



**THE STUDENT ALLOWANCES REGULATIONS 1988,
AMENDMENT NO. 6**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 11th day of March 1991

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 303 of the Education Act 1989, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Student Allowances Regulations 1988, Amendment No. 6, 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 day after the date of their notification in the *Gazette*.

*S.R. 1988/308

Amendment No. 1: S.R. 1989/86
Amendment No. 2: S.R. 1989/404
Amendment No. 3: S.R. 1990/113
Amendment No. 4: S.R. 1990/817
Amendment No. 5: S.R. 1990/360

2. Interpretation—Regulation 2(1) of the principal regulations is hereby amended by revoking the definition of the term “Secretary”, and substituting the following definition:

“‘Secretary’ means,—

“(a) In relation to the Student Allowance Appeal Authority, the Secretary of the Authority:

“(b) In any other case, the Secretary of Education:”.

3. Maximum tenure of basic grant and independent circumstances grant—(1) Regulation 25(1) of the principal regulations (as amended by regulation 12 of the Student Allowances Regulations 1988, Amendment No. 5) is hereby amended by inserting, after the words “independent circumstances grant”, the words “(other than a secondary school student)”.

(2) Regulation 12 of the Student Allowances Regulations 1988, Amendment No. 5 is hereby consequentially revoked.

4. New Part inserted—The principal regulations are hereby amended by inserting, after Part VI, the following Part:

“PART VIA

“ALLOWANCES FOR SECONDARY SCHOOL STUDENTS

“47A. **Interpretation**—(1) In the application of these regulations to secondary school students,—

“‘Course of study’ means a course of full-time study:

“‘Full-time programme’ means a course determined by the Secretary to be a full-time course of secondary instruction:

“‘Professorial Board’, in relation to a secondary school, means the principal of that school:

“‘Secondary School’—

“(a) Means a secondary school established under Part XII of the Education Act 1989 or registered in accordance with section 35A of that Act; and

“(b) Includes an existing secondary school established or deemed to have been established or registered under the corresponding provisions of the Education Act 1964.

“(2) For the purposes of this Part of these regulations, any secondary school 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.

“47B. **Meaning of “required to live away from home”**—(1) In the application of these regulations to secondary school students, the expression “required to live away from home” means that the student is aged under 20 years, is not living at a parental home, and one of the following provisions applies:

“(a) 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:

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

“(c) 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:

“(d) The State secondary school nearest to the student’s parental home does not provide tuition in at least 2 national subjects that the student wishes to take (being subjects recognised by the Secretary as national subjects for the purpose of this paragraph):

“(e) The State secondary school nearest to the student’s home does not offer a seventh form course:

“(f) The school at which the student is enrolled ceases during any school year to be the State secondary school nearest to his or her parental home and the Secretary is satisfied, having regard to any examinations or awards for which the student is a candidate pursuant to the Education (Secondary Instruction) Regulations 1975, that it is desirable for the student to remain at the school until the end of that school year:

“(g) The student requires special education and such education is not available at any State secondary school the student can reasonably be expected to attend while residing at his or her parental home:

“(h) The Secretary is satisfied that extraordinary circumstances exist.

“(2) For the purposes of subclause (1) (c) of this regulation, the Secretary 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, that provision shall have been complied with only when such further medical examination has been completed.

“47c. Grants and allowances may be awarded to certain secondary school students—(1) The Secretary may award a basic grant to any secondary school student who attained the age of 18 years before the 1st day of January 1991 where—

“(a) The student is returning to secondary school to obtain a secondary school qualification after an absence of at least 1 year, and was receiving an unemployment benefit under the Social Security Act 1964 immediately before returning to school; or

“(b) The student’s custodial parent receives a payment under the Social Security Act 1964 at the single rate and the student is aged 18 years or 19 years; or

“(c) The student is from a low income refugee family or a low income recent immigrant family, or is a low income refugee or a low income recent immigrant, and the student needs to attend a secondary school to attain competency in the English language or to attain a level of education that qualifies him or her for employment, or needs to attain both of them.

“(2) The Secretary may award an independent circumstances grant to a secondary school student if the Secretary 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) The Secretary may award an accommodation allowance to any secondary school student aged 18 years or 19 years who is eligible for an award under subclause (1) or subclause (2) of this regulation and—

“(a) Is required to live away from home; or

“(b) Lives away from his or her spouse and comes within one or more of the categories described in paragraphs (a) to (h) of regulation 47B (1) of these regulations; or

“(c) Is awarded an independent circumstances grant.

“47D. **Application of other Parts of regulations**—(1) Subject to regulation 47C of these regulations and subclause (2) of this regulation, the provisions of these regulations shall, in relation to the award of basic grants, independent circumstances grants, and accommodation allowances, apply with any necessary modifications to secondary students as if they were tertiary students.

“(2) The award of any grant or allowance to a secondary school student—

“(a) Shall be determined at the discretion of the Secretary; and

“(b) Shall not be made unless the student satisfies all of the applicable requirements of these regulations in respect of the award of that grant or allowance.”

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, which come into force on the day after the date of their notification in the *Gazette*, amend the Student Allowances Regulations 1988.

The effect of the regulations is to enable the Secretary of Education to award basic grants, independent circumstances grants, and accommodation allowances to certain secondary school students who meet the relevant requirements of the principal regulations.

A basic grant may be awarded to a student who attained the age of 18 years before 1 January 1991 where—

- (a) The student is returning to secondary school to obtain a qualification after an absence of at least 1 year, and was receiving an unemployment benefit immediately before returning to school; or
- (b) The student's custodial parent receives a payment under the Social Security Act 1964 at the single rate and the student is aged 18 years or 19 years; or
- (c) The student is from a low income refugee family or a low income recent immigrant family, or is a low income refugee or a low income recent immigrant, and needs to attain competency in the English language or a level of education that qualifies the student for employment.

An independent circumstances grant may be awarded to a secondary student if the Secretary considers that it would, by reason of special circumstances, be unreasonable for the student to live at home and receive financial assistance from any parent of that student.

An accommodation allowance may be awarded to a student aged 18 years or 19 years who—

- (a) Is living away from home; or
- (b) Lives away from his or her spouse; or
- (c) Is awarded an independent circumstances grant.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 14 March 1991.
These regulations are administered in the Ministry of Education.