



**THE STUDENT ALLOWANCES REGULATIONS 1988,
AMENDMENT NO. 1**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 1st day of May 1989

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.

ANALYSIS

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| 1. Title and commencement | 7. Supplementary transport allowance established |
| 2. Basic grants established | 8. Fees grant established |
| 3. Independent circumstances grant established | 9. Withholding of payments under fees grant in certain circumstances |
| 4. Withholding of payments under grant in certain circumstances | 10. Exercise of Director-General's powers by Councils of tertiary institutions |
| 5. Maximum tenure of basic grant and independent circumstances grant | 11. Forfeiture of allowances during detention in penal institution |
| 6. Award of accommodation allowance | |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Student Allowances Regulations 1988, Amendment No. 1, and shall be

read together with and deemed part of the Student Allowances Regulations 1988* (hereinafter referred to as the principal regulations).

(2) Regulations 2 and 3 of these regulations shall be deemed to have come into force on the 1st day of April 1989.

(3) Except as provided in subclause (2) of this regulation, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Basic grants established—Regulation 15 of the principal regulations is hereby amended by revoking subclauses (2) to (5), and substituting the following subclauses:

“(2) Subject to these regulations, every single tertiary student aged 16 years or 17 years who holds a basic grant shall in any year be paid under that grant at the rate of \$82.34 a week, diminished by \$1 for every \$4 by which the combined taxable weekly income of the parents of that student exceeds \$369.

“(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 in any year 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 at the rate of \$44.84 a week, plus \$43 a week diminished by \$1 for every \$4 by which the combined taxable weekly income of the parents of that student exceeds \$512:

“(b) If the student is required to live away from home, he or she shall be paid at the rate of \$66.79 a week, plus \$43 a week diminished by \$1 for every \$4 by which the combined taxable weekly income of the parents of that student exceeds \$512.

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

“(a) At the rate of \$87.83 a week, if he or she is living at home; or

“(b) At the rate of \$109.79 a week, 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 tertiary institution, and holds a basic grant, shall in any year 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) \$105.65 a week, if they have no dependent children; or

“(ii) \$121.92 a 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) \$109.79 a week, if he or she has no dependent children; or

“(ii) \$137.24 a week, if he or she has any dependent children:

“(c) If the student’s spouse is an earning spouse and their combined gross income in that year, 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, the student shall be paid—

“(i) \$44.84 a week, if he or she is not living away from his or her spouse; or

- “(ii) \$66.79 a 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 in that year, 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, the student shall be paid—
- “(i) \$211.30 a week, if he or she has no dependent children; or
- “(ii) \$243.84 a week, if he or she has any dependent children:
- “(e) If the student is single and has any dependent children, the student shall be paid—
- “(i) \$211.03 a week, if he or she has 1 dependent child; or
- “(ii) \$218.78 a week, if he or she has more than 1 dependent child.”

3. Independent circumstances grant established—Regulation 16 (2) of the principal regulations is hereby amended by omitting the words “\$108.63 per week”, and substituting the words “\$109.79 a week”.

4. Withholding of payments under grant in certain circumstances—(1) Regulation 24 (3) of the principal regulations is hereby amended by inserting, after paragraph (c), the following paragraph:

- “(ca) Any amount payable to or on behalf of that person by way of any benefit under the Social Security Act 1964, in respect of any period during vacations or before the commencement of that academic year.”.

(2) Regulation 24 (4) of the principal regulations is hereby amended by inserting, after paragraph (c), the following paragraph:

- “(ca) Any amount payable to or on behalf of that person by way of any benefit under the Social Security Act 1964, in respect of any period during vacations or before the commencement of that academic year.”.

5. Maximum tenure of basic grant and independent circumstances grant—Regulation 25 (6) of the principal regulations is hereby amended by omitting the words “or an independent circumstances grant”.

6. Award of accommodation allowance—The principal regulations are hereby amended by revoking regulation 30, and substituting the following regulation:

“30. Subject to regulation 29 (5) of these regulations, an accommodation allowance shall be payable to every student who is entitled to hold a basic grant, if—

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

- “(d) The student is a secondary student or tertiary student who—
 “(i) Has a dependent spouse; or
 “(ii) Is single and has any dependent children; or
 “(iii) Is married to a person who is not entitled to hold a basic grant and is not an earning spouse.”

7. Supplementary transport allowance established—Regulation 35 (2) of the principal regulations is hereby amended by revoking paragraph (a), and substituting the following paragraph:

“(a) He or she is not required to live away from home; and”.

8. Fees grant established—Regulation 36 (2) of the principal regulations is hereby amended by omitting the words “paid to the holder”, and substituting the words “paid on behalf of the holder”.

9. Withholding of payments under fees grant in certain circumstances—(1) Regulation 38 (3) of the principal regulations is hereby amended by inserting, after paragraph (c), the following paragraph:

“(ca) Any amount payable to or on behalf of that person by way of any benefit under the Social Security Act 1964, in respect of any period during vacations or before the commencement of that academic year.”.

(2) Regulation 38 (4) of the principal regulations is hereby amended by inserting, after paragraph (c), the following paragraph:

“(ca) Any amount payable to or on behalf of that person by way of any benefit under the Social Security Act 1964, in respect of any period during vacations or before the commencement of that academic year.”.

10. Exercise of Director-General’s powers by Councils of tertiary institutions—Regulation 52 (6) of the principal regulations is hereby amended by omitting the expression “14 (c)”, and substituting the expression “14 (d)”.

11. Forfeiture of allowances during detention in penal institution—The principal regulations are hereby amended by inserting, after regulation 54, the following regulation:

“54A. (1) Notwithstanding any other provision in these regulations but subject to subclause (2) of this regulation, a person who is imprisoned or detained in a penal institution, as defined in the Penal Institutions Act 1954, pursuant to a sentence of imprisonment, preventive detention, or corrective training shall not be entitled to receive any payment under these regulations in respect of any period of any such imprisonment or detention.

“(2) Nothing in subclause (1) of this regulation shall apply to any fees grant or A Bursary or B Bursary.”

MARIE SHROFF,
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 amend the Student Allowances Regulations 1988. The principal amendments are as follows:

- (a) The rates of basic grants and the independent circumstances grant are increased:
- (b) The former basic grant of \$208.94 a week payable to single students with any dependent children is replaced with a grant of \$211.03 a week (if the student has 1 child) and \$218.78 a week (if the student has more than 1 child):
- (c) Any amount payable to an applicant by way of a benefit under the Social Security Act 1964, in respect of any period during vacations or before the academic year commences, is not to be taken into account for the purposes of the award of a basic grant, an independent circumstances grant, or a fees grant:
- (d) An accommodation allowance will be payable only to persons entitled to hold a basic grant. However, the allowance will be extended to apply to a married student whose spouse is not entitled to a basic grant and is not an earning spouse:
- (e) It will no longer be necessary for a person to live at home in order to qualify for a supplementary transport allowance:
- (f) Persons imprisoned or detained in penal institutions will be eligible only for payments under fees grants, A Bursaries, and B Bursaries.

The increases to the rates of grants are effective from 1 April 1989 and the other amendments are effective from the day after the date on which these regulations are notified in the *Gazette*.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 May 1989.

These regulations are administered in the Department of Education.