

1986

1987/398



**THE EDUCATION (ASSESSMENT, CLASSIFICATION, AND APPOINTMENT) REGULATIONS 1976, AMENDMENT NO. 19**

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PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of December 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Education Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 19, and shall be read together with and deemed part of the Education (Assessment, Classification, and Appointment) Regulations 1976\* (hereinafter referred to as the principal regulations).

\*S.R. 1976/287

Amendment No. 1: S.R. 1977/275  
Amendment No. 2: S.R. 1978/234  
Amendment No. 3: S.R. 1979/200  
Amendment No. 4: S.R. 1980/186  
Amendment No. 5: S.R. 1980/253  
Amendment No. 6: S.R. 1981/179  
Amendment No. 7: S.R. 1981/350  
Amendment No. 8: S.R. 1982/12  
Amendment No. 9: S.R. 1982/80  
Amendment No. 10: S.R. 1982/273  
Amendment No. 11: S.R. 1983/213  
Amendment No. 12: S.R. 1984/28  
Amendment No. 13: S.R. 1984/284  
Amendment No. 14: S.R. 1985/131  
Amendment No. 15: S.R. 1986/158  
Amendment No. 16: S.R. 1986/270  
Amendment No. 17: S.R. 1987/173  
Amendment No. 18: S.R. 1987/299

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

**2. Interpretation**—Regulation 59A (1) of the principal regulations (as inserted by regulation 6 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 8) is hereby amended by revoking the definition of the term “to be reassigned”, and substituting the following definition:

“To be reassigned” means—

“(a) To cease to be an underscale teacher under regulation 59B (9) of these regulations; or

“(b) To cease to be an overscale teacher under regulation 59C (6) of these regulations; or

“(c) To cease to be a protected teacher under subclause (3A) or subclause (3B) of regulation 59H of these regulations; or

“(d) In relation to a teacher holding a position in the employment of a Board, to be appointed to some other position in the employment of the Board; or

“(e) In relation to a teacher holding a position in the employment of the Director-General, to be appointed to some other position at the same school.”

**3. Underscale teachers**—(1) Regulation 59B of the principal regulations (as inserted as aforesaid) is hereby amended by adding the following subclauses:

“(9) Where there is at any school an underscale teacher who has not been reassigned or left, and on any day that school—

“(a) Becomes entitled to a position of the same grade and status as that held by the underscale teacher; or

“(b) Would have become so entitled but for regulation 30 (10) of the Education (Salaries and Staffing) Regulations 1957,—  
that teacher shall on that day cease to be an underscale teacher.

“(10) When under subclause (9) of this regulation a teacher ceases to be an underscale teacher, he shall then, without advertisement, become a permanently appointed teacher; but that shall not prevent his becoming a protected teacher in the future.

“(11) Where it becomes apparent to the appointing authority concerned that any underscale teacher will cease to be an underscale teacher under subclause (9) of this regulation, that authority shall not terminate his appointment under subclause (8) of this regulation.”

(2) Subclause (8) of the said regulation 59B is hereby consequentially amended by omitting the word “Where”, and substituting the words “Subject to subclause (11) of this regulation, where”.

**4. Overscale teachers**—Regulation 59C of the principal regulations (as inserted as aforesaid) is hereby amended by adding the following subclauses:

“(6) Where there is at any school an overscale teacher who has not been reassigned or left and on any day that school becomes entitled to a position of the same grade and status as that held by the overscale teacher, that teacher shall on that day cease to be an overscale teacher.

“(7) When under subclause (6) of this regulation a teacher ceases to be an overscale teacher, he shall then, without advertisement, become a permanently appointed teacher; but that shall not prevent his becoming an overscale teacher in the future.”

**5. Protected teachers**—(1) Regulation 59D of the principal regulations is hereby amended by inserting, after subclause (11), the following subclause:

“(11A) Where it becomes apparent to the appointing authority concerned that any protected teacher will cease to be a protected teacher under subclause (3A) or subclause (3B) of regulation 59H of these regulations, that appointing authority shall not terminate his appointment under subclause (11) of this regulation.”

(2) The said subclause (11) is hereby consequentially amended by omitting the word “subclause”, and substituting the expression “subclauses (11A) and”.

**6. Effect of regulations and changes in entitlement on protected teachers**—Regulation 59H of the principal regulations (as inserted as aforesaid) is hereby amended by inserting, after subclause (3), the following subclauses:

“(3A) Where—

“(a) A protected teacher (within entitlement) is employed at a school; and

“(b) The school becomes entitled to a position (or, as the case requires, a further position) of the same salary and grade as that teacher,—the protected teacher shall thereupon cease to be a protected teacher.

“(3B) Where—

“(a) No protected teacher (within entitlement) is employed at a school; and

“(b) There is or are employed at that school one or more protected teachers (over entitlement) of a particular category and salary grade; and

“(c) That school becomes entitled to a position (or, as the case requires, a further position) of that category and salary grade,—that protected teacher (over entitlement) or, as the case requires, one of them selected in accordance with regulation 59E of these regulations, shall thereupon cease to be a protected teacher.”

C. J. HILL,  
Acting for Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations amend the Education (Assessment, Classification, and Appointment) Regulations 1976 so as to provide in some cases for the reinstatement to their original positions of teachers who have become protected teachers as a result of school roll fluctuations (but have not yet left the schools concerned), if the roll later alters.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 December 1987.

These regulations are administered in the Department of Education.