

## Student Allowances Amendment Regulations (No 3) 2006

### Preamble

At Wellington this 27th day of November 2006

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

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**1 Title**

These regulations are the Student Allowances Amendment Regulations (No 3) 2006.

**2 Commencement**

- (1) These regulations, except for regulations 8 to 12, come into force on 15 December 2006.
- (2) Regulations 8 and 9 come into force on 1 April 2007.
- (3) Regulations 10 to 12 come into force on 1 September 2007.

**3 Principal regulations amended**

These regulations amend the Student Allowances Regulations 1998.

**Amendments applying on and after 1  
January 2007****4 Application**

The amendments made by regulations 5 to 7 apply in respect of allowances payable on and after 1 January 2007 whether granted before, on, or after that date.

**5 Interpretation**

Paragraphs (c)(i) and (ii) of the definition of **personal income** in regulation 2(1) are amended by inserting “, childless,” after “single” in each case.

**6 Provisions revoked**

- (1) Regulation 2(1) is amended by revoking the definitions of **A-Bursary** and **B-Bursary**.
- (2) Regulation 3 is amended by revoking paragraphs (d) and (e).
- (3) Regulations 10, 11, 18(2), 25, and 28(2) are revoked.
- (4) Part 3 of Schedule 2 is revoked.

**7 New regulation 42A inserted**

The following regulation is inserted before regulation 43:

**“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.”

**Amendments applying on and after 1  
April 2007****8 Application**

The amendments made by regulation 9 apply in respect of allowances payable on and after 1 April 2007 whether granted before, on, or after that date.

**9 Interpretation**

The definitions of **partner**, **partnered**, and **spouse** in regulation 2(1) are revoked and the following definitions substituted:

“**partner**, in relation to an applicant or recipient of an allowance, 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 or recipient if—

- “(a) both of them are of or over 25; or
- “(b) one or both of them are younger than 25 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)

“**spouse**, in relation to an applicant for or the recipient of an allowance, means a person who is legally married to that applicant or recipient if—

- “(a) both of them are of or over 25; or
- “(b) one or both of them are younger than 25 and at least 1 of them has a supported child”.

### **Amendments applying on and after 1 January 2008**

#### **10 Application**

The amendments made by regulations 11 and 12 apply in respect of accommodation benefits payable on and after 1 January 2008, whether granted before, on, or after that date.

#### **11 Interpretation**

The definition of **parental home** in regulation 2(1) is amended by omitting “single”.

#### **12 Eligibility for accommodation benefit**

- (1) Regulation 9(2)(a) is amended by revoking paragraph (a) and substituting the following paragraph:
  - “(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.”.
- (2) Regulation 9(3) is amended by omitting “single student” and substituting “student without supported children”.
- (3) Regulation 9(4) is amended by omitting “single”.

### **Savings**

#### **13 Savings**

If any person has been awarded, or is eligible to be awarded, an A-bursary or a B-bursary under regulation 10 or 11 of the principal regulations in respect of the 2006 academic year, that person’s entitlement to be awarded and paid that bursary after the commencement of regulation 6 must be determined as if

the provisions of the principal regulations referred to in that regulation were still in force.

Diane Morcom,  
Clerk of the Executive Council.

### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force variously on 15 December 2006, 1 April 2007, and 1 September 2007 amend the Student Allowances Regulations 1998 by removing references to A-bursaries and B-bursaries (which are abolished) and making other changes designed to ensure that the regulations are consistent with the New Zealand Bill of Rights Act 1990.

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