

REPEALED: See Act, 1964 No.



#### ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Right of Commissioners, etc., to take part in the election of Board members</p> <p>3. Board Fund</p>	<p>4. Establishment and closing of public schools</p> <p>5. Penalty for irregular attendance</p> <p>6. Appointments where teachers available for transfer</p> <p>7. Release from restrictions on transfers of teachers</p>
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1958, No. 54

### An Act to amend the Education Act 1914

[26 September 1958]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Education Amendment Act 1958, and shall be read together with and deemed part of the Education Act 1914 (hereinafter referred to as the principal Act).

**2. Right of Commissioners, etc., to take part in the election of Board members**—Every Commissioner appointed for a school district by a Board in accordance with the provisions of the Third Schedule to the principal Act, and every member of a special committee or any other committee of a technical school to which powers have been delegated by a Board in accordance with subsection two of section ten of the Education Amendment Act 1924, shall, for the purposes of the provisions of the Second Schedule to the principal Act relating to the election of members of Education Boards, be deemed

to be a member of a School Committee for a school district within the ward or combined group of wards in which the school district in respect of which he has been appointed as a Commissioner or the technical school in respect of which he has been appointed as a member of a special committee or any other committee is situated.

**3. Board Fund**—Section thirty-three of the principal Act, as amended by section four of the Education Amendment Act 1920 and by subsection three of section five of the Education Amendment Act 1949, is hereby further amended by repealing the proviso to paragraph (a) of subsection eight.

**4. Establishment and closing of public schools**—(1) Section fifty-four of the principal Act, as amended by paragraph (a) of subsection one of section thirty-three of the Finance Act 1931 (No. 2) and by paragraph (a) of section thirty-six of the Finance Act 1931 (No. 4), is hereby further amended by repealing subsection four, and substituting the following subsection:

“(4) If it appears to the Board and the Senior Inspector that the children attending any school could conveniently attend any other school or should be enrolled in any correspondence school and that it is expedient that the first-mentioned school should be closed, the Board may close that school:

“Provided that no school shall be closed by a Board under this subsection on any grounds other than the falling roll of the school except with the approval of the Minister.”

(2) Section fifty-four of the principal Act, as amended by subsection one of section three of the Education Amendment Act 1938, is hereby further amended by repealing subsection six, and substituting the following subsections:

“(6) Where it appears that the number of children to be enrolled is less than nine, the Board may, on the advice of the Senior Inspector, either establish a public school or require the children to receive instruction from any correspondence school established by the Minister for the purpose.

“(6A) If it appears to the Board and the Senior Inspector that any school closed under this section should be re-opened, the Board may re-open the school:

“Provided that any school closed in accordance with subsection four A of this section shall not be re-opened without the consent of the Minister.”

(3) The following enactments are hereby consequentially repealed:

- (a) Paragraph (a) of section thirty-six of the Finance Act 1931 (No. 4):
- (b) Subsection one of section three of the Education Amendment Act 1938.

**5. Penalty for irregular attendance**—Section sixty-two of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

“(1) Where any child required by this Act to attend school has been enrolled at a registered school and does not attend as provided in section fifty-nine of this Act, the parent of the child shall be liable in the case of the first proceedings taken against him to a fine not exceeding twenty shillings, and in the case of any subsequent proceedings to a fine not exceeding thirty shillings, for every week in which the child fails on any occasion to attend school as required by this Act:

“Provided that no parent shall be liable in any one proceedings under this section to a fine exceeding ten pounds.”

**6. Appointments where teachers available for transfer**—Subsection three of section nine of the Education Amendment Act 1955 is hereby amended by adding the words “or unless every member of the Appointments Committee or his deputy is of the opinion that some other applicant for the position with a higher general assessment is in a great degree more suitable for the position”.

**7. Release from restrictions on transfers of teachers**—Section twelve of the Statutes Amendment Act 1941 is hereby amended by repealing paragraph (c) of subsection three, and substituting the following paragraph:

“(c) With the approval of the Education Board by which the teacher is employed, given with the concurrence of the Senior Inspector in the case of a teacher in a public school or a teachers' training college:”.

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