



**THE STUDENT ALLOWANCES REGULATIONS 1988,  
AMENDMENT NO. 4**

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**PAUL REEVES, Governor-General**

**ORDER IN COUNCIL**

At Wellington this 23rd day of October 1990

**Present:**

**HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL**

PURSUANT to section 303 of the Education Act 1989, 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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**ANALYSIS**

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| <ul style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. New regulations substituted</li> <li>24. Withholding of payments under grant in certain circumstances</li> </ul> | <ul style="list-style-type: none"> <li>24A. Effect of reduction of gross income of full-time student</li> <li>3. Regulation 25 (4) revoked</li> <li>4. Exercise of Secretary's powers by Councils of tertiary institutions</li> <li>5. Excess payments to be refunded</li> </ul> |
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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Student Allowances Regulations 1988, Amendment No. 4, and shall be

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

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

**2. New regulations substituted**—(1) The principal regulations are hereby amended by revoking regulation 24, and substituting the following regulations:

**“24. Withholding of payments under grant in certain circumstances**—(1) No payment shall be made in any year to the holder of a basic grant or an independent circumstances grant, if in that year the holder's gross income exceeds or is expected to exceed the sum of \$135.13 multiplied by the number of weeks of the holder's course.

“(2) 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) 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 outside that person's course of study:

“(e) Amounts earned by that person from employment during vacations or outside that person's course of study:

“(f) In the case of a person enrolled or intending to enrol in a course of study approved by the Secretary for the purpose, income derived by that person at any time during that year from work that is a prerequisite for or a requirement of that course.

“(3) 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, either receives or expects to receive an income that exceeds the sum of \$135.13 multiplied by the number of weeks of the holder's course as aforesaid, shall forthwith give details in writing of that income to—

“(a) The Secretary, 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 Secretary or the Registrar, as the case may require, details in writing of any additional income he or she receives or expects to receive during that year.

\*S.R. 1988/308

Amendment No. 1: S.R. 1989/86  
Amendment No. 2: S.R. 1989/404  
Amendment No. 3: S.R. 1990/115

**“24A. Effect of reduction of gross income of full-time student—**  
(1) This regulation shall apply where—

“(a) The payment of a grant to a student enrolled in a full-time programme at a secondary school or a tertiary institution has been withheld under regulation 24 (1) of these regulations; and

“(b) During the course of that programme in any year his or her gross income is reduced by such an amount that it no longer exceeds or is no longer expected to exceed the amount specified in that provision.

“(2) Where this regulation applies, the student’s reduced gross income shall, for the purposes of regulation 24 (1) of these regulations, be regarded as his or her gross income,—

“(a) In the case of a student whose income is earned from employment at any time or is payable by way of any benefit under the Social Security Act 1964 during vacations, until the end of the student’s full-time programme in the calendar year concerned; and

“(b) In any other case, until the end of that calendar year.”

(2) Regulation 4 of the Student Allowances Regulations 1988, Amendment No. 1 and regulation 7 of the Student Allowances Regulations 1988, Amendment No. 2 are hereby consequentially revoked.

**3. Regulation 25 (4) revoked—**(1) Regulation 25 (4) of the principal regulations is hereby revoked.

(2) Regulation 11 (1) (b) of the principal regulations is hereby consequentially revoked.

**4. Exercise of Secretary’s powers by Councils of tertiary institutions—**(1) Regulation 52 (1) of the principal regulations is hereby amended by inserting, after paragraph (a), the following paragraphs:

“(aa) The recognition of courses of study for the purposes of these regulations; or

“(ab) The award of independent circumstances grants; or

“(ac) The assessment of parental income, whether earned in or outside New Zealand; or”.

(2) Regulation 52 (6) of the principal regulations (as amended by regulation 10 of the Student Allowances Regulations 1988, Amendment No. 1 and regulation 14 of the Student Allowances Regulations 1988, Amendment No. 2) is hereby amended by omitting the expression “3 (1) (b) (iii), 5 (4), 5 (7), 6, 10, 13, 14 (d), 18 (in relation to secondary students), 25 (6), or 39 (5),” and substituting the expression “5 (4), 5 (7), 6, 10, 13, 18 (in relation to secondary students), or 25 (6)”.

**5. Excess payments to be refunded—**Regulation 54 of the principal regulations is hereby amended by adding the following subclauses:

“(2) Notwithstanding anything in subclause (1) of this regulation, where a debt is recoverable from the holder of a grant or an allowance under that subclause, the Secretary may direct that no payment shall be made to the holder under that grant or allowance until the debt is repaid in full or the holder enters into an agreement with the Secretary to repay the debt on terms acceptable to the Secretary.

“(3) No payment shall be made to the holder of any grant or allowance if a direction in respect of the holder is for the time being in force under

subclause (2) of this regulation and the debt has not been repaid in full or such an agreement has not been entered into.”

MARIE SHROFF,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

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

These regulations, which come into force 28 days after the date of their notification in the *Gazette*, amend the Student Allowances Regulations 1988.

*Regulation 2* replaces regulation 24 of the principal regulations and relates to the withholding of payments where a student's gross income exceeds a specified amount. The principal changes are as follows:

- (a) New *regulation 24* increases the specified limit for the purposes of the withholding provision from \$129.16 multiplied by the number of weeks of the student's course to \$135.13 multiplied by that number:
- (b) New *regulation 24A* provides for payments to resume where the student's gross income is reduced to an amount that does not exceed the threshold specified in *regulation 24*.

*Regulation 3* revokes regulation 25(4) of the principal regulations, which provided for payments under basic grants and independent circumstances grants to be withheld if the holder failed to complete his or her course of study in the minimum period allowed for completion of that course.

*Regulation 4* amends regulation 52 of the principal regulations to allow the Councils of tertiary institutions to exercise the power of the Secretary to recognise courses of study, award independent circumstances grants, and to assess parental income for the purposes of the regulations.

*Regulation 5* amends regulation 54 of the principal regulations to enable the Secretary to withhold payments under the regulations where student allowance debts are outstanding.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 25 October 1990.

These regulations are administered in the Ministry of Education.