



**THE STUDENT ALLOWANCES REGULATIONS 1988**

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PAUL REEVES, Governor-General

**ORDER IN COUNCIL**

At Wellington this 12th day of December 1988

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Education Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Student Allowances Regulations 1988.

(2) These regulations shall come into force on the 1st day of January 1989.

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

“Accommodation allowance” means an accommodation allowance established by regulation 29 (1) of these regulations:

“The Act” means the Education Act 1964:

“A-Bursary” means an A-Bursary established by regulation 44 (1) (a) of these regulations:

“Appeal” means an appeal under section 193<sup>AA</sup> (8) of the Act:

“Authority” means the Tertiary Assistance Grants Appeal Authority established by section 193<sup>AA</sup> of the Act:

“Basic grant” means a basic grant established by regulation 15 (1) of these regulations:

“B-Bursary” means a B-Bursary established by regulation 44 (1) (b) of these regulations:

“Council”, in relation to a tertiary institution, means the governing body of that institution:

“Course of study”,—

(a) In relation to a tertiary institution, means any aggregate of courses, classes, and work required for the completion of a degree, diploma, certificate, or other qualification awarded by that tertiary institution:

(b) In relation to a secondary school, means a course of full-time study:

“Fees grant” means a fees grant established by regulation 36 (1) of these regulations:

“Full-time programme”—

(a) In relation to a secondary school, means a course determined by the Director-General to be a full-time course of secondary instruction:

(b) In relation to a tertiary institution, means a recognised course of study or any part of the work of a recognised course of study, declared to be a full-time programme under regulation 5 of these regulations:

“Grant” means a basic grant, a fees grant, an independent circumstances grant, or a merit grant:

“Grants Committee” means the University Grants Committee:

“Independent circumstances grant” means an independent circumstances grant established by regulation 16 (1) of these regulations:

“Merit grant” means a University Junior Scholarship, an A-Bursary, or a B-Bursary; and includes any other award declared by the Director-General to be a merit grant:

“Parent” includes guardian and step-parent, and any person acting in place of a parent:

“Parental home”, in relation to any single student, means a home of any parent of that student:

“Professorial Board”—

(a) In relation to a university that has a body of that name, means that body:

(b) In relation to a university that has no body of that name, but has a body referred to as the Senate, means that body:

(c) In relation to a university that has neither a body of that name nor a body referred to as the Senate, means the Academic Committee of that university:

(d) In relation to a teachers college, community college, technical institute, or secondary school, means the Principal of that college or school:

(e) Subject to paragraph (f) of this definition, in relation to a person enrolled or intending to enrol at a tertiary institution, means the Professorial Board of that institution:

(f) In relation to a person enrolled or intending to enrol at 2 or more tertiary institutions, means the Professorial Boards of each of those institutions, acting jointly:

“Recognised course of study” means a course of study recognised by the Director-General for the purposes of these regulations:

“Registrar”, in relation to a tertiary institution, means the senior administrative officer of that institution:

“Secondary school” means a secondary school established under Part III of the Act or registered in accordance with section 186 of the Act; and includes a correspondence school established under that Part of the Act that provides secondary instruction:

“Secretary” means the secretary of the authority:

“Spouse”, in relation to the holder of a basic grant, includes any person who is not legally married to that holder but is living as that holder’s husband or wife, where—

(a) That holder is aged at least 20 years; or

(b) That holder is aged under 20 years and there is a dependent child of one or both of them:

“Supplementary accommodation allowance” means a supplementary accommodation allowance established by regulation 33 (1) of these regulations:

“Supplementary transport allowance” means a supplementary transport allowance established by regulation 35 (1) of these regulations:

“Tertiary institution” means a university, technical institute, community college, or teachers college or an institution (being an institution offering tertiary education) approved by the Director-General for the purposes of this regulation and, in relation to any person who attends a secondary school pursuant to section 96A of the Act, includes that secondary school:

“Transport allowance” means a transport allowance established by regulation 34 (1) of these regulations:

“University” means a university within the meaning of the Universities Act 1961.

(2) For the purposes of these regulations, any secondary student who attains the age of 18 years during any year shall be deemed to be aged 17 years until the end of that year.

**3. Meaning of required to live away from home—**(1) For the purposes of these regulations, the expression “required to live away from home”,—

(a) In relation to a secondary student, means that the student is aged under 20 years, is not living at a parental home, and one of the following provisions applies:

(i) The student has no parental home within 4.8 kilometres from the nearest point of embarkation provided by a transport service to a State secondary school:

(ii) The student has no parental home within 4.8 kilometres from the nearest State secondary school, and, in the opinion of the Director-General, there is no transport service that the student could reasonably be expected to use to enable the student to attend that school:

(iii) A registered medical practitioner certifies that the student does not require special education and that the student is suffering from an illness or disability, which shall be specified in the certificate, that prevents the student from travelling between such home and his or her school, but does not prevent the

student from travelling between any other specified accommodation and his or her school:

(iv) The parents of the student, being usually resident in New Zealand, are serving overseas on business of the New Zealand Government, or are seconded from any Department or agency of the New Zealand Government to any territory in the Pacific region, as part of the Government's assistance to that territory:

(v) The Director-General is satisfied that extraordinary circumstances exist:

(b) In relation to a tertiary student, means that the student is aged not more than 19 years, is not living at a parental home, and one of the following provisions applies:

(i) The Director-General is satisfied that the student has no parental home in an area designated by the Director-General as an accommodation catchment area in relation to a tertiary institution offering the major subject of the course of study in which the student is enrolled or is intending to enrol:

(ii) The Director-General is satisfied that it would not be reasonable to expect the student to live in any parental home within such a catchment area:

(iii) The Director-General is satisfied that extraordinary circumstances exist.

(2) For the purposes of subclause (1) (a) (iii) of this regulation, the Director-General may, after consulting the appropriate district medical officer of health, require a student to undergo such further medical examination by a registered medical practitioner recommended by that officer, as that officer considers necessary; and, in that case, there shall be compliance with that provision only when such further medical examination has been completed.

## PART I

### APPLICATIONS AND GENERAL ELIGIBILITY

**4. Applications**—(1) Any person who, in any year, is enrolled or proposes to apply for enrolment in a recognised course of study at a secondary school or a tertiary institution may apply to the Director-General, on a form approved by the Director-General for the purpose, for grants and allowances, or any of them, to be awarded to him or her in respect of that course.

(2) Every application for a grant or an allowance shall be forwarded to either—

(a) The Director-General, in the case of an application in relation to a secondary school; or

(b) The Registrar of the tertiary institution concerned, in any other case.

(3) The Director-General may require any applicant for the award of a grant or an allowance, before being awarded that grant or allowance, to make a statutory declaration as to any matters that, under these regulations, are conditions precedent to—

(a) The award of that grant or allowance; or

(b) The award of that grant or allowance at a particular rate—to that applicant; and in that case that applicant shall not be awarded that grant or allowance until he or she has made that declaration.

(4) Except in circumstances that are, in the opinion of the Registrar or the Director-General, exceptional, or where a student becomes entitled to hold a grant or allowance during his or her course of study, no application for a grant or an allowance made more than 30 days after the commencement of the course of study concerned shall be considered; and, where a student becomes entitled to hold a grant or allowance during his or her course of study, his or her application shall be considered only if it is made within 30 days of the day on which he or she became so entitled.

**5. Full-time programmes**—(1) Subject to subclause (7) of this regulation, the Council of a tertiary institution may, with the consent of either the Director-General or the Grants Committee, declare any recognised course of study, or any specified part of the work of any recognised course of study, offered by that institution, to be a full-time programme.

(2) Where the Council of any tertiary institution is, in respect of any student enrolled at that institution, satisfied that subjects in which that student is enrolled at some other tertiary institution are capable of forming part of the course of study in which that student is enrolled at that first-mentioned institution, it may, with the consent of the Director-General or, if that other institution is a university, with the consent of the Grants Committee, declare the subjects in which that student is enrolled at those institutions together to be a full-time programme.

(3) Where a student enrolled at a teachers college is also enrolled in a full-time programme at a tertiary institution of another class, Parts II to IV, and Parts VI to VIII, of these regulations shall apply to that student as if he or she were enrolled in that programme at that teachers college, but that course shall not be deemed to be a full-time course of pre-service teacher training.

(4) Where the Director-General is satisfied that it is desirable for the holder of a grant to undertake any work outside New Zealand, the Director-General may declare specified work intended to be done by that person outside New Zealand to be a full-time programme in respect of that person only; and, subject to these regulations, payments may be made to that person under any grant notwithstanding that he or she is carrying out that work outside New Zealand.

(5) Where the Director-General is satisfied that it is necessary or desirable for the holder of a grant to undertake a short course of study overseas to augment—

(a) A full-time programme that that holder is undertaking; or

(b) A full-time programme that—

(i) Does not constitute the completion of the recognised course of study of which it forms part; but

(ii) That holder has satisfactorily completed,—

in New Zealand, the Director-General may, for the purposes of this subclause, declare that course to be associated with that programme; and in that case, subject to these regulations, that holder may be paid under that grant to the same extent as would be appropriate if that course, and all travel reasonably necessary to enable that holder to undertake that course, were part of that programme, and being undertaken at the tertiary institution at which that holder is enrolled in that programme.

(6) Subject to subclause (7) of this regulation, the Director-General (in the case of a recognised course of study at a university, with the agreement of the Chairman of the Grants Committee) may declare to be a full-time programme any specified part of the work of a recognised course of study requiring a minimum period of more than 1 year for its completion.

(7) The Director-General or the Grants Committee may give consent under subclause (1) of this regulation, or may make a declaration under subclause (6) of this regulation, subject to any conditions and modifications the Director-General or the Committee, as the case may be, thinks fit; and in that case the declaration concerned shall have effect accordingly.

(8) For the purposes of subclause (1) of this regulation, "specified part", in relation to a recognised course of study requiring a minimum period of more than 1 year for completion, means a part of the academic work of that course that bears approximately the same proportion to the total academic work of that course as 1 year bears to the minimum period that course requires for its completion.

**6. Courses for disabled persons**—(1) Any physically disabled person may request the Director-General to approve any course of study at a tertiary institution as a special course appropriate for that person.

(2) Every such application shall be accompanied by—

- (a) Such medical certificates as are, in the opinion of the Director-General, sufficient to demonstrate the nature and extent of that person's physical disablement; and
- (b) The consent to that approval of the Principal or Council of that tertiary institution.

(3) Where the Director-General is satisfied that a person making such an application suffers from physical disablement to such a degree as to be seriously limited in the extent to which that person can engage in the normal activities, pursuits, and processes of everyday life, the Director-General may approve the course of study concerned as a special course appropriate to that person; and in that case the Director-General shall also specify—

- (a) The length of the time within which that student should complete that course; and
- (b) The parts of that course that, in the opinion of the Director-General, should constitute a full-time programme for that student.

(4) For the purposes of these regulations, where, under subclause (3) of this regulation, the Director-General approves a course of study as a special course for any person, then, with respect to that person only,—

- (a) That course shall be deemed to be a recognised course of study; and
- (b) The length of time specified under paragraph (a) of that subclause shall be deemed to be the minimum time that that course requires for its completion; and
- (c) Every part of that course specified under paragraph (b) of that subclause shall be deemed to be a full-time programme.

**7. Eligibility by citizenship or permanent residence**—(1) No person shall be awarded a grant unless—

- (a) He or she is a New Zealand citizen; or

- (b) He or she satisfies the Director-General that he or she intends to reside indefinitely in New Zealand and is entitled under the Immigration Act 1987 to do so.
- (2) No person shall be awarded a grant—
  - (a) Who—
    - (i) Has been granted a temporary permit to enter New Zealand for the purposes of study, training, or paid employment, which permit requires that person to leave New Zealand after completing that study, training, or paid employment; or
    - (ii) Is the spouse of such a person and is not a New Zealand citizen; and
  - (b) Who has not thereafter become a person to whom paragraph (a) or paragraph (b) of subclause (1) of this regulation applies.
- (3) Subject to regulation 5 (4) of these regulations, no person shall be awarded any grant unless—
  - (a) He or she resides in New Zealand; or
  - (b) Being a person to whom paragraph (a) or paragraph (b) of subclause (1) of this regulation applies, he or she applies for a grant in respect of extramural study at a tertiary institution in New Zealand.

**8. Eligibility for award of tuition fees in respect of study at teachers colleges**—(1) Subject to subclause (2) of this regulation and to such terms and conditions as the Director-General thinks fit, the Director-General may, on the recommendation of the Principal of a teachers college, cause to be paid to or on behalf of any holder of a basic grant or an independent circumstances grant awarded in respect of a course of pre-service teacher training who is a student at that college 75 percent of any tuition fees payable by that student at any tertiary institution that student attends or \$387, whichever is the lesser, if that student is not eligible for a fees grant in respect of those fees.

(2) If a student on behalf of whom tuition fees have been paid under subclause (2) of this regulation—

- (a) Fails to attend regularly the classes to which those fees relate; or
  - (b) Fails to comply with any term or condition subject to which those fees were authorised to be paid; or
  - (c) In the opinion of the teachers at the institution to which those fees were paid, fails to make satisfactory progress in those classes,—the Director-General may require that student to refund the amount of the fees paid to that student; and if not refunded, that amount may be deducted from any payments otherwise payable under that student's basic grant or independent circumstances grant.
- (3) Nothing in these regulations shall derogate from any provision of the Teachers Training College Regulations 1959\* which, where appropriate, shall be read in conjunction with these regulations.

**9. Applicants to give undertakings**—Every applicant for a grant or allowance shall give the Director-General a written undertaking that if the amount of any payment made to the applicant or on his or her behalf under these regulations is greater than the amount to which he or she is



under these regulations entitled, he or she will, if called upon to do so by the Director-General, refund to the Director-General the difference between those amounts, or such lesser amount as the Director-General specifies.

**10. Extension of usual term of grant for long course of study**—(1) Subject to subclause (2) of this regulation, where, in the opinion of the Minister, the minimum period for the completion of a recognised course of study is greater than 5 academic years, the Minister may approve the holding of grants in respect of that course for a specified period (expressed in academic years) that is, in the Minister's opinion, that minimum period; and, in that case, regulations 25 (1) and 39 (1) of these regulations shall apply, respectively, to grants awarded in respect of that course of study as if references in them to 5 academic years were references to the period specified.

(2) Subclause (1) of this regulation applies only to grants held by persons who have not previously been awarded a basic grant or an independent circumstances grant.

**11. Second chance provision**—(1) This regulation applies to every tertiary student who—

- (a) Fails to pass the amount of work required to retain a grant under these regulations; or
- (b) Fails to complete a course of study in the minimum time prescribed for that course.

(2) Subject to subclause (3) of this regulation, the Director-General may authorise the payment of any grant to any student to whom this regulation applies if—

- (a) No grant previously held by that student under the Tertiary Assistance Grants Regulations 1982\* has ever been extended under regulation 18 or regulation 31 of those regulations; and
- (b) The student has not at any time before the commencement of these regulations abandoned a course of study (within the meaning of regulation 52 of the Tertiary Assistance Grants Regulations 1982\*); and
- (c) The appropriate 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
- (d) The student has not previously received any payment under this regulation; and
- (e) The student is in all other respects eligible for the grant.

(3) Subject to regulations 25 (1) and 39 (1) of these regulations, any payment of a grant under this regulation may be made for such period as the Director-General thinks fit.

**12. Change of course**—(1) Where any tertiary student commences a second or further course at a tertiary institution before completing any other course at the same tertiary institution or at any other tertiary institution, that student shall not cease to be entitled to any grant by reason of that change of course, if—

- (a) The grant is not suspended; and

(b) The appropriate 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 grant.

(2) Nothing in this regulation shall prevent any extension of the term of any grant under regulation 10 or any payment of any grant under regulation 11 of these regulations.

(3) Regulation 26 of these regulations applies where any person who makes such a course change is credited with having completed any part or parts of the new course.

(4) Regulation 42 of these regulations applies where any person who makes such a course change postpones his or her course of study.

**13. Courses of national importance**—(1) The Minister may from time to time declare any recognised course of study to be a course of national importance.

(2) Notwithstanding anything in these regulations, the Director-General may—

(a) Award any grant or allowance under these regulations in respect of a course of national importance to a person whose period of assistance is equal to or exceeds 5 academic years:

(b) Authorise the continuation of payments under any grant or allowance under these regulations in any year on behalf of or to a holder enrolled in a course of national importance in that year whose period of assistance has reached 5 academic years;—

and in that case, but subject to regulations 21 to 24, and regulation 38, of these regulations, payment may continue accordingly.

**14. Assessment of parental income**—For the purposes of these regulations, the following provisions shall apply in relation to the assessment of the income of the parents of a student:

(a) If a student has more than 2 parents, the student shall nominate the 2 parents who are the major contributors to the student's support, and the combined incomes of those 2 contributors shall be deemed to be the income of the parents of that student:

(b) The Director-General may require any student who applies for the income-tested portion of a basic grant to furnish such evidence of the taxable income of the parents of that student as the Director-General specifies:

(c) If a student has only 1 income earning parent, the Director-General may require that student to furnish a statutory declaration to that effect, or may accept such a declaration from that parent:

(d) The Director-General may reassess the taxable income of the parents of any student for the purposes of these regulations if their income decreases in any year during that student's course of study by at least 25 percent.

## PART II

### BASIC GRANTS AND INDEPENDENT CIRCUMSTANCES GRANTS

**15. Basic grants established**—(1) There are hereby established grants to be known as basic grants.

(2) Subject to these regulations, every single tertiary student aged 16 years or 17 years who holds a basic grant shall be paid under that grant at the rate of \$80 per week, diminished by \$1 for every \$4 by which the combined taxable weekly income of the parents of that student exceeds \$360.

(3) Subject to these regulations, every single secondary student and every single tertiary student, aged 18 years or 19 years, who holds a basic grant, shall be paid under that grant at the appropriate rate specified in the following provisions:

(a) If the student is not required to live away from home, he or she shall be paid under that grant at the rate of \$43.63 per week, plus \$43 per week diminished by \$1 for every \$4 by which the combined taxable weekly income of the parents of that student exceeds \$500:

(b) If the student is required to live away from home, he or she shall be paid under that grant at the rate of \$65.63 per week, plus \$43 per week diminished by \$1 for every \$4 by which the combined taxable weekly income of the parents of that student exceeds \$500.

(4) Subject to these regulations, every secondary student and tertiary student who is single and aged 20 years or over, who holds a basic grant, shall be paid under that grant—

(a) At the rate of \$86 per week, if he or she is living at home; or

(b) At the rate of \$108.63, if he or she is not living at home.

(5) Subject to these regulations, every married student, and every other student with any dependent children, who is undertaking a recognised course of study at a secondary school or a tertiary institution, who holds a basic grant, shall be paid under that grant at the appropriate rate specified in the following provisions:

(a) If the student's spouse is also entitled to receive a basic grant, they shall each be paid—

(i) \$100.90 per week, if they have no dependent children; or

(ii) \$116.44 per week, if they have any dependent children:

(b) If the student's spouse is not entitled to receive a basic grant and is neither a dependent spouse nor an earning spouse, the student shall be paid—

(i) \$108.63 per week, if he or she has no dependent children; or

(ii) \$134.02 per week, if he or she has any dependent children:

(c) If the student's spouse is an earning spouse and their combined gross income, excluding any income earned by the student outside the period of his or her course of study, either exceeds or is expected to exceed \$8,000 per annum, the student shall be paid—

(i) \$43.63 per week, if he or she is not living away from his or her spouse; or

(ii) \$65.63 per week, if he or she is living away from his or her spouse:

(d) If the student has a dependent spouse who is not enrolled in more than half of a full-time course of study, and their combined gross income, excluding any income earned by the student outside the period of his or her course of study, does not exceed and is not expected to exceed \$8,000 per annum, the student shall be paid—

- (i) \$201.80 per week, if he or she has no dependent children; or
  - (ii) \$232.88 per week, if he or she has dependent children:
- (e) If the student is single and has any dependent children, he or she shall be paid \$208.94 per week.
- (6) No person shall be paid a basic grant while that person or that person's spouse is receiving any payment under a widow's benefit, a domestic purposes benefit, a sickness benefit, an invalid's benefit, or an unemployment benefit, under Part I of the Social Security Act 1964.

**16. Independent circumstances grant established**—(1) There are hereby established grants to be known as independent circumstances grants.

(2) Subject to these regulations, an independent circumstances grant of \$108.63 per week may be paid to any single student instead of a basic grant if—

- (a) The student is either—
  - (i) Aged at least 16 years but not more than 19 years, and undertaking a course of study at a tertiary institution; or
  - (ii) Aged 18 years or 19 years and undertaking a course of study at a secondary school; and
- (b) The student is neither living at home nor receiving financial assistance from any parent of that student; and
- (c) The Director-General considers that it would, by reason of exceptional circumstances, be unreasonable for the student to live at home and receive financial assistance from any parent of that student.

(3) No person shall be paid an independent circumstances grant while that person is receiving any payment under a widow's benefit, a domestic purposes benefit, a sickness benefit, an invalid's benefit, or an unemployment benefit, under Part I of the Social Security Act 1964.

**17. Period for which basic grant and independent circumstances grant payable**—(1) Subject to subclauses (2) and (3) of this regulation, in any year, payments under a basic grant or an independent circumstances grant shall be made for a period commencing with the beginning of the week during which, in the opinion of the Director-General, the portion being undertaken of the recognised course of study in respect of which the grant was awarded commences and ending at the end of the week during which, in the opinion of the Director-General, that portion ends.

(2) In any year, payments under a basic grant or an independent circumstances grant shall be made to a person enrolled at a secondary school or a teachers college for a period commencing with the beginning of the week during which the first term of study at that school or college commences and ending at the end of the week during which the final term of study at that school or college ends.

(3) Where, in any year, examinations in respect of any portion of a recognised course of study in respect of which a basic grant or an independent circumstances grant has been awarded commence within 6 weeks of the end of the period specified in subclause (1) of this regulation for that year, payments under that grant shall be made for a further period commencing upon the expiration of that first-mentioned period and

ending at the end of the week during which the last such examination is held.

(4) Notwithstanding subclauses (1) and (2) of this regulation, the Director-General may extend or reduce by such number of weeks as the Director-General 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 annual programme prescribed by the Professorial Board of any tertiary institution or class of tertiary institution for any class of student.

**18. Award of basic grant and independent circumstances grant**—(1) Subject to these regulations, a basic grant or an independent circumstances grant shall, in any year, be awarded to every applicant who—

- (a) Is enrolled, or intending to enrol, in a recognised course of study at a secondary school or a tertiary institution; and
- (b) In that year is enrolled, or intending to enrol, in a full-time programme.

(2) Subject to regulations 4 (4) and 7 of these regulations and to subclause (1) of this regulation, a basic grant or an independent circumstances grant shall in any year be awarded to every applicant enrolled, or intending to enrol, in a recognised course of study at a tertiary institution who in that year is enrolled, or intending to enrol, in a course that is less than a full-time programme, if—

- (a) The Professorial Board of the tertiary institution concerned has prescribed a course of study that is less than a full-time programme for that person for that year—
  - (i) Because of that person's illness; or
  - (ii) For any cause that is, in the opinion of that Professorial Board, a sufficient cause that is outside that person's control; or
  - (iii) Where that Professorial Board considers such a course to be in that person's best interests; or
- (b) In the opinion of that Professorial Board,—
  - (i) He or she will complete that course within the minimum period required for its completion; and
  - (ii) He or she is taking a course, or combination of courses, that constitutes more than half of a full-time programme.

**19. Basic grant and independent circumstances grant payable in respect of full-time programmes only**—Where in any year the holder of a basic grant or an independent circumstances grant enrolls at a secondary school or a tertiary institution for a course of study that would not, if the holder were an applicant for a basic grant or an independent circumstances grant, entitle the holder to the award of a basic grant or an independent circumstances grant, he or she shall not be entitled to any payment under that grant during that year.

**20. Reduction of course**—Where in any year, after having undertaken the academic work of a full-time programme for at least 1 term, the holder of a basic grant or an independent circumstances grant has, on the advice of the Professorial Board of the tertiary institution concerned, undertaken a reduced amount of work,—

- (a) The holder shall not, by reason only of that reduction, cease to be entitled to that grant; and
- (b) Regulation 22 of these regulations shall apply to the holder 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.

**21. Restrictions on employment**—(1) In any year, this regulation shall apply to every holder of a basic grant or an independent circumstances grant who in that year—

- (a) Is enrolled, or intending to enrol, in a course of study that is less than a full-time programme; or
- (b) Is enrolled, or intending to enrol, for a Master's Degree; or
- (c) Is an extramural student.

(2) Where, in any year, a person to whom this regulation applies has, on days during the term of the tertiary institution at which that person is enrolled (other than Saturdays, Sundays, and public holidays), undertaken paid employment for a number of hours greater than 10 times the number of weeks for which that person's basic grant or independent circumstances grant would otherwise be payable, he or she shall thereafter during that year not be entitled to any payment under that grant.

**22. Failure to attend or perform work**—(1) Subject to regulation 20 of these regulations and subclause (2) of this regulation, if in any year the holder of a basic grant or an independent circumstances grant—

- (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 of that course or any part of it; or
- (c) Is suspended from attendance at a secondary school,—

the Director-General may order the suspension of that grant for that year; and in that case the holder shall thereupon cease to be entitled to that grant during that year, and it shall be suspended at the end of the week during which the Director-General so orders.

(2) Where a grant is suspended under this regulation, the Director-General may reinstate the grant in the year of its suspension if, in that year, the holder either resumes regular attendance at classes or submits the required work, as the case may be.

**23. Change in holder's circumstances affecting entitlement**—If there occurs any change in the circumstances of the holder of a basic grant or an independent circumstances grant of such nature that it affects the holder's entitlement to that grant, or any allowance, or any portion or payment of it, he or she shall forthwith give written notification of that change to—

- (a) The Director-General, if the holder is attending a secondary school; or
- (b) The Registrar of the tertiary institution concerned, in any other case.

**24. Withholding of payments under grant in certain circumstances**—(1) No payment shall be made to the holder of a basic grant or an independent circumstances grant whose course of study in the year concerned is a full academic year in length, if in that year that holder's gross income exceeds or is expected to exceed \$4,000.

(2) No payment shall be made to the holder of a basic grant or an independent circumstances grant whose course of study in the year concerned is less than a full academic year in length, if in that year that holder's gross income in the portion of the academic year during which he or she is enrolled in that course exceeds a sum that bears the same relation to \$4,000 as the duration of that course in that year bears to a full academic year.

(3) For the purposes of subclause (1) of this regulation, the following amounts shall not be taken into account in the assessment of any person's gross income in any year:

- (a) Amounts payable to that person under any grant other than a merit grant:
- (b) The lesser of the following amounts:
  - (i) The total of all amounts payable to that person under merit grants:
  - (ii) \$750:
- (c) Any amount payable to or on behalf of that person by way of family benefit under Part I of the Social Security Act 1964:
- (d) Amounts earned by that person from employment during vacations or before the commencement of that academic year:
- (e) In the case of a person enrolled or intending to enrol in a course of study approved by the Director-General for the purpose, income derived by that person at any time during that year from work that is a prerequisite for or requirement of that course.

(4) For the purposes of subclause (2) of this regulation, the following amounts shall not be taken into account in the assessment of any person's gross income in any year:

- (a) Amounts payable to that person under any grant other than a merit grant:
- (b) The lesser of the following amounts:
  - (i) The total of all amounts payable to that person, during the period that he or she is enrolled in the course, under merit grants:
  - (ii) A sum that bears the same relation to \$750 as the duration of that course in that year bears to a full academic year:
- (c) Any amount payable to or on behalf of that person during the time that he or she is enrolled in the course by way of family benefit under Part I of the Social Security Act 1964:
- (d) Amounts earned by that person from employment during vacations or before the commencement of that academic year:
- (e) In the case of a person enrolled or intending to enrol in a course of study approved by the Director-General for the purpose, income derived by that person at any time during that year from work that is a prerequisite for or requirement of that course.

(5) The holder of a basic grant or an independent circumstances grant who in any year or period during a year in which the holder is enrolled in a course of study receives, or expects to receive, an income that exceeds \$4,000 or a proportion of \$4,000 as aforesaid, shall forthwith give details in writing of that income to—

- (a) The Director-General, if the holder is attending a secondary school;  
or

(b) The Registrar of the tertiary institution concerned, in any other case,—  
and thereafter during that year or period that person shall give the Director-General or the Registrar details in writing of any additional income he or she receives or expects to receive during that year.

**25. Maximum tenure of basic grant and independent circumstances grant**—(1) Subject to these regulations, where the period of assistance of any holder of a basic grant or an independent circumstances grant (other than a secondary school student) reaches 5 academic years, that grant shall thereupon cease.

(2) For the purposes of subclause (1) of this regulation, the holder of a basic grant or an independent circumstances grant shall be deemed not to have received any payments under it in respect of any course of study if that holder withdraws from the course before the commencement of his or her final examination period, and, with the consent of the Director-General,—

(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,—  
refunds to the Director-General all payments made to him or her in respect of the course under the grant.

(3) Notwithstanding subclause (1) of this regulation, the following periods of assistance shall not be taken into account for the purposes of that subclause:

(a) Any period during which a person is paid a basic grant or an independent circumstances grant in respect of a course declared by the Minister to be a transition course:

(b) Any period during which a person is paid a basic grant or an independent circumstances grant in respect of a full-time course of pre-service teacher training at a teachers college.

(4) Subject to regulations 10 and 13 of these regulations, the holder of a basic grant or an independent circumstances grant shall, if the holder has not earlier ceased to hold it, cease to hold it after he or she has received payments under it for a period that is, in the opinion of the Director-General, the minimum period required for the completion of the recognised course of study in respect of which it was awarded.

(5) Notwithstanding anything in these regulations, no holder of a basic grant or an independent circumstances grant shall receive, or be entitled to receive, any payments under that grant 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 grant was awarded.

(6) Notwithstanding subclause (1) of this regulation, the Director-General may extend the period for which a person may be paid a basic grant or an independent circumstances grant, if—

(a) That person is aged at least 20 years; and

(b) That person is enrolled or is intending to enrol in a recognised course of study and has exhausted his or her entitlement to such a grant; and

(c) The Director-General is satisfied—



(i) That, having regard to the student's financial resources, the student could not undertake that course of study without such assistance; and

(ii) That it is in the national interest that the student undertake the course of study for the purposes of retraining for employment.

**26. Reduction in term of basic grant and independent circumstances grant**—Where the holder of a basic grant or an independent circumstances grant has been granted credits towards, or exemptions from, parts of the recognised course of study in respect of which it was awarded, the Director-General may specify a period that is, in the Director-General's opinion, the minimum period within which that person can complete such parts of that course as may entitle that person to be credited with having completed the whole of that course; and in that case, that period shall, in respect of that person, be deemed for the purposes of these regulations to be the minimum period necessary for that person to complete the whole of that course.

**27. Suspension of basic grant and independent circumstances grant**—(1) Subject to subclause (2) of this regulation, a basic grant or an independent circumstances grant shall be suspended—

- (a) Where that grant was awarded in respect of a full-time course of pre-service teacher training at a teachers college, if in any year during which that holder received any payment under it, the amount of work (if any) passed by the holder was, in the opinion of the Council or Principal of the teachers college concerned, equivalent to less than two-thirds of a full-time programme:
- (b) In every other case, if in any year during which that holder received any payment under it, the amount of work (if any) passed by the holder was, in the opinion of the Professorial Board of that tertiary institution, equivalent to half of or less than half of a full-time programme.

(2) Where—

- (a) The Director-General is satisfied that the failure of the holder of a basic grant or an independent circumstances grant to pass the required proportion of a full-time programme is due to reasons beyond the holder's control; or
- (b) The holder of a basic grant or an independent circumstances grant awarded in respect of a Master's Degree has not completed that degree at the end of the final year of the minimum time necessary for the completion of that degree because of reasons beyond the holder's control,—

the Director-General may direct that that grant should not be suspended despite the amount of work the holder has passed in that year; and in that case that grant shall not be suspended by reason only of the work passed by that holder in that year.

(3) Where the Director-General makes a direction under subclause (2) of this regulation, the Director-General may also direct that the holder of the grant concerned may receive payments under that grant for such further period as the Director-General specifies, notwithstanding that that period and the period for which the holder has already received payment under a

basic grant or an independent circumstances grant may together exceed 5 years.

**28. Reinstatement of basic grant and independent circumstances grant**—A basic grant or an independent circumstances grant suspended under either regulation 22 or regulation 27 of these regulations shall be reinstated—

- (a) In the case of a grant awarded in respect of a full-time course of pre-service teacher training at a teachers college, if that holder passed work that is, in the opinion of the Council or Principal of that college, equivalent to two-thirds of the work of a full-time programme:
- (b) In every other case if that holder satisfies the Professorial Board of that tertiary institution that he or she has in any year since the suspension passed work (being work that is or forms part of a single course of study) that is, in the opinion of the Board, equivalent to more than half of the work of the course of study in respect of which the suspension was imposed.

### PART III

#### ACCOMMODATION ALLOWANCES

**29. Accommodation allowance established**—(1) There are hereby established allowances to be known as accommodation allowances.

(2) Subject to these regulations, every secondary student and tertiary student who holds an accommodation allowance shall be paid the lesser of the following amounts:

- (a) 50 percent of that student's rent costs in excess of \$40 per week:
- (b) \$40 per week.

(3) For the purposes of subclause (2) of this regulation, the rent costs of students in any region shall be an amount determined by the Director-General.

(4) Notwithstanding subclause (3) of this regulation, the rent costs in any hostel recognised by the Director-General for the purposes of this subclause shall be 66 percent of the actual hostel fee, unless the Director-General otherwise specifies.

(5) Where any 2 students who are entitled to be paid a basic grant are married to each other and living together, the accommodation allowance payable to each student shall be 50 percent of the amount that would be payable to that student if he or she were not married.

**30. Award of accommodation allowance**—Subject to regulation 29 (5) of these regulations, an accommodation allowance shall be payable to—

- (a) Every secondary school student aged 18 years or 19 years who is required to live away from home or who lives away from his or her spouse:
- (b) Every tertiary student aged at least 16 years and under 20 years who is required to live away from home or who lives away from his or her spouse:
- (c) Every secondary student and tertiary student aged at least 20 years who for any reason lives away from home or from his or her spouse:

- (d) Every secondary student and tertiary student who—
- (i) Has a dependent spouse; or
  - (ii) Is single and has any dependent children; or
  - (iii) Has a dependent spouse and any dependent children.

**31. Period for which accommodation allowance payable**—In any year, payments under an accommodation allowance shall be made for a period commencing—

- (a) Where a date is specified in that behalf, on that date; or
- (b) In all other cases, at the commencement of the period for which amounts are payable under the holder's basic grant or independent circumstances grant,—

and, subject to regulation 32 (1) of these regulations, ending at the end of the last week in that year in respect of which a payment is made under that basic grant or independent circumstances grant.

**32. Student beginning to live in parental home or with spouse**—(1) Subject to regulation 29 (5) of these regulations and to subclause (2) of this regulation, where the holder of an accommodation allowance begins living at a parental home or with his or her spouse,—

- (a) His or her beginning so to live shall cancel that allowance; and
- (b) He or she shall not be entitled to any payment made (or purporting to be made) under that grant in respect of any period after his or her beginning so to live.

(2) The action of the holder of an accommodation allowance in beginning to live at a parental home or with his or her spouse does not cancel that allowance if at the time when that holder begins so to live—

- (a) No parent of that holder lives in that home; and
- (b) In the opinion of the Director-General, that holder—
  - (i) Is paying a market rent for living in that home; or
  - (ii) Has responsibility for the payment of the outgoings payable in respect of that home.

(3) A person, who immediately before beginning to live at a parental home or with his or her spouse was the holder of an accommodation allowance, shall, before so beginning or as soon as is practicable thereafter, give notice in writing that he or she is to begin or has begun so to live to—

- (a) The Director-General, if the holder is attending a secondary school; or
- (b) The Registrar of the tertiary institution concerned, in any other case.

(4) Subclause (3) of this regulation applies whether or not the action of the holder of the accommodation allowance in beginning to live at his or her parental home will have or has had the effect of cancelling that grant.

**33. Supplementary accommodation allowance established**—

(1) There are hereby established allowances to be known as supplementary accommodation allowances.

(2) Subject to these regulations, a supplementary accommodation allowance of \$22 per week shall be paid to every single tertiary student aged 16 years or 17 years who is entitled to hold a basic grant, if—

- (a) He or she is required to live away from home; and
- (b) He or she has completed at least 4 years of full-time instruction at a secondary school.

## PART IV

## TRANSPORT ALLOWANCES

**34. Transport allowance established**—(1) There are hereby established allowances to be known as transport allowances.

(2) Subject to these regulations, a transport allowance shall be the lesser of the following amounts:

- (a) 75 percent of the student's weekly transport costs in excess of \$20;
- (b) \$20.

(3) Every single tertiary student aged at least 16 years but not more than 19 years, who is living at a parental home, shall be paid a transport allowance, if—

- (a) He or she is entitled to a basic grant; or
- (b) He or she is being paid a basic grant.

(4) For the purposes of this regulation, "weekly transport cost" means the cost to the student of travelling, by means of the cheapest available public transport, 10 trips between the student's residential area as determined by the Director-General, and the tertiary institution that the student is attending, or, if no public transport is available, such cost as the Director-General determines.

(5) In any year, a transport allowance shall be paid to every student entitled to such an allowance—

- (a) While he or she is being paid a basic grant; or
- (b) Until he or she ceases to be entitled to be paid a transport allowance.

**35. Supplementary transport allowance established**—(1) There are hereby established allowances to be known as supplementary transport allowances.

(2) Subject to these regulations, a supplementary transport allowance of \$11 per week shall be paid to every single tertiary student aged 16 years or 17 years who is entitled to hold a basic grant, if—

- (a) He or she is living at a parental home; and
- (b) He or she has completed at least 4 years of full-time instruction at a secondary school.

## PART V

## FEES GRANTS

**36. Fees grant established**—(1) There are hereby established grants to be known as fees grants.

(2) Subject to these regulations, in any year, there shall be paid to the holder of a fees grant the lesser of the following amounts:

- (a) 75 percent of the tuition fees payable to the holder for all the courses that normally constitute the recognised course of study in respect of which the grant was awarded;
- (b) \$387.

**37. Award of fees grant**—(1) Subject to these regulations, no person shall be awarded a fees grant in respect of a course of study (not being a full-time course of pre-service teacher training at a teachers college) who has had payments made on his or her behalf under fees grants for periods that, in the opinion of the Director-General, are equivalent to a period of 5 years or more full-time study.

(2) Subject to these regulations, a fees grant shall in any year be awarded to every applicant who—

- (a) Is enrolled, or intending to enrol, in a recognised course of study at a tertiary institution; and
- (b) In that year is enrolled, or intending to enrol, in a course that comprises at least one-third of a full-time course.

**38. Withholding of payments under fees grant in certain circumstances—**(1) Notwithstanding regulation 36 (2) of these regulations, no payment shall be made on behalf of a holder of a fees grant whose course of study in the year concerned is a full academic year in length if in that year that holder's gross income exceeds or is expected to exceed \$4,000.

(2) Notwithstanding regulation 36 (2) of these regulations, no payment shall be made on behalf of the holder of a fees grant whose course of study in the year concerned is less than a full academic year in length, if in that year that holder's gross income in the portion of the academic year during which he or she is enrolled in that course exceeds a sum that bears the same relation to \$4,000 as the duration of that course in that year bears to a full academic year.

(3) For the purposes of subclause (1) of this regulation, the following amounts shall not be taken into account in the assessment of any person's gross income in any year:

- (a) Amounts payable to that person under any grant other than a merit grant:
- (b) The lesser of the following amounts:
  - (i) The total of all amounts payable to that person under merit grants:
  - (ii) \$750:
- (c) Any amount payable to or on behalf of that person by way of family benefit under Part I of the Social Security Act 1964:
- (d) In the case of a student enrolled or intending to apply for enrolment for a full-time programme, amounts earned by that person from employment during vacations or before the commencement of that academic year:
- (e) In the case of a person enrolled or intending to enrol in a course of study approved by the Director-General for the purpose, income derived by that person at any time during that year from work that is a prerequisite for or requirement of that course.

(4) For the purposes of subclause (2) of this regulation, the following amounts shall not be taken into account in the assessment of any person's gross income in any year:

- (a) Amounts payable to that person under any grant other than a merit grant:
- (b) The lesser of the following amounts:
  - (i) The total of all amounts payable to that person, during the period that he or she is enrolled in the course, under merit grants:
  - (ii) A sum that bears the same relation to \$750 as the duration of that course in that year bears to a full academic year:

- (c) Any amount payable to or on behalf of that person during the time that he or she is enrolled in the course by way of family benefit under Part I of the Social Security Act 1964;
- (d) Amounts earned by that person from employment during vacations or before the commencement of that academic year;
- (e) In the case of a person enrolled or intending to enrol in a course of study approved by the Director-General for the purpose, income derived by that person at any time during that year from work that is a prerequisite for or requirement of that course.

(5) The holder of a fees grant who in any year, or period during a year, in which he or she is enrolled in a course of study receives or expects to receive an income that exceeds \$4,000, or proportion of \$4,000 as aforesaid, shall forthwith give the Registrar of the tertiary institution concerned details in writing of that income; and thereafter during that year or period of enrolment shall give that Registrar details in writing of any additional income he or she receives or expects to receive during that year.

**39. Maximum tenure of fees grant**—(1) Subject to these regulations, where the period of assistance of any holder of a fees grant reaches 5 academic years, that fees grant shall thereupon cease.

(2) Subject to regulation 40 and 41 of these regulations, the holder of a fees grant shall, if he or she has not earlier ceased to hold it, cease to hold it when he or she successfully completes the recognised course of study in respect of which it was awarded.

(3) For the purposes of subclause (1) of this regulation, the holder of a fees grant shall be deemed not to have had any payments made under it on his or her behalf in respect of any course of study if the holder withdraws from the course before the commencement of his or her final examination period, and, with the consent of the Director-General,—

(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,—  
refunds to the Director-General all payments made on his or her behalf in respect of the course under the grant.

(4) Notwithstanding subclause (1) of this regulation, no period during which a person is paid a fees grant in respect of a course declared by the Minister to be a transition course shall be taken into account for the purposes of that subclause.

(5) Notwithstanding subclause (1) of this regulation, the Director-General may extend the period for which a person may be paid a fees grant, if—

(a) That person is aged at least 20 years; and

(b) That person is enrolled or is intending to enrol in a recognised course of study and has exhausted his or her entitlement to a fees grant; and

(c) The Director-General is satisfied—

(i) That, having regard to the student's financial resources, the student could not undertake that course of study without such assistance; and

(ii) That it is in the national interest that the student undertake the course of study for the purposes of retraining for employment.

**40. Payment of additional tuition fees**—Notwithstanding regulation 10 of these regulations, but subject to regulation 39 (1) of these regulations, the Director-General may, where the Director-General is satisfied that there are special reasons for doing so, and subject in each case to any conditions the Director-General thinks fit, authorise the payment, to any person who is or has been the holder of a fees grant, of 75 percent of the tuition fees payable by that person for any specified assisted course.

**41. Suspension of fees grant**—(1) Subject to subclause (3) of this regulation, where, in any year, the holder of a fees grant was enrolled in a course of study that is less than a full-time programme, that grant shall be suspended unless in that year that holder passed at least the greater of—

(a) Work that is, in the opinion of the Professorial Board of the tertiary institution concerned, one-third or more of a full-time programme;

(b) More than half of that course of study.

(2) Subject to subclause (3) of this regulation, where, in any year, the holder of a fees grant was enrolled in a course of study that is a full-time programme or greater than a full-time programme, that grant shall be suspended unless in that year that holder passed at least the lesser of—

(a) More than half of that course of study;

(b) Work that is, in the opinion of the Professorial Board of the tertiary institution concerned, more than half of a full-time programme.

(3) Where the Director-General is satisfied that any failure on the part of the holder of a fees grant in any year was due to reasons beyond that holder's control, the Director-General may direct that that grant should not be suspended despite the failure; and in that case that grant shall not be suspended by reason only of that failure.

**42. Postponement of course of study**—(1) Where—

(a) The holder of a fees grant or a basic grant or an independent circumstances grant has, with the consent of the Professorial Board of the tertiary institution concerned, postponed his or her course of study during any academic year; and

(b) Before postponing that course he or she had during that year successfully completed—

(i) In the course of a grant awarded in respect of a full-time course of pre-service teacher training at a teacher's college, work that is, in the opinion of the Principal of that college, equivalent to at least two-thirds of that part of the work of that course offered before that postponement; or

(ii) In any other case, work that is, in the opinion of the Professorial Board concerned, 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 grant concerned was awarded; and

(c) That holder resumes the course of study concerned at approximately the same point in some subsequent year as that at which he or she postponed it,—

subject to subclause (2) of this regulation, these regulations shall apply to that holder, that course of study, and that grant, as if the 2 years concerned were a single year.

(2) Nothing in subclause (1) of this regulation shall entitle the holder of a grant awarded in respect of a course of study postponed under that subclause to be paid under that grant for any period between the postponement of that course and its resumption.

**43. Reinstatement of fees grant**—Where a fees grant has been suspended under regulation 41 of these regulations, it shall, subject to regulation 39 of these regulations, be reinstated if, and only if, the holder satisfies the Professorial Board of the tertiary institution at which he or she is enrolled that he or she has in any year since the suspension passed work (being work that is or forms part of a single course of study) that is, in the opinion of the Board, equivalent to one third or more of the course of study in respect of which the suspension was imposed.

## PART VI

### A-BURSARIES AND B-BURSARIES

**44. A-Bursaries and B-Bursaries established**—(1) There are hereby established—

- (a) Bursaries to be known as A-Bursaries; and
- (b) Bursaries to be known as B-Bursaries.

(2) Each award of an A-Bursary or a B-Bursary shall be in respect of a period of one year only.

(3) Subject to these regulations—

- (a) The holder of an A-Bursary in any year shall be paid \$200 under that bursary in that year; and
- (b) The holder of a B-Bursary in any year shall be paid \$100 under that bursary in that year.

**45. Award of A-Bursaries and B-Bursaries**—(1) No holder of a University Junior Scholarship shall be awarded an A-Bursary or a B-Bursary unless he or she is neither enrolled nor intending to enrol at a university.

(2) No person who holds or is eligible to be awarded an A-Bursary shall be awarded a B-Bursary.

(3) No person who holds or is eligible to be awarded a B-Bursary shall be awarded an A-Bursary.

(4) No person shall be awarded an A-Bursary or a B-Bursary in respect of any year unless, in that year, that person is or, but for regulation 21 or regulation 24 of these regulations would be, entitled to hold a basic grant or an independent circumstances grant.

(5) For the purposes of ascertaining the entitlement of any person to hold a basic grant or an independent circumstances grant, that person shall be deemed to have held a basic grant or an independent circumstances grant in any year in which that person received payments under an A-Bursary or a B-Bursary.

(6) No person who has, in any year, ceased to be entitled to receive payments under an A-Bursary or a B-Bursary shall be entitled to receive any such payment in any subsequent year.

**46. Award of A-Bursary**—Subject to regulation 45 of these regulations, a person shall become qualified to be awarded an A-Bursary if—



- (a) He or she is aged less than 20 years on the day on which, in the opinion of the Director-General, that person's course of study commences; and
- (b) He or she has, at any time, obtained any of the following:
  - (i) An A-award in the University Bursaries Examination;
  - (ii) A credit pass or better in the Entrance Scholarship Examination.

**47. Award of B-Bursary**—Subject to regulation 45 of these regulations, a person shall become qualified to be awarded a B-Bursary if—

- (a) He or she is aged less than 20 years on the day on which, in the opinion of the Director-General, that person's course of study commences; and
- (b) He or she has, at any time, obtained or has been deemed to have obtained any of the following:
  - (i) A B-award in the University Bursaries Examination;
  - (ii) A B-award under the provisions governing the Entrance Scholarship Examination.

## PART VII

### APPEALS

**48. Lodging of appeals**—(1) Every appeal shall be by notice in writing lodged with the Secretary within 21 days of the decision appealed against, or such longer period as the authority in any case allows.

(2) Every such notice shall—

- (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.

**49. Director-General to be given copies of notices of appeal**—(1) Forthwith after the lodgement of a notice of appeal, the Secretary shall send a copy of that notice to the Director-General.

(2) As soon as possible after receiving a copy of any notice of appeal, the Director-General shall send to the Secretary,—

- (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 Director-General; and
- (b) A copy of the decision appealed against; and
- (c) A report setting out the matters to which the Director-General had regard in making the decision appealed against; and
- (d) A statement of any other matters that the Director-General wishes to draw to the attention of the authority.

(3) Forthwith after receiving a report under subclause (2) (c) of this regulation, the Secretary shall send a copy of it, and of any statement under subclause (2) (d) of this regulation, 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) of this regulation; or

(b) Notice that the appellant wishes to discontinue the appeal; and in that case the appeal shall be discontinued.

(5) The authority shall not determine any appeal until the expiration of 14 days from the date on which a copy of the report under subclause (2) (c) of this regulation 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) of this regulation,—

(a) The Secretary shall forthwith send a copy to the Director-General who shall as soon as possible send to the authority either any comments the Director-General wishes to make on those comments or a new decision; and

(b) The authority shall not determine the appeal concerned until the expiration of 14 days from the date on which the copy was sent to the Director-General.

(7) Where, under subclause (6) (a) of this regulation, the Director-General sends the authority a new decision,—

(a) The Director-General shall also send a copy to the appellant; and

(b) Without prejudice to the appellant's right to appeal against the new decision, the appeal against the old decision shall be deemed to have been discontinued.

**50. Evidence**—(1) The authority shall have 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.

**51. Matters to which authority to have regard**—(1) In reaching any decision, the authority shall have regard to—

(a) The notice of appeal concerned; and

(b) All documents sent to the authority under subclause (2), subclause (4), or subclause (6) of regulation 49 of these regulations; 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 shall notify the Director-General and the appellant, in writing, of the authority's decision and the reasons for it.

## PART VIII

### GENERAL

**52. Exercise of Director-General's powers by Councils of tertiary institutions**—(1) Subject to subclauses (3) and (6) of this regulation, except where the Director-General by notice in writing to the Professorial Board of that tertiary institution otherwise directs, any power conferred on the Director-General by any provision of these regulations relating to—

(a) Tertiary institutions or any class of tertiary institution; or

(b) Students enrolled or proposed to be enrolled at tertiary institutions or any class of tertiary institution—

in relation to any tertiary institution, any tertiary institution of that class, the student enrolled or proposed to be enrolled at any tertiary institution, or the students enrolled or proposed to be enrolled at any tertiary institution of that class (as the case may be) may be exercised, at its discretion, by the Council of that tertiary institution, or by any committee or person authorised by that Council in that behalf.

(2) The authorisation of any committee or person under subclause (1) of this regulation may be revoked at will by the Council concerned; and no such authorisation shall prevent the exercise by that Council of any power under this regulation.

(3) Every Council, committee, or person, exercising any power under this regulation, shall do so in accordance with such guidelines (if any) as the Director-General from time to time, by notice in writing to the Council concerned, prescribes.

(4) Any student may request the Director-General to review the exercise by any Council, committee, or person, of any power under this regulation where that exercise affects that student.

(5) Nothing in this regulation shall prevent the exercise of any power, or the performance of any duty by the Director-General.

(6) No Council, or committee, or person (other than the Director-General, or officer or employee of the Department of Education to whom the power has been duly delegated), shall be capable of exercising any power conferred on the Director-General by any of regulations 2, 3 (1) (a) (v), 3 (1) (b) (iii), 5 (4), 5 (7), 6, 10, 13, 14 (c), 18 (in relation to secondary students and the award of independent circumstances grants), 25 (6), or 39 (5) of these regulations, or under Part VII of these regulations.

**53. Other government assistance**—(1) This regulation applies to every person who has at any time held, or holds, any bursary, scholarship, or award, however described (not being a grant or an allowance), awarded or made, out of money appropriated by Parliament for the purpose, for the purpose of study at a tertiary institution.

(2) Notwithstanding anything to the contrary in these regulations, no person to whom this regulation applies shall be awarded a grant or an allowance without the consent of the Director-General, and subject to such conditions (if any) as the Director-General may determine in any particular case or class of case.

(3) Without limiting the generality of subclause (2) of this regulation, it may be a condition of the award of a grant or an allowance to a person to whom this regulation applies that the amount of that grant or allowance and the term for which it is payable, or either of them, be less than those to which that person would be entitled if he or she were not a person to whom this regulation applies.

**54. Excess payments to be refunded**—The holder of a grant or an allowance who—

- (a) Receives any payment under that grant or allowance in respect of a period during any year when he or she was not entitled to that grant or allowance; or
- (b) Receives any payment in respect of that grant or allowance the amount of which exceeds the amount to which he or she is entitled under these regulations—

shall, upon demand by the Director-General, refund to the Director-General the amount of that payment or, as the case may be, the amount by which that payment exceeded the amount to which the holder was so entitled; and any amount not repaid may be recovered by the Director-General as a debt due in any Court of competent jurisdiction, or may be deducted from any amount payable to the holder under any bursary, scholarship, grant, award, or allowance awarded to the holder at any time under the Act; and where the holder is not of full age, shall be recoverable as if he or she is of full age.

**55. Progress reports**—The Registrar of a tertiary institution shall, when so requested, supply to the Director-General, as soon as is practicable, a report in writing as to the progress of any holder of an award in his or her course of study at that institution, and the extent of the holder's compliance with the conditions subject to which he or she holds that award.

**56. Payments**—(1) Subject to subclauses (2) and (3) of this regulation, payments under these regulations shall be made as follows:

(a) Payments under a fees grant shall be made to the Registrar of the tertiary institution at which the holder is enrolled:

(b) Payments under any other grant or award shall be made to the holder at such place, and by such instalments, and in such manner, as may be agreed by the Professorial Board of the tertiary institution at which he or she is enrolled, or by the Director-General in any other case.

(2) The Director-General may direct a tertiary institution to use a particular payroll system for the purposes of these regulations.

(3) Every change in the rate of any payment under these regulations shall apply no later than the commencement of the pay week following the week in which the new rate becomes payable, and the new rate shall be paid as soon as practicable after that date.

**57. Director-General to be provided with particulars of payments**—(1) As soon as is practicable in each year, every Registrar shall provide the Director-General with particulars of payments made under these regulations in that year to or in respect of persons enrolled at the institution at which that Registrar is employed.

(2) The Registrar of a tertiary institution shall, when so requested in writing, provide the Director-General with any specified statistical or other information relating to such payments or to any student who is or students who are entitled to hold a grant or allowance, in such form as the Director-General may specify.

**58. Transitional**—(1) These regulations shall apply to study grants awarded under the Tertiary Assistance Grants Regulations 1982\* before the 1st day of January 1989 as if such grants were basic grants under Part II of these regulations.

(2) These regulations shall apply to fees grants awarded under the Tertiary Assistance Grants Regulations 1982 before the 1st day of January 1989 as if such grants were fees grants under Part V of these regulations.

(3) Every person—

(a) Who held an A-Bursary or a B-Bursary under the Tertiary Assistance Grants Regulations 1982 before the 1st day of January 1989; and

(b) Who is under these regulations entitled to be paid a basic grant,—  
shall be entitled to hold the corresponding bursary under Part VI of these regulations.

**59. Revocations**—The regulations specified in the first column of the Schedule to these regulations are hereby revoked.

Reg. 59

SCHEDULE  
REGULATIONS REVOKED

Title	Statutory Regulations Serial Number
The Tertiary Assistance Grants Regulations 1982 ..	1982/277
The Tertiary Assistance Grants Regulations 1982, Amendment No. 1 .. .. .	1984/9
The Tertiary Assistance Grants Regulations 1982, Amendment No. 2 .. .. .	1985/8
The Tertiary Assistance Grants Regulations 1982, Amendment No. 3 .. .. .	1986/6
The Tertiary Assistance Grants Regulations 1982, Amendment No. 5 .. .. .	1986/377
The Tertiary Assistance Grants Regulations 1982, Amendment No. 6 .. .. .	1987/26
The Tertiary Assistance Grants Regulations 1982, Amendment No. 7 .. .. .	1987/397
The Tertiary Assistance (Transitional Grants) Regulations 1988 .. .. .	1988/136

C. J. HILL,  
for Clerk of the Executive Council.

## EXPLANATORY NOTE

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

These regulations, which come into force on 1 January 1989, replace the Tertiary Assistance Grants Regulations 1982 and the Tertiary Assistance (Transitional Grants) Regulations 1988. The principal features of the regulations are as follows:

- (a) A basic grant and an independent circumstances grant replace the former study grant. Basic grants are means tested and their value varies according to age, marital status, and dependants. An independent circumstances grant of \$108.63 per week may be awarded instead of a basic grant:
- (b) An accommodation allowance of up to \$40 per week and a supplementary accommodation allowance of \$22 per week replace the former accommodation grant:
- (c) A transport allowance of up to \$20 per week and a supplementary transport allowance of \$11 per week are established:
- (d) There will continue to be a fees grant. This grant will be up to \$387 per year:
- (e) A-Bursaries and B-Bursaries are retained for students aged under 20 years:
- (f) The maximum tenure of grants is 5 years:
- (g) Provision is made for grants to be paid in order to give students a "second chance" to complete a course of study:
- (h) Some secondary school students can qualify for a basic grant or an independent circumstances grant, and an accommodation allowance.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 15 December 1988.

These regulations are administered in the Department of Education.