

1962/23

Reprint under section 7 of the Regulations Act 1936 of the Education (Free Place) Regulations 1945 (S.R. 1945/142), as amended by the following amendment:

Amendment No. 1, S.R. 1956/102

**THE EDUCATION (FREE PLACE) REGULATIONS 1945
(REPRINT)**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 26th day of September 1945

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Education Act 1914, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Education (Free Place) Regulations 1945.

(2) These regulations shall come into force on the 1st day of February 1946.

(3) The Free Place Regulations 1937* are hereby revoked.

(4) All free places and generally all acts of authority that originated under the regulations hereby revoked and are subsisting or in force on the commencement of these regulations shall continue in force as if they had originated under the corresponding provisions of these regulations.

2. A free place shall be tenable in any secondary school, technical school, or combined school, or in the secondary department of any district high school, or in the secondary department of the Correspondence School, or in any class above Form II in any public school or intermediate school which is approved by the Director as providing a suitable course of a satisfactory standard for the purposes of these regulations.

3. A pupil shall be qualified to be the holder of a free place if—
- (a) He has [completed a course in Form II]; or
 - (b) He has attained the age of 14 years not later than the 31st day of March in the year in which he applies for a free place.

In paragraph (a) the words in square brackets were substituted for the words "obtained a Primary School Certificate" by regulation 2 of S.R. 1956/102.

4. (1) Subject to the following provisions of this clause, every holder of a free place who is not engaged in regular employment shall be required to attend a school or class continuously for full-time instruction.

(2) Any holder of a free place who is not at the time receiving full-time instruction without payment of fees may attend any school or class for part-time instruction, provided that—

- (a) If the holder is under the age of 19 years, he is taking a course which is defined as such by the Principal of the school attended and approved by the Director; or
- (b) If the holder is over the age of 19 years, and the instruction provided in the class attended is part of an organised course for learners in any branch of art, commerce, or industry, he obtains the approval of the Principal of the school attended; or
- (c) If the holder is over the age of 19 years, and the class is defined by the Principal of the school attended and approved by the Director as a senior class, he obtains the approval of the Principal.

5. (1) Where the pupil is receiving full-time instruction a free place shall be tenable until the end of the year in which the pupil attains the age of 19 years, or, in special circumstances, for such longer period as the Director may determine.

(2) Where the pupil is receiving part-time instruction a free place shall be tenable for the period provided for by subclause (1) of this regulation, or for five years (including any period of full-time instruction), whichever is the longer.

TRANSFERS

6. Any free place may, at the request of the holder, be transferred from one school or class to another—

- (a) At the beginning of a school year; or
- (b) At any time if the pupil has moved his place of residence more than 5 miles from his former school; or
- (c) At any time if the pupil is then beginning full-time employment; or
- (d) At any time if the Director has approved of the transfer, having regard to the interests of the pupil.

RECORDS

7. The Principal of any school which is attended by pupils holding free places shall cause such records to be kept as may be prescribed by the Director in respect of those pupils, and in the event of any transfer shall cause the appropriate records to be forwarded to the pupil's new school.

POWER TO REFUSE ENROLMENT

8. Nothing in these regulations shall limit the powers of any Education Board or the governing body of any school to transfer any pupil or to refuse to enrol any child as a pupil of any school as provided in regulation 11 of the Education (School Age) Regulations 1943* or in any other enactment.

CANCELLATION OF FREE PLACE

9. (1) If, on a report from the Principal of any school or from an Inspector of Schools, it appears to the Director that the attendance, conduct, or diligence of any pupil holding a free place who has attained the age of 15 years is not satisfactory in all the circumstances, the Director may forthwith, or after due warning, cancel the free place.

(2) Any pupil whose free place has been cancelled under this regulation shall not again be granted a free place in any school or class unless the Director is satisfied that the pupil is able and willing to use it to advantage.

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

*S.R. 1943/202

Certified for the purposes of section 7 of the Regulations Act 1936, this 14th day of March 1962.

J. R. HANAN, *Attorney-General.*

Issued under the authority of the Regulations Act 1936.

Date of notification of principal regulations in *Gazette*: 27 September 1945.

These regulations are administered in the Department of Education.