

Serial Number 1943/202



THE EDUCATION (SCHOOL AGE) REGULATIONS 1943

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 15th day of
December, 1943

Present :

THE HON. D. G. SULLIVAN PRESIDING IN COUNCIL

IN accordance with section 14 of the Education Amendment Act, 1920, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby fix the 1st day of February, 1944, as the date on which sections 10 to 13 of that Act shall come into operation, and pursuant to the powers conferred on him by the Education Act, 1914, and by section 6 of the Education Amendment Act, 1915 (No. 2), doth hereby, with the like advice and consent, make the following regulations.

REGULATIONS

1. These regulations may be cited as the Education (School Age) Regulations 1943, and shall come into force on the 1st day of February, 1944.

2. In these regulations the expression "the said Act" means the Education Act, 1914.

• ENROLMENT OF CHILDREN OF SCHOOL AGE

3. (1) It shall be the duty of every Education (School Age) Board to take all necessary steps to ensure that all children of school age resident in the district of the Board are enrolled as pupils of a public school or of some other school, unless they are known to the Board to be exempted in accordance with the said Act or these regulations from the obligation to be enrolled as pupils of any school.

(2) No child who is not enrolled as a pupil of the Correspondence School on the date of the commencement of these regulations shall thereafter be enrolled as a pupil of that school except by direction of or with the approval of the Director. The approval by the Director of the enrolment of any child as a pupil of the Correspondence School shall be given only if, in the opinion of the Director, there is no other suitable school which the child could conveniently attend.

EXEMPTIONS FROM ENROLMENT

General Exemption

4. All children who, on the coming into force of these regulations, have attained the age of fourteen years shall be deemed to have been duly exempted from the obligation to be enrolled as pupils of a school in accordance with the said Act.

Exemptions under Section 60 of the said Act

5. (1) Where, pursuant to section 60 of the said Act, any certificate of exemption has, before or after the commencement of these regulations, been granted in respect of any child on the ground—

- (a) That the child is elsewhere under instruction as regular and efficient as in a registered school ; or
- (b) That the child is unable to attend school by reason of his permanent infirmity,—

the certificate of exemption shall, unless and until it is revoked, exempt the parent and any other person or persons from the obligation to have the child enrolled as a pupil of any school.

(2) Except as provided in the last preceding subclause, no certificate of exemption granted under section 60 of the said Act shall operate as an exemption from the obligation imposed by that Act on parents of children of school age or on other persons to have those children enrolled as pupils of a school, but every such certificate shall, subject to the terms thereof and to the provisions of Regulation 8 hereof, operate as an exemption from the attendance at school of the child in respect of whom it is given.

(3) No exemption granted pursuant to section 60 of the said Act and these regulations shall affect the provisions of section 37 of the Finance Act, 1931 (No. 4) (relating to the compulsory enrolment of certain children as pupils of the Correspondence School or of correspondence classes).

(4) Where, after the commencement of these regulations, a certificate of exemption is granted under section 60 of the said Act on the ground specified in paragraph (b) of subclause (1) hereof, the Education Board shall forthwith report to the Director of Education the name, address, and age of the child.

Exemptions granted by Director or Senior Inspectors

6. (1) If the Director is satisfied with respect to any child who has attained the age of fourteen years and who has completed the work of Form II (as prescribed in the public-school syllabus) that the child would not be likely to derive any appreciable benefit from the educational facilities available at any convenient school or at the Correspondence School, he may grant to or in respect of that child a certificate of exemption from the obligation to be enrolled as a pupil of any school.

(2) Any certificate of exemption under this regulation may be at any time revoked by the Director if in his opinion it is in the best interests of the child that it should be revoked.

7. (1) The Director may delegate to the Senior Inspector of Schools in any district or to any other suitable person or persons the power to grant certificates of exemption in accordance with the last preceding regulation in respect of children resident within any area defined or referred to in the instrument of delegation or of children of any specified class in any such area.

(2) Every person to whom the power of granting certificates of exemption is delegated by the Director as aforesaid shall from time to time, as required, make a report to the Director with respect to all certificates granted by him, and the Director may at any time revoke any such certificate.

EXEMPTIONS FROM ATTENDANCE AT SCHOOL OF ENROLLED PUPILS

8. (1) Certificates of exemption from the attendance at any school of children enrolled as pupils of that school shall not be granted except in accordance with section 60 of the said Act and this regulation.

(2) Where an exemption from attendance is hereafter granted in respect of an enrolled child on any of the grounds specified in paragraph (a) of subsection (1) of the said section, the Education Board of the district in which the child is resident shall forthwith report the name, address, and age of the child to the Director, who may thereupon, if he thinks fit, exercise with respect to that child the powers conferred on him by section 37 of the Finance Act, 1931 (No. 4).

(3) Any exemption from attendance granted under section 60 of the said Act shall be for such period only as the circumstances may require. Except in cases where exemption is granted on the grounds specified in paragraph (a) of subsection (1) of the said section, no certificate of exemption shall be granted for a longer period than seven school days, but any such certificate may be from time to time renewed for a like period during the continuance of the conditions for which the exemption has been granted.

ATTENDANCE OFFICERS

9. (1) The governing body of any school that is not under the control of an Education Board may appoint one or more Attendance Officers for the purpose of ensuring the attendance of children enrolled as pupils of that school, and it shall be the duty of every such governing body, by the appointment of Attendance Officers or by such other means as it deems sufficient, to take steps to ensure that all children enrolled as pupils of any school under its control are regular in their attendance at school.

(2) The Director may appoint any officer of the Education Department to be an Attendance Officer for the purposes of these regulations and of the said Act.

(3) Any Attendance Officer appointed under these regulations or under section 64 of the said Act, on production of a distinctive badge or other evidence of his appointment, may at any time during school hours detain any child who appears to him to be of school age and is not then present at school and may question him as to his age, name, and address, the school at which he is enrolled, and the reason of his absence from school. If in any such case the child fails to give a satisfactory reason for his absence from school, the Attendance Officer may take the child to his home or to the school at which the Attendance Officer believes that he is or should be enrolled.

(4) Any person who, after production by the Attendance Officer of evidence of his appointment, obstructs or interferes with him in the exercise of his powers under this regulation shall be guilty of an offence and shall be liable on summary conviction to a fine of £5.

EMPLOYMENT OF CHILDREN OF SCHOOL AGE

10. (1) No person shall, after the commencement of these regulations, employ or continue to employ any child of school age at any time within school hours or at any other time if the employment of the child would prevent or interfere with his attendance at school, unless there is produced to him a certificate of exemption or other satisfactory evidence that the child is exempted, otherwise than on the ground that he is under suitable instruction elsewhere than at school, from the obligation to be enrolled as a pupil at any school.

(2) The parent or guardian of any child of school age who permits that child to be employed contrary to the provisions of this regulation and any person who so employs any such child shall be guilty of an offence and shall be liable on summary conviction to a fine of £5.

TRANSFERS OF PUPILS

11. (1) Subject to the provisions of this regulation, any Education Board or the governing body of any school may, and if so directed by the Minister shall,—

- (a) Transfer any pupil who is enrolled as a pupil of a school under the control of that Board or governing body to any other school under its control in which provision is made for affording education of the same kind; or
- (b) Refuse to enrol any child as a pupil of any specified school under its control.

(2) The powers conferred by this regulation may be exercised only for the purpose of ensuring that the best use is made of all accommodation and educational facilities available in schools under the control of the Education Board, or governing body, as the case may be.

(3) Nothing in this regulation shall be construed to affect the obligations in respect of the compulsory enrolment of children of school age imposed by the said Act on the parents of such children or on any other person.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 16th day of December, 1943.

These regulations are administered in the Education Department.