

Student Loan Scheme Amendment Act 1996

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An Act to amend the Student Loan Scheme Act 1992

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title

This Act may be cited as the Student Loan Scheme Amendment Act 1996, and shall be read together with and deemed part of the Student Loan Scheme Act 1992 (in this Act referred to as the principal Act).

2 Interpretation

This section inserted, as from 1 October 1996, the definition of **Challenge** in s 2 of the principal Act.

3 PAYE rules of Income Tax Act 1994 to apply to repayment deductions

- (1) Section 25(2) of the principal Act is amended by omitting the expression “sections 194 and 206”, and substituting the expression “sections 143A(1)(d) and (e) and 143B(1)(d), and Part IX (except section 146)”.
- (2) This section comes into force on the 1st day of April 1997.

4 Interest adjustment in respect of credit balances

This section substituted, as from 1 October 1996, s 42(4) of the principal Act.

5 Interest statement

This section amended, as from 1 October 1996, s 42(2) of the principal Act.

6 Late payment penalties

This section substituted, as from 7 February 1996, section 44 of the principal Act.

7 No liability in respect of small amounts of penalty

(1) Section 52 of the principal Act is amended by inserting, after subsection (2), the following subsection:

“(3) This section applies only to borrowers’ obligations under this Act.”

(2) This section comes into force on the 1st day of April 1997.

8 Relief from penalty

(1) Section 53 of the principal Act is amended by inserting, after subsection (3), the following subsection:

“(4) This section applies only to borrowers’ obligations under this Act.”

(2) This section comes into force on the 1st day of April 1997.

9 Heading to Part 5 amended

This section substituted, as from 1 October 1996, the heading to Part 5 of the principal Act.

10 Challenge to assessment of repayment obligation

This section amended, as from 1 October 1996, s 64 of the principal Act.

11 Challenge to amount of interest charged

This section amended, as from 1 October 1996, s 65 of the principal Act.

12 Challenge to penalty

This section amended, as from 1 October 1996, s 66 of the principal Act.

13 Challenge to assessment of repayment deduction

This section amended, as from 1 October 1996, s 67 of the principal Act.

14 Challenge to penal repayment obligation

This section substituted, as from 1 October 1996, s 68 of the principal Act.

15 Disputant

This section amended, as from 1 October 1996, s 69 of the principal Act.

16 New sections inserted

This section inserted, as from 1 October 1996, ss 69A and 69B of the principal Act.

17 Repeal of sections

- (1) This subsection repealed ss 70 to 76 of the principal Act.
- (2) Notwithstanding subsection (1) of this Act, sections 70 to 76 of the principal Act continue to apply as if they had not been repealed to every notice of assessment or reassessment—
 - (a) Issued by the Commissioner under the principal Act before the 1st day of October 1996; or
 - (b) Referred to in section 69A(2) of the principal Act (as inserted by section 16 of this Act).
- (3) The Commissioner may, with the written agreement of a person who has been assessed for a liability or obligation under the principal Act, specify that a notice of assessment or reassessment—
 - (a) Issued before the 1st day of October 1996, is to be treated as if it had been issued after that date (in which case the provisions of Parts 4A and 8A of the Tax Administration Act 1994 are to apply to the notice):
 - (b) Issued on or after the 1st day of October 1996, is to be treated as if it had been issued before that date (in which case the provisions of sections 70 to 76 of the principal Act (as in force before the enactment of this section) are to continue to apply to the notice).
- (4) This section comes into force on the 1st day of October 1996.

18 Offences in respect of repayment deductions

- (1) Section 77(1) of the principal Act is amended—

- (a) By omitting the words “every person commits”, and substituting the words “every borrower commits”:
 - (b) By repealing paragraphs (a), (b), and (c):
 - (c) By omitting from paragraph (d) the words “, or wilfully fails to supply information to the Commissioner as required by section 24 of this Act,”:
 - (d) By omitting from paragraph (e) the words “or negligently fails to supply information to the Commissioner as required by section 24 of this Act”.
- (2) Section 77(2) and (3) of the principal Act are repealed.
 - (3) This section applies with respect to the 1997-98 income year and subsequent years.

19 Penalties for offences in respect of repayment deductions

- (1) Section 78 of the principal Act is amended—
 - (a) By repealing subsection (1):
 - (b) By omitting from subsection (2) the words “Every person who commits an offence against section 77(1)(a) or section 77(1)(c) or section 77(1)(d) of this Act”, and substituting the words “Every borrower who commits an offence against section 77(1)(d) of this Act”:
 - (c) By omitting from subsection (3) the words “Every person”, and substituting the words “Every borrower”.
- (2) This section applies with respect to the 1997-98 income year and subsequent years.

20 Other offences

- (1) Section 79(1) of the principal Act is amended—
 - (a) By omitting from paragraph (a) the word “Wilfully”, and substituting the words “Being a borrower, wilfully”:
 - (b) By repealing paragraphs (b), (c), and (d):
 - (c) By omitting from paragraph (e) the words “any person”, and substituting the words “any borrower”.
- (2) Section 79(3) of the principal Act is amended—
 - (a) By inserting at the beginning of paragraph (a) the words “Being a borrower,”:

- (b) By inserting at the beginning of paragraph (b) the words “Being a borrower,”:
 - (c) By omitting from paragraph (b) the words “own or any other person’s”:
 - (d) By inserting at the beginning of paragraph (c) the words “Being a borrower,” before the word “obstructs”:
 - (e) By repealing paragraphs (d) and (e).
- (3) This section applies with respect to the 1997-98 income year and subsequent years.

21 Officers and employees of corporate bodies

- (1) Section 80 of the principal Act is repealed.
- (2) This section applies with respect to the 1997-98 income year and subsequent years.

22 Penal charge for default in repaying repayment deduction

- (1) Section 86 of the principal Act is repealed.
- (2) This section applies with respect to the 1997-98 income year and subsequent years.

23 Application of repealed provisions of Tax Administration Act 1994

This section inserted, as from 1 October 1996, s 102 of the principal Act