Regulations (No 2) 2010 (SR 2010/291).

31 Suspension of certain allowances for failure to give statement

If a student awarded an allowance continued by regulation 3(a) to (c) does not give the chief executive a statement in accordance with regulation 16, the chief executive must suspend the allowance.

32 Reinstatement of certain allowances

(1) A student whose allowance has been suspended under regulation 30 is entitled to have it reinstated if the student satisfies the chief executive that he or she has, since the suspension, passed work that is or forms part of a course of study that is, in the opinion of the chief executive, equivalent to more than half of the work of a full-time course.

(2) A student whose allowance has been suspended under regulation 31 will be entitled to have it reinstated if the student satisfies the chief executive that he or she has, since the suspension, rectified the failure to give a statement in accordance with regulation 16.

(3) Nothing in subclause (1) applies to secondary students.

(4) Nothing in subclause (1) applies to any allowance continued under regulation 3(d) or (e).

Compare: SR 1991/295 r 32

33 Postponement of course of study

(1) Where—

(a) the recipient of an allowance continued by regulation 3(a) to (c) has, with the consent of the chief executive, postponed his or her course of study; and

(b) before postponing that course he or she had successfully completed work that is, in the opinion of the chief executive, equivalent to at least more than half of that part of the work of the course of study that was

offered before that postponement and in respect of which the allowance concerned was awarded; and

(c) that recipient resumes the course of study concerned at approximately the same point at a subsequent time and at a similar point in the course at which it was postponed,—

then, only the weeks that the student was attending the course count as part of the maximum period of eligibility for an allowance continued by regulation 3(a) to (c), allowed under regulation 20(1)(a) or, if applicable, 20(1)(b).

(1A) Subclause (1) is subject to regulation 47A(f) (which relates to an application after 30 September 2010 for an allowance for a course commencing before 1 January 2011).

(2) Nothing in subclause (1) entitles the recipient of an allowance continued by regulation 3(a) to (c) which is awarded in respect of a course of study postponed under that subclause to be paid that allowance for any period between the postponement of that course and its resumption.

Compare: SR 1991/295 r 33

Regulation 33(1): amended, on 1 October 2010, by regulation 12(1) of the Student Allowances Amendment Regulations (No 2) 2010 (SR 2010/291).

Regulation 33(1A): inserted, on 1 October 2010, by regulation 12(2) of the Student Allowances Amendment Regulations (No 2) 2010 (SR 2010/291).

34 Suspension of certain allowances due to tertiary provider losing accreditation

(1) If a tertiary provider loses its accreditation or course approval under the Act, allowances continued by regulation 3(a) to (c) which are received by students undertaking approved courses at that tertiary provider are suspended.

(2) Any allowance suspended under subclause (1) will be reinstated if that accreditation or course approval is granted again before the end of the same academic year or before such time as the chief executive may determine.

(3) Despite subclause (1), the chief executive may, at his or her discretion, decide that a student should not lose an allowance under this regulation.

35 Suspension of certain allowances due to injury, sickness, or holidays

(1) Where a student does not attend a secondary school or tertiary provider for a period exceeding 2 weeks because of injury or sickness, the chief executive may suspend the payment of any allowance continued by regulation 3(a) to (c) until that student resumes meeting the requirements of the course of study which he or she is undertaking.

(2) Where a student who is not on study leave does not attend any course conducted at a secondary school or tertiary provider for a period of more than 3 weeks, because of a break in tuition at the secondary school or tertiary institution, the payment of any allowance continued under regulation 3(a) to (c) must be suspended until the staff of the secondary school or tertiary institution

resume teaching a course in which the student is enrolled, unless the chief executive permits payment to continue.

Part 6
Appeals

36 Lodging of appeals

(1) Every appeal must be by notice in writing lodged with the Authority within 21 days after the decision appealed against, or such longer period as the Authority in any case allows.

(2) Every such notice must—

(a) be signed by the appellant or a person authorised by the appellant to act on his or her behalf; and

(b) specify the decision appealed against; and

(c) provide an address for the sending of communications in connection with the appeal.

Compare: SR 1991/295 r 40

37 Relevant chief executive or Minister of Education to be given copies of notices of appeal

(1) Immediately after the lodgement of a notice of appeal, the Authority must send a copy of that notice to the chief executive of the department of State who made the decision appealed against, or to the Minister of Education, if that Minister made the decision appealed against.

(2) As soon as possible after receiving a copy of any notice of appeal, the relevant chief executive, or the Minister of Education, as the case may require, must send to the Authority—

(a) all applications, documents, written submissions, statements, reports, and other papers relating to the decision appealed against, that are in the possession or under the control of the relevant chief executive, or the Minister of Education; and

(b) a copy of the decision appealed against; and

(c) a report setting out the matters to which the relevant chief executive or the Minister of Education had regard in making the decision appealed against; and

(d) a statement of any other matters that the relevant chief executive or the Minister of Education wishes to draw to the attention of the Authority.

(3) Immediately after receiving a report under subclause (2)(c), the Authority must send a copy of it, and of any statement under subclause (2)(d), to the appellant concerned.

(4) An appellant may send to the Authority—

(a) any comments the appellant has on the report, and on any statement, a copy of which has been sent to the appellant under subclause (3); or

(b) notice that the appellant wishes to discontinue the appeal; and, in that case, the appeal will be discontinued.

(5) The Authority must not determine any appeal until the expiration of 14 days after the date on which a copy of the report under subclause (2)(c) was sent to the appellant.

(6) Where, before an appeal is decided, the Authority receives from the appellant comments sent to the Authority under subclause (4)(a),—

(a) the Authority must immediately send a copy to the relevant chief executive or to the Minister of Education, as the case may require, who, as soon as possible, must send to the Authority either any comments he or she wishes to make on those comments or a new decision; and

(b) the Authority must not determine the appeal concerned until the expiration of 14 days after the date on which the copy was sent to the relevant chief executive or to the Minister of Education, as the case may require.

(7) Where, under subclause (6)(a), the relevant chief executive or the Minister of Education sends the Authority a new decision,—

(a) he or she must also send a copy to the appellant; and

(b) without affecting the appellant's right to appeal against the new decision, the appeal against the old decision is considered to have been discontinued.

Compare: SR 1991/295 r 41

38 Evidence

(1) The Authority has full discretionary power to request further written evidence from any appellant on questions of fact, and may require any such evidence to be verified by statutory declaration.

(2) In the exercise of its powers the Authority may receive as evidence any statement, document, information, or matter, that, in its opinion, may assist it to deal with any matter before it, whether or not the same would be admissible in a court of law.

Compare: SR 1991/295 r 42

39 Matters to which Authority to have regard

(1) In reaching any decision, the Authority must have regard to—

(a) the notice of appeal concerned; and

(b) all documents sent to the authority under regulation 37(2) or (4) or (6); and

(c) all evidence received by it—

whether or not that notice, those documents, or that evidence, or any part of it or them, would be admissible in a court of law.

(2) On the determination of an appeal, the Authority must notify the chief executive and the appellant, in writing, of the Authority's decision and the reasons for it.

Compare: SR 1991/295 r 43

Part 7
Administration

40 Applications

(1) Any person who, in respect of any year, is enrolled or proposes to apply for enrolment in a recognised course of study at a secondary school or a tertiary provider may apply to the chief executive, on a form approved by the chief executive for the purpose, for an allowance continued by regulation 3(a) to (e) to be awarded to him or her in respect of that course.

(2) Every applicant for an allowance must forward the application to the chief executive.

(3) The chief executive may require any applicant for the award of an allowance, before being awarded that allowance, to make a statement or to provide information in some other form as to any matters that, under these regulations, are conditions precedent to the award of that allowance to that applicant.

(4) Where a statement or information has been required under subclause (3), unless the chief executive is satisfied that there are special circumstances justifying a delay in the provision of that statement or information beyond the applicable date specified in paragraph (a) or paragraph (b), the applicant must provide that statement or information to the chief executive—

(a) on or before 31 December, in the year in which the application is made; or

(b) if the portion of the recognised course of study for which the student applied for the allowance commences on or after 1 January 2005, before that portion of the course ends.

(5) Where a statement or information or evidence has been required under subclause (3) or regulation 4(2)(b), the applicant—

(a) must not be awarded that allowance until he or she has made that statement or has provided that information or supplied that evidence; and

(b) must not be awarded that allowance if he or she has made that statement or has provided that information or supplied that evidence, as the case may require, after the date by which the applicant was required to provide it.

(6) Except in the circumstances described in subclause (7), where a student would, but for his or her omission to make an application, become entitled to receive an allowance continued by regulation 3(a) to (e) during his or her course of study, his or her application may be considered only if it is made within 60 days of the day on which he or she would become so entitled.

(6A) Subclause (6) applies only in respect of an application made by a student in respect of a portion of a course of study that commences before 1 January 2005.

(7) The chief executive may extend the time allowed for applying for an allowance continued by regulation 3(a) to (e) if he or she is satisfied that in the particular case there are special circumstances warranting an extension of time.

Compare: SR 1991/295 r 3

Regulation 40(1): amended, on 1 September 2013, by regulation 7 of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

Regulation 40(4): substituted, on 7 October 2004, by regulation 9(1) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

Regulation 40(6A): inserted, on 7 October 2004, by regulation 9(2) of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

41 Notification of change in student's circumstances affecting entitlement

(1) If there occurs in the circumstances of the recipient of an allowance continued by regulation 3(a) to (c) any change of such a nature that it affects or may affect the recipient's entitlement to that allowance, the rate at which it is paid, or payment of it, he or she must, without delay, give notification of that change to the chief executive.

(2) The recipient of an allowance continued by regulation 3(a) to (c) must notify the chief executive of—

(a) any change of residence by the recipient; and

(b) any commencement of residence by the recipient with the recipient's parents.

Compare: SR 1991/295 r 27

42 Form of statement for continuing eligibility for certain allowances

(1) The chief executive may specify from time to time the form of the statement required to be given under regulation 16 in order to maintain continuing eligibility for an allowance continued by regulation 3(a) to (c).

(2) The form of statement specified under subclause (1) may include any information considered by the chief executive to be relevant to determining the recipient's entitlement to receive an allowance continued under regulation 3(a) to (c), the rate at which it is paid, or the payment of it.

Part 8
General

42A Relationship status for student allowance purposes

For the purposes of determining any application for any allowance continued by regulation 3(a) to (c), or of reviewing any allowance already granted, or of determining the rate of any allowance, the chief executive—

(a) may regard as single any applicant or student who is married or in a civil union but is—

(i) estranged from his or her spouse or civil union partner; and

(ii) lives apart from that person; and

(b) may determine a date on which they are to be regarded as having commenced to live apart; and

(c) may then, in the chief executive's discretion, grant an allowance, refuse to grant an allowance, or terminate, reduce, or increase any allowance already granted, from that date accordingly.

Regulation 42A: inserted, on 15 December 2006 (applying in respect of allowances payable on and after 1 January 2007), by regulation 7 of the Student Allowances Amendment Regulations (No 3) 2006 (SR 2006/356).

43 Calculation of personal income

Where the personal income or combined income of a person for a week is required to be calculated for the purposes of these regulations, and the amount for the week of the personal income or, as the case requires, the combined income cannot be readily ascertained (for example, because the person or spouse or partner is self-employed), that income may be calculated by the chief executive by—

(a) dividing the person's total personal or combined income, as the case may require, over a period of such number of weeks specified by the chief executive (not exceeding 52) by the number of weeks in that period; and

(b) deducting from the figure derived from paragraph (a) such items, if any, that the chief executive is satisfied are likely to reduce that income, or combined income, as the case may require; and

(c) adding to the figure derived from paragraph (a), such items, if any, that the chief executive is satisfied are likely to increase that income, or combined income, as the case may require.

Regulation 43: amended, on 1 September 2005, by regulation 14(a) of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

Regulation 43: amended, on 1 September 2005, by regulation 14(b) of the Student Allowances Amendment Regulations (No 3) 2005 (SR 2005/254).

Regulation 43: amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Regulation 43: amended, on 7 October 2004, by regulation 10 of the Student Allowances Amendment Regulations (No 2) 2004 (SR 2004/299).

44 Deprivation of income

(1) Despite any thing to the contrary in these regulations, the chief executive may, in any particular case, in respect of any allowance continued by regulation 3(a) to (c),—

(a) terminate the allowance; or

(b) reduce the allowance; or

(c) grant the allowance at a reduced rate—

if the chief executive is satisfied that the applicant or any parent, spouse, or partner of the applicant has directly or indirectly deprived himself or herself of any income resulting in the applicant becoming eligible for that allowance or payment of that allowance at an increased rate.

(2) In this regulation, **income** means,—

(a) in the case of an applicant, personal income:

(b) in the case of the spouse or partner of an applicant, spousal or partner's income:

(c) in the case of a parent of an applicant, parental income.

Regulation 44(1): amended, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students before, on, or after that date)), by regulation 7(1) of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

Regulation 44(1): amended, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students before, on, or after that date)), by regulation 7(2) of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

Regulation 44(2): added, on 1 October 2011 (applying to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students before, on, or after that date)), by regulation 7(3) of the Student Allowances Amendment Regulations (No 2) 2011 (SR 2011/288).

45 Review of certain allowances

(1) The chief executive may from time to time review any allowance continued by regulation 3(a) to (c) in order to ascertain—

(a) whether the recipient of the allowance is entitled to receive it; or

(b) whether the recipient of the allowance may not be, or may not have been entitled to receive that allowance, or the rate of allowance that is or was payable to the recipient of the allowance.

(2) If, after reviewing an allowance, the chief executive is satisfied that the recipient of the allowance is no longer or was not entitled to receive the allowance or is or was entitled to receive it at a different rate, the chief executive may

suspend, terminate, or vary the rate of that allowance from such date as the chief executive reasonably determines.

(3) If, after reviewing an allowance, the chief executive considers that the recipient of the allowance is more appropriately entitled to receive some other allowance, the chief executive may, in his or her discretion, cancel the allowance and grant the recipient of that allowance another type of allowance, commencing from the date of cancellation.

46 Certain allowances to be inalienable

(1) Except as provided in any other enactment, a student who receives an allowance continued by regulation 3(a) to (c) may not—

(a) assign the allowance:

(b) permit the allowance to be made the subject of a charge.

(2) Where a student contravenes subclause (1), the chief executive may, in respect of any allowance continued under regulation 3(a) to (c) that is received by the student,—

(a) terminate the allowance; or

(b) reduce the allowance.

47 Transitional provision

[Revoked]

Regulation 47: revoked, on 27 October 2016, by regulation 9 of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

47A Applications on or after 1 October 2010 for allowances for courses commencing before 1 January 2011

[Revoked]

Regulation 47A: revoked, on 1 July 2015, by regulation 11 of the Student Allowances Amendment Regulations (No 2) 2015 (LI 2015/135).

47B Transitional provisions: 1 September 2013 changes to residence-related eligibility periods

General: only 2014 and later courses affected

(1) An application is subject to regulation 12(1)(a)(ii) (as amended on 1 September 2013 by regulation 5(1) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013) only if the application is for an allowance continued by regulation 3(a) to (c) in respect of a course of study commencing on or after 1 January 2014.

(2) An application made on or after 1 September 2013 for an allowance continued by regulation 3(a) to (c) in respect of a course of study commencing before 1 January 2014 is therefore subject to regulation 12(1)(a)(ii) (as in force immediately before 1 September 2013).

Exception: compliance in 2013 with former requirements, and studying in or after 2014

(3) An application must be treated as if the applicant complies with regulation 12(1)(a)(ii) (as amended on 1 September 2013 by regulation 5(1) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013) if—

(a) the application is for an allowance continued by regulation 3(a) to (c) in respect of a course of study commencing on or after 1 January 2014; and

(b) the chief executive is satisfied that the applicant, at any time or times before the close of 31 December 2014, complied with the requirements of regulation 12(1)(a)(ii) (as in force immediately before 1 September 2013).

Exception: when allowance reliant on it commences

(4) No allowance granted in reliance on subclause (3) can commence before the date on which the applicant first complies with the requirements of regulation 12(1)(a)(ii) (as in force immediately before 1 September 2013).

Regulation 47B: inserted, on 1 September 2013, by regulation 8 of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

47C Transitional provisions: exception to ineligibility ground introduced on 1 September 2013

Allowance application approved for study in 2013, and studying in 2014

(1) An application is not subject to regulation 12(1)(ab) (as inserted on 1 September 2013 by regulation 5(3) of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013) if—

(a) the application is for an allowance continued by regulation 3(a) to (c) in respect of a course of study commencing on or after 1 January 2014; and

(b) the chief executive is satisfied that the applicant,—

(i) is or will be, when that course of study commences, of or over the age specified in section 7(1) of the New Zealand Superannuation and Retirement Income Act 2001; and

(ii) either—

(A) before the close of 31 December 2013 had approved by the chief executive an application for (whether or not the applicant received) an allowance of that kind for any earlier course or courses of study commencing on or after 1 January 2013; or

(B) on or after 1 January 2013 and before the close of 31 December 2013 received an allowance of that kind for any earlier course or courses of study commencing on or after 1 January 2012.

Exception ends with close of 31 December 2014

(2) The exception in subclause (1) ends at, and so is unavailable to the applicant after, the close of 31 December 2014.

Regulation 47C: inserted, on 1 September 2013, by regulation 8 of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

47D Transitional provisions: exception to 120-week maximum entitlement period introduced on 1 September 2013

Allowance application approved for study in 2013, and studying in 2014

(1) An application is not subject to regulation 20(1)(b) and (3) (as amended on 1 September 2013 by regulation 6 of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013), and is instead subject to the 200-week maximum entitlement under regulation 20(1)(b) and (3) (as in force immediately before 1 September 2013), if—

(a) the application is for an allowance continued by regulation 3(a) to (c) in respect of a course of study commencing on or after 1 January 2014; and

(b) the chief executive is satisfied that the applicant,—

(i) is or will be, when that course of study commences, of or over the age of 40 years; and

(ii) either—

(A) before the close of 31 December 2013 had approved by the chief executive an application for (whether or not the applicant received) an allowance of that kind for any earlier course or courses of study commencing on or after 1 January 2013; or

(B) on or after 1 January 2013 and before the close of 31 December 2013 received an allowance of that kind for any earlier course or courses of study commencing on or after 1 January 2012.

Exception ends with close of 31 December 2014

(2) The exception in subclause (1) ends at, and so is unavailable to the applicant after, the close of 31 December 2014.

Regulation 47D: inserted, on 1 September 2013, by regulation 8 of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

47E Savings provisions: extended eligibility granted, or sought but not determined, on 1 September 2013

Extended eligibility sought and granted

(1) Extended eligibility sought and granted under regulation 20(7) before 1 September 2013 continues on and after that date as if the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 had not been made.

Extended eligibility sought but not determined

(2) Extended eligibility sought under regulation 20(7), but not determined (declined or granted), before 1 September 2013 must be determined on or after that date as if the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 had not been made.

Regulation 47E: inserted, on 1 September 2013, by regulation 8 of the Student Allowances (Budget 2013 Initiatives) Amendment Regulations 2013 (SR 2013/324).

48 Previous allowances

(1) Where a student has been paid a basic grant, independent circumstances grant, or accommodation benefit in any year before 1 January 1999, the following provisions apply for the purpose of calculating the continuing entitlement (if any) of that student for an allowance continued by regulation 3(a) to (c):

(a) any course of 1 academic year (37 weeks or more) must be treated as 40 weeks:

(b) any course of less than 1 academic year (12 weeks to 36 weeks) must be treated as the number of actual weeks the student was paid an allowance.

(2) Despite subclause (1), where a student has been paid a basic grant, independent circumstances grant, or accommodation benefit in any year before 1 January 1999, solely in respect of a course of study undertaken at a secondary school, the period during which the student was paid an allowance must be disregarded for the purposes of determining the continuing entitlement (if any) of that student to an allowance continued by regulation 3(a) to (c).

49 Revocations

The regulations specified in Schedule 4 are revoked.

Compare: SR 1991/295 r 52

Schedule 1
Transitional, savings, and related provisions

r 2B

Schedule 1: replaced, on 27 October 2016, by regulation 10 of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

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.

Part 2
Provision relating to Student Allowances (Increase for 2018) Amendment Regulations 2017

Schedule 1 Part 2: inserted, on 1 January 2018, by regulation 4 of the Student Allowances (Increase for 2018) Amendment Regulations 2017 (LI 2017/294).

2 Amendments apply to courses of study commencing before, on, or after 1 January 2018

(1) This clause applies to the rates in Schedule 2 as amended by regulation 5(2) of the Student Allowances (Increase for 2018) Amendment Regulations 2017.

(2) Those rates must be used for any payment on or after 1 January 2018 of an allowance—

(a) continued by regulation 3(a) (basic grant) or regulation 3(b) (independent circumstances grant); and

(b) granted in respect of a course of study commencing before, on, or after 1 January 2018.

Part 3
Provision relating to Student Allowances Amendment Regulations (No 2) 2018

Schedule 1 Part 3: inserted, on 1 January 2019, by regulation 5 of the Student Allowances Amendment Regulations (No 2) 2018 (LI 2018/178).

3 Amendments apply only to study starting on or after 1 January 2019

(1) This clause applies to the amendments to these regulations made by regulation 4 of the Student Allowances Amendment Regulations (No 2) 2018.

(2) The amendments apply only to study starting on or after 1 January 2019.

(3) Subclause (2) applies even if the enrolment concerned was applied for or permitted, or both, before 1 January 2019.

Part 4
Provision relating to Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019

Schedule 1 Part 4: inserted, on 13 December 2019, by regulation 5 of the Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019 (LI 2019/307).

4 Amendments apply only to study starting on or after 1 January 2020

(1) This clause applies to the amendments to these regulations made by regulation 4 of the Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019.

(2) The amendments apply only to study starting on or after 1 January 2020.

(3) Subclause (2) applies even if the enrolment concerned was applied for or permitted, or both, before 1 January 2020.

Schedule 1 clause 4: inserted, on 13 December 2019, by regulation 5 of the Student Allowances (State-supported Care Exemptions) Amendment Regulations 2019 (LI 2019/307).

Part 5
Provision relating to Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020

Schedule 1 Part 5: inserted, on 21 September 2020, by regulation 6 of the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020 (LI 2020/168).

5 Amendments apply only to study starting on or after 1 January 2021

(1) This clause applies to the amendments to these regulations made by the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020.

(2) The amendments apply only to study starting on or after 1 January 2021.

(3) Subclause (2) applies even if the enrolment concerned was applied for or permitted, or both, before 1 January 2021.

Schedule 1 clause 5: inserted, on 21 September 2020, by regulation 6 of the Student Allowances (Christchurch Mosques Attack) Amendment Regulations 2020 (LI 2020/168).

Part 6
Provision relating to Student Allowances Amendment Regulations (No 2) 2022

Schedule 1 Part 6: inserted, on 27 March 2022, by regulation 6(a) of the Student Allowances Amendment Regulations (No 2) 2022 (SL 2022/66).

6 Amendments apply only to study starting on or after 1 May 2022

(1) This clause applies to the amendments to these regulations made by the Student Allowances Amendment Regulations (No 2) 2022.

(2) The amendments apply only to study starting on or after 1 May 2022.

(3) Subclause (2) applies even if the enrolment concerned was applied for or permitted, or both, before 1 May 2022.

Schedule 1 clause 6: inserted, on 27 March 2022, by regulation 6(a) of the Student Allowances Amendment Regulations (No 2) 2022 (SL 2022/66).

Part 7
Provision relating to Student Allowances Amendment Regulations (No 2) 2023

Schedule 1 Part 7: inserted, on 16 October 2023, by regulation 5(a) of the Student Allowances Amendment Regulations (No 2) 2023 (SL 2023/176).

7 Amendments apply only to study starting on or after 1 January 2024

(1) This clause applies to the amendments made to these regulations by regulation 4(2) and (3) of the Student Allowances Amendment Regulations (No 2) 2023.

(2) The amendments apply only to a course of study starting on or after 1 January 2024.

(3) Subclause (2) applies even if enrolment for the course of study was applied for or permitted, or both, before 1 January 2024.

Schedule 1 clause 7: inserted, on 16 October 2023, by regulation 5(a) of the Student Allowances Amendment Regulations (No 2) 2023 (SL 2023/176).

Part 8
Provisions relating to Student Allowances Amendment Regulations (No 2) 2025

Schedule 1 Part 8: inserted, on 2 March 2026, by regulation 5(a) of the Student Allowances Amendment Regulations (No 2) 2025 (SL 2025/307).

8 Interpretation

In this Part, **amendment regulations** means the Student Allowances Amendment Regulations (No 2) 2025.

Schedule 1 clause 8: inserted, on 2 March 2026, by regulation 5(a) of the Student Allowances Amendment Regulations (No 2) 2025 (SL 2025/307).

9 How Ministry must decide accommodation benefit application made, but not decided, before 2 March 2026

(1) This clause applies if, before 2 March 2026,—

(a) an application for an accommodation benefit was made; and

(b) the application—

(i) was not withdrawn; and

(ii) did not lapse; and

(c) the Ministry did not make a decision in relation to the application.

(2) The amendment made to regulation 24A by the amendment regulations does not apply for the purposes of the Ministry deciding the application.

Schedule 1 clause 9: inserted, on 2 March 2026, by regulation 5(a) of the Student Allowances Amendment Regulations (No 2) 2025 (SL 2025/307).

10 Transitional provision for persons granted accommodation benefit before 2 March 2026

(1) This clause applies to a person who—

(a) was receiving an accommodation benefit under these regulations immediately before 2 March 2026; or

(b) was granted an accommodation benefit under these regulations before 2 March 2026 that—

(i) commences on or after 2 March 2026; or

(ii) immediately before 2 March 2026, was subject to a suspension.

(2) The amendment made to regulation 24A by the amendment regulations applies to the person for weeks starting on or after 2 March 2026.

(3) This clause is subject to clause 9.

Schedule 1 clause 10: inserted, on 2 March 2026, by regulation 5(a) of the Student Allowances Amendment Regulations (No 2) 2025 (SL 2025/307).

Schedule 2
Amounts of certain grants

r 18

Schedule 2: replaced, on 1 April 2026, by regulation 5 (and see regulation 4 for application) of the Student Allowances Amendment Regulations 2026 (SL 2026/40).

Part 1
Basic grant

Schedule 2 Part 1: replaced, on 1 April 2026, by regulation 5 (and see regulation 4 for application) of the Student Allowances Amendment Regulations 2026 (SL 2026/40).

Subpart 1—Married and partnered students

Schedule 2 Subpart 1: replaced, on 1 April 2026, by regulation 5 (and see regulation 4 for application) of the Student Allowances Amendment Regulations 2026 (SL 2026/40).

1 Combined income not more than $569.40 for week

(1) The following table sets out the value of a basic grant payable for a week to a married or partnered student whose combined income for the week is not more than $569.40:

Item	Circumstances	Value ($)
1	The student's spouse or partner is not enrolled in more than half of a full-time course, and—	
	(a) the student is childless:	779.99
	(b) the student has 1 or more supported children	820.69
2	The student's spouse or partner is enrolled in more than half of a full-time course but does not receive, and is not eligible for, a grant, and—	
	(a) the student is childless:	435.67
	(b) the student has 1 or more supported children	624.21
3	The student's spouse or partner is enrolled in more than half of a full-time course but does not receive, although is eligible for, a grant, and—	
	(a) the student is childless:	378.64
	(b) the student has 1 or more supported children	419.33
4	The student's spouse or partner is enrolled in more than half of a full-time course and receives a grant, and—	
	(a) the student is childless:	378.64
	(b) the student has 1 or more supported children	399.01

(2) However, if the student's personal income exceeds $284.70 for the week, the value of the basic grant for the week is reduced by an amount equalling the excess.

Schedule 2 clause 1: replaced, on 1 April 2026, by regulation 5 (and see regulation 4 for application) of the Student Allowances Amendment Regulations 2026 (SL 2026/40).

2 Combined income between $569.40 and $1,185.75 for week

(1) The following table sets out the value of a basic grant payable for a week to a married or partnered student whose combined income for the week is more than $569.40:

Item	Circumstances			Value ($)
1	The student is childless and—			
	(a)	is living in the same home as their spouse or partner:		221.14
	(b)	is not living in the same home as their spouse or partner		276.89
2	The student has 1 or more supported children and is living in the same home as their spouse or partner, and—			
	(a)	the student's spouse or partner is not enrolled in more than half of a full-time course:		258.65
	(b)	the student's spouse or partner is enrolled in more than half of a full-time course and—		
		(i)	receives a grant:	239.91
		(ii)	is eligible for but does not receive, or is not eligible for, a grant	258.65
3	The student has 1 or more supported children and is not living in the same home as their spouse or partner, and—			
	(a)	the student's spouse or partner is not enrolled in more than half of a full-time course:		318.40
	(b)	the student's spouse or partner is enrolled in more than half of a full-time course and—		
		(i)	receives a grant:	296.66
		(ii)	is eligible for but does not receive, or is not eligible for, a grant	318.40

(2) However, if the student's personal income exceeds $284.70 for the week, the value of the basic grant payable to the student for the week is reduced by an amount equalling the excess.

(3) Despite subclause (1), the basic grant is not payable for the week if the student's combined income for the week is $1,185.75 or more.

Schedule 2 clause 2: replaced, on 1 April 2026, by regulation 5 (and see regulation 4 for application) of the Student Allowances Amendment Regulations 2026 (SL 2026/40).

Subpart 2—Single students

Schedule 2 Subpart 2: replaced, on 1 April 2026, by regulation 5 (and see regulation 4 for application) of the Student Allowances Amendment Regulations 2026 (SL 2026/40).

3 Basic grant for week for single students

(1) The following table sets out the value of a basic grant payable for a week to a single student:

Item	Circumstances	Value ($)
1	The student has 1 or more supported children	624.21
2	The student is 24 or older, childless, and not living in a parental home	435.67
3	The student is 24 or older, childless, and living in a parental home	367.25
4	The student is under 24, childless, and not living in a parental home	378.64

Item	Circumstances	Value ($)
5	The student is under 24, childless, and living in a parental home	321.64

(2) However, subclause (1) is subject to subclauses (3) to (6).

(3) If the student is under 24, childless, not living in a parental home, and the average gross weekly income of the student's parents or parent exceeds $1,386.71, the value of the basic grant payable for a week to the student specified in item 4 of the table in subclause (1) is reduced by the amount calculated in accordance with the following formula:

(30.30303% × (the amount of item A up to a maximum of $259.51)) +
(27.93296% × (any amount of item A exceeding $259.51))

where A is the average gross weekly income of the student's parents or parent less $1,386.71.

(4) If the student is under 24, childless, living in a parental home, and the average gross weekly income of the student's parents or parent exceeds $1,386.71, the value of the basic grant payable for a week to the student specified in item 5 of the table in subclause (1) is reduced by the amount calculated in accordance with the following formula:

(30.30303% × (the amount of item A up to a maximum of $71.41)) +
(27.93296% × (any amount of item A exceeding $71.41))

where A is the average gross weekly income of the student's parents or parent less $1,386.71.

(5) If the student's personal income exceeds $284.70 for the week, the value of the basic grant payable for the week to the student is reduced by an amount equalling the excess.

(6) If both subclauses (3) and (5) apply, or both subclauses (4) and (5) apply, the reduction described in subclause (3) or (4) (as the case requires) occurs before the reduction described in subclause (5).

Schedule 2 clause 3: replaced, on 1 April 2026, by regulation 5 (and see regulation 4 for application) of the Student Allowances Amendment Regulations 2026 (SL 2026/40).

Part 2
Independent circumstances grant

Schedule 2 Part 2: replaced, on 1 April 2026, by regulation 5 (and see regulation 4 for application) of the Student Allowances Amendment Regulations 2026 (SL 2026/40).

4 Independent circumstances grant for week

(1) The value of an independent circumstances grant payable for a week to a student is $378.64.

(2) However, if the student's personal income exceeds $284.70 for the week, the value of the independent circumstances grant for the week is reduced by an amount equalling the excess.

Schedule 2 clause 4: replaced, on 1 April 2026, by regulation 5 (and see regulation 4 for application) of the Student Allowances Amendment Regulations 2026 (SL 2026/40).

Schedule 3
Maximum weekly value of accommodation benefit payable under regulation 24(1)

r 24(1)

Schedule 3: replaced, on 1 April 2018, by regulation 4 of the Student Allowances (Budget 2017—Accommodation Benefit) Amendment Regulations 2017 (LI 2017/134).

Allowance	Maximum weekly value
Accommodation benefit payable under regulation 24(1) (to students other than those to whom regulation 24A applies)	For any student, $60 per week

Schedule 3A
Regions and countries

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

Schedule 3A: inserted, on 27 October 2016, by regulation 11 of the Student Allowances Amendment Regulations (No 2) 2016 (LI 2016/217).

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

Schedule 4
Regulations revoked

r 49

Student Allowances Regulations 1991 (SR 1991/295)

Student Allowances Regulations 1991, Amendment No 1 (SR 1992/336)

Student Allowances Regulations 1991, Amendment No 2 (SR 1995/309)

Student Allowances Amendment Regulations 1997 (SR 1997/34)

Student Allowances Amendment Regulations (No 2) 1997 (SR 1997/311)

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 24 September 1998.

Student Allowances Amendment Regulations (No 2) 2008

(SR 2008/282)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 25th day of August 2008

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.

Regulations

1 Title

These regulations are the Student Allowances Amendment Regulations (No 2) 2008.

2 Commencement

(1) Regulation 8 and Schedule 1 are deemed to have come into force on 1 April 2008.

(2) Regulations 6(1) and 9 and Schedule 2 come into force on 1 October 2008.

(3) Regulations 4, 5, 6(2), 7, 10, and 11 and Schedule 3 come into force on 1 January 2009.

(4) The rest of these regulations come into force on the day after the date of their notification in the *Gazette*.

11 Transitional provision

(1) Subclause (2) applies to any student who—

(a) is partway through a course of study as at 1 January 2009; and

(b) either—

(i) is aged 24; or

(ii) is under the age of 24 and has a sibling aged 24 who is studying.

(2) The allowances payable to a student who meets the criteria in subclause (1) must not be reduced as a result only of the amendments made by regulations 4, 5, 7, and 10.

(3) Subclause (2) applies only until the first of the following occurs—

(a) the student reaches the age of 25; or

(b) the period of study in respect of which the allowance is paid ends; or

(c) a change of circumstances makes the student eligible for a higher rate of entitlement under the principal regulations (as amended by these regulations).

Rebecca Kitteridge,
Clerk of the Executive Council.

Date of notification in *Gazette*: 28 August 2008.

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.

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.

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

(1) *Amendment(s) incorporated in the regulations*.

(2) *Amendment(s) incorporated in the regulations*.

(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.

Date of notification in *Gazette*: 9 August 2012.

Notes

1 General

This is a consolidation of the Student Allowances Regulations 1998 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(2)

Student Allowances Amendment Regulations 2026 (SL 2026/40)

Student Allowances Amendment Regulations (No 2) 2025 (SL 2025/307)

Education and Training (Vocational Education and Training System) Amendment Act 2025 (2025 No 56): section 51

Student Allowances (Income Exemptions—FamilyBoost) Amendment Regulations 2024 (SL 2024/165)

Student Allowances Amendment Regulations (No 2) 2024 (SL 2024/125)

Student Allowances Amendment Regulations 2024 (SL 2024/14)

Student Allowances (Income Exemptions—Severe Weather Events) Amendment Regulations 2023 (SL 2023/276)

Student Allowances Amendment Regulations (No 2) 2023 (SL 2023/176)

Student Allowances (Income Exemptions—Kāinga Ora Energy Subsidy) Amendment Regulations 2023 (SL 2023/64)

Education and Training Amendment Act 2022 (2022 No 38): section 74

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Student Allowances (Income Exemptions—Cost of Living Payment) Amendment Regulations 2022 (SL 2022/184)

Student Allowances Amendment Regulations (No 2) 2022 (SL 2022/66)

Student Allowances Amendment Regulations (No 2) 2021 (SL 2021/396)

Public Service Act 2020 (2020 No 40): section 135

Education and Training Act 2020 (2020 No 38): section 668

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Kāinga Ora–Homes and Communities Act 2019 (2019 No 50): section 33

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Accident Compensation Amendment Act 2010 (2010 No 1): section 5(1)(b)

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