



Student Allowances Amendment Regulations (No 2) 2011

Anand Satyanand, Governor-General

Order in Council

At Wellington this 22nd day of August 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 303 of the Education Act 1989, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Student Allowances Amendment Regulations (No 2) 2011.

2 Principal regulations amended

These regulations amend the Student Allowances Regulations 1998.

3 Commencement

These regulations come into force on 1 October 2011.

4 Application

These regulations apply to allowances for courses of study that commence on or after 1 January 2012 (whether the allowance was first payable to students before, on, or after that date).

5 Interpretation

- (1) Paragraphs (a) and (b)(i) of the definition of **parental income** in regulation 2(1) are amended by omitting “taxable” in each place where it appears and substituting in each case “family scheme”.
- (2) The definition of **partner** in regulation 2(1) is amended by omitting “or recipient of an allowance”.
- (3) The definition of **partner** in regulation 2(1) is amended by omitting “or recipient”.
- (4) The definition of **spouse** in regulation 2(1) is amended by omitting “for or the recipient of an allowance”.
- (5) The definition of **spouse** in regulation 2(1) is amended by omitting “or recipient”.
- (6) Regulation 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:
“**applicant** means an applicant for a student allowance or, if the context requires, a recipient of a student allowance
“**family scheme income** has the meaning given to it by the definition of that term in section MA 8 of the Income Tax Act

2007 except that the calculation of the amount referred to in that definition must not include—

- “(a) any income described as exempt income in section CW 32 of that Act; or
- “(b) to the extent that it would otherwise be included in family scheme income under that Act, any income of the kind referred to in section MB 11(1) of that Act derived by any dependent child (within the meaning of section YA 1 of that Act); or
- “(c) any income of the kind referred to in section MB 12 of that Act”.

6 Eligibility for certain allowances

Regulation 12(1)(a)(iv)(A) is amended by inserting “or protected person” after “refugee”.

7 Deprivation of income

- (1) Regulation 44 is amended by inserting “or any parent, spouse, or partner of the applicant” after “applicant”.
 - (2) Regulation 44 is amended by omitting “his or her” and substituting “the applicant”.
 - (3) Regulation 44 is amended by adding the following subclause as subclause (2):
- “(2) In this regulation, **income** means,—
- “(a) in the case of an applicant, personal income:
 - “(b) in the case of the spouse or partner of an applicant, spousal or partner’s income:
 - “(c) in the case of a parent of an applicant, parental income.”

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 1 October 2011, amend the Student Allowances Regulations 1998 (the **principal regulations**). The amendments made by these regulations will apply to allowances for courses of study that commence on or after 1 January 2012.

Clause 5 amends regulation 2 of the principal regulations to provide a definition of family scheme income. Family scheme income will be used instead of taxable income in the calculation of parental income, and the definition of parental income is amended accordingly.

Clause 5 also provides a definition of applicant in relation to a student allowance and makes consequential amendments to the definitions of spouse and partner.

Clause 6 amends the eligibility criteria for certain student allowances in regulation 12(1)(a)(iv)(A) of the principal regulations to include reference to a person recognised under the Immigration Act 1987 or the Immigration Act 2009 as a protected person.

Clause 7 amends regulation 44 of the principal regulations (deprivation of income) so that it applies also where a parent or spouse or partner of an applicant deprives himself or herself of any income resulting in the applicant becoming eligible for an allowance or an increased allowance.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered by the Ministry of Social Development.
