

**Reprint
as at 30 March 2013**



**Student Loan Scheme Act
2011 (Transitional Provisions)
Regulations 2012**

(SR 2012/271)

Student Loan Scheme Act 2011 (Transitional Provisions) Regulations 2012:
revoked, on 30 March 2013, by section 53 of the Student Loan Scheme
Amendment Act 2013 (2013 No 10).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 10th day of September 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 216(1) of the Student Loan Scheme Act 2011, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Revenue made in accordance with section 216(2) of that Act, makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Inland Revenue Department.

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Regulations

- 1 Title**
These regulations are the Student Loan Scheme Act 2011 (Transitional Provisions) Regulations 2012.
- 2 Commencement**
These regulations come into force on the day after the date of their notification in the *Gazette*.
- 3 Interpretation**
In these regulations,—
Act means the Student Loan Scheme Act 2011
former Act means the Student Loan Scheme Act 1992.
- 4 Application**
(1) These regulations apply if—
(a) a person became a borrower under the student loan scheme for the first time in the period starting on 1 January 2012 and ending on the close of 31 March 2012; or
(b) a person is a person to whom all of the following apply:
(i) the person had been a borrower under the student loan scheme before the 2011–2012 tax year; and
(ii) the person fully repaid his or her loan before the start of the 2011–2012 tax year; and
(iii) the person again became a borrower under the student loan scheme in the period starting on

1 January 2012 and ending on the close of
31 March 2012.

- (2) In this regulation, **borrower** has the meaning given to it by section 2(1) of the former Act.

**5 Commissioner not to collect amount assessed as
borrower's repayment obligation for 2011–2012 tax year**
Despite anything to the contrary in the Act or the former
Act,—

- (a) the Commissioner must refrain from collecting the amount that the Commissioner assesses, under section 15 of the former Act, as the borrower's repayment obligation for the 2011–2012 tax year; and
- (b) the amount that the Commissioner refrains from collecting under paragraph (a) is not written off and remains part of the borrower's loan balance.

Rebecca Kitteridge,
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*, provide for a transitional matter in relation to certain loan advances made under the student loan scheme in the period starting on 1 January 2012 and ending on 31 March 2012.

The transitional provisions in Schedule 6 of the Student Loan Scheme Act 2011 (the **2011 Act**) require the Commissioner of Inland Revenue (the **Commissioner**) to issue assessments of borrowers' repayment obligations for the tax year ending 31 March 2012 under section 15 of the Student Loan Scheme Act 1992 (the **former Act**). These relate to borrower's IRD loan balances, which are defined in the former Act as

including all amounts borrowed and transferred to the Commissioner for collection.

The 2011 Act changes how and when student loan advance debts are required to be transferred to the Commissioner. The implementation of these changes, which came into force on 1 January 2012, has meant that borrowers' loan advance debts have been transferred to the Commissioner in near real time since that date. Previously, they were only transferred annually (in February, following the end of the academic year). Borrowers with loan advances made on or after 1 January 2012, including students who became borrowers under the student loan scheme for the first time on or after that date, have therefore been assessed for the tax year ending 31 March 2012 on the basis of their income from 1 April 2011 even though they may not have been borrowers under the scheme during most of this period.

The effect of the regulations is that the following persons are restored to the same position as they would have been in had the 2011 Act changes to the system for transferring loan advance debts to the Commissioner for collection not been implemented with effect from 1 January 2012:

- persons who became borrowers under the loan scheme for the first time during the period starting on 1 January 2012 and ending on the close of 31 March 2012;
- persons who had been borrowers under the scheme at a time before the 2011–2012 tax year but who had repaid their loans before the start of that year and rejoined the scheme as borrowers during the period starting on 1 January 2012 and ending on the close of 31 March 2012.

Under the regulations, the Commissioner must not collect the amounts assessed under section 15 of the former Act as being the repayment obligations of those borrowers for the tax year ending 31 March 2012. However, the amounts are not written off and remain part of the borrowers' loan balances.

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Notes

1 *General*

This is a reprint of the Student Loan Scheme Act 2011 (Transitional Provisions) Regulations 2012. The reprint incorporates all the amendments to the regulations as at 30 March 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Student Loan Scheme Amendment Act 2013 (2013 No 10): section 53
