

1966/58



**THE MUSIC TEACHERS REGISTRATION REGULATIONS
1966**

BERNARD FERGUSSON, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 2nd day of May 1966

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Music Teachers Registration Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Music Teachers Registration Regulations 1966.

(2) These regulations are divided into Parts, as follows:

Part I—Preliminary.

Part II—Registration of music teachers.

Part III—Conduct of elections of Board members.

Part IV—Conduct of appeals.

Part V—General provisions.

PART I—PRELIMINARY

2. In these regulations, unless the context otherwise requires,—

“Act” means the Music Teachers Registration Act 1928:

“Board” means the Music Teachers Registration Board established under the Act:

“District” means one of the four districts into which New Zealand is divided by subsection (4) of section 3 of the Act for the purpose of elections of members of the Board:

“Election” means an election held under subsection (5) of section 3 of the Act:

“Elector” means a teacher registered under the Act and resident in a district within which an election is to be conducted under the Act:

“Register” means the register of registered music teachers kept in accordance with section 11 of the Act:

“Registrar” means the Registrar of Music Teachers appointed under the Act.

PART II—REGISTRATION OF MUSIC TEACHERS

3. Every application for registration as a music teacher shall be made in the form numbered 1 in the First Schedule to these regulations.

4. All indications in the said form numbered 1 as to the nature of the information to be furnished thereby and the action to be taken in completing the form shall be deemed to be matters prescribed by these regulations.

5. The Board may require evidence to be furnished to it by written statement, statutory declaration, or otherwise, of the identity, age, good character and reputation, qualification for registration, or any other material on which the Board is entitled to be informed in respect of any applicant for registration.

6. Any document submitted with an application for registration may be returned to the applicant by post by registered letter addressed to him at the address stated in the application pursuant to subsection (1) of section 13 of the Act, or to such other address as the applicant may furnish to the Board.

7. The certificate of registration which every person registered under the Act is entitled to receive shall be in the form numbered 2 in the First Schedule to these regulations.

8. The Board may issue a duplicate certificate of registration in substitution for any certificate that has become damaged, on surrender to the Board of the certificate so damaged, or in substitution for any certificate that has been lost or destroyed if proof of such loss or destruction is furnished to the satisfaction of the Board.

9. The register required to be kept at the office of the Registrar shall be in the form numbered 3 in the First Schedule to these regulations.

10. The entries in the register shall be made in the order in which the directions to make the entries are given as provided by subsection (2) of section 13 of the Act.

11. The Registrar shall keep (either in book form or by means of a loose-leaf or card system) an index in alphabetical order of surnames of the names of persons entered in the register, which index shall be deemed to be a part of the register. The index may be subdivided in respect of registrations current and cancelled, or according to locality of registered addresses, or in any other way that the Registrar may think expedient.

12. The musical subjects in respect of which registration may be granted under the Act shall be the subjects enumerated in the Second Schedule to these regulations.

13. The examinations which shall be recognised by the Board for the purpose of conferring a qualification to be registered under the Act shall be the examinations enumerated in the Third Schedule to these regulations.

14. Any person registered as a music teacher under the Act may, in connection with his calling or profession, signify such registration by applying to himself the term "Registered Teacher of Music".

Annual Registration Fee

15. The annual fee to be paid by persons registered under the Act shall be 15s. 0d.

PART III—CONDUCT OF ELECTIONS OF BOARD MEMBERS

16. For the purpose of every election of Board members the Registrar shall be the Returning Officer.

17. In the month of October in the year 1966 and in every second year thereafter, the Returning Officer shall send notice by post to every registered teacher under the Act in each of the four districts, calling upon him to nominate for his district two persons to be members of the Board for the ensuing two years; and giving a date (not less than two weeks nor more than four weeks later) upon which such nominations shall close at 4 p.m. at his office.

18. Every candidate shall be nominated in writing by two electors entitled to vote for his election. Each elector may nominate any number of candidates not exceeding two.

19. Every nomination paper shall be in the form or to the effect of the following:

We [*Full names and addresses*], being persons legally in possession of certificates of registration under the Music Teachers Registration Act 1928, hereby nominate [*Full name and address*] as a candidate for election as a member of the Board at the election for the District of, to be held on

Dated this day of 19.....

Signatures of nominators:

I hereby consent to my nomination.

Signature of candidate:

Nominations shall close at 4 o'clock on the afternoon of the day of, at the office of the Returning Officer, Street,

20. A nomination paper shall be informal—

- (a) If it is not made and signed by persons entitled to vote in the election; or
- (b) If it is received after the time at which nominations close; or
- (c) If it does not bear the consent in writing of the candidate.

21. Any question that arises touching the validity of a nomination paper, whether by reason of form, execution, time of receipt, or other cause, shall be decided by the Returning Officer, and his decision shall be final.

22. If in any district the number of duly nominated candidates does not exceed two, the Returning Officer shall forthwith declare the candidates so nominated to be duly elected for such district as from the date of expiry of the term of the sitting members for that district.

23. In the event of a smaller number of candidates having been nominated than is required to fill the vacancies on the Board, the Minister of Education shall appoint some fit person or persons to complete the number of the Board.

24. In all other cases the Returning Officer shall, as soon as the nominations are closed, prepare and post to each elector in any district concerned, at his address as appearing in the register, a printed voting paper containing in alphabetical order of surnames a list of all the duly nominated candidates for whom the elector is entitled to vote; and the voting paper shall be in the form or to the effect following:

VOTING PAPER FOR USE AT THE ELECTION, TO BE HELD ON THE DAY OF OF MEMBERS OF THE MUSIC TEACHERS REGISTRATION BOARD FOR THE [*Name of District*] DISTRICT

Candidates

(Set out in alphabetical order of surnames the full name of every duly nominated candidate.)

Directions

The number of candidates to be elected is two.

The voter must draw a line through the name of every candidate for whom he does not intend to vote.

The number of candidates whose names are left uncanceled must not exceed two.

The voting paper must be posted or delivered to the Returning Officer in a closed envelope bearing on the outside the word "Voting paper", and on the inside of the flap of the envelope the signature of the voter. If posted to the Returning Officer it must be posted on or before the day of, and if delivered to him must be delivered at his office, Street,, before the day of, or not later than 4 o'clock in the afternoon of that day.

25. When posting any voting paper the Returning Officer shall enclose for the return of the voting paper an envelope addressed to himself, with a place inside the flap for the signature of the voter.

26. Each candidate for election may, by writing under his hand, appoint one scrutineer, who may be present at the examination of the voting papers and the counting of the votes by the Returning Officer.

27. A voting paper shall be informal in any of the following cases:

- (a) If the elector votes more than once at the same election;
- (b) If the candidates whose names are left uncanceled exceed in number the total number of candidates for whom the elector is entitled to vote;
- (c) If in any other way the paper fails to indicate for whom the vote is intended to be given;
- (d) If, being delivered to the Returning Officer otherwise than by post, the sealed envelope containing the voting paper is not delivered at his office before the close of the poll;
- (e) If, the envelope having been forwarded by post, the Returning Officer is satisfied, from the postmark on the envelope or otherwise, that it was not posted until after the day for the closing of the poll;
- (f) If there is reasonable cause to believe that it was not issued to the voter by the Returning Officer;
- (g) If the voter fails to place his signature on the inside of the flap of the envelope; or
- (h) If the envelope does not bear on the outside the words "Voting paper".

28. The Returning Officer shall decide whether a voting paper is invalid or informal, whether by reason of the time of receipt, or by reason of the fact that the voter's intention is not indicated, or for any other reason; and his decision shall be final.

29. On the day after the date of the closing of the polls the Returning Officer shall open and examine all voting papers duly delivered to him or received by him through the post as aforesaid, and after rejecting all

informal voting papers shall ascertain for each district the two candidates who have received the greatest number of votes, and shall declare such candidates to be elected as from the date of expiry of the term of the sitting members for that district.

30. If by reason of an equality of votes given for two or more candidates the election in any district is not complete, the Returning Officer shall decide by lot, in the presence of the Director-General of Education or some person appointed by the Minister of Education in his place, which candidate or candidates shall be elected, and thereby complete the election.

31. (1) The Returning Officer shall, immediately after counting the votes, seal up all voting papers, and transmit the whole to the Director-General of Education, who shall keep the same for six months thereafter, and shall not open the packet or permit the packet to be opened except on the order of some Court of competent jurisdiction, and shall at the end of six months effectually destroy the same.

(2) Forthwith after the completion of the election, the Returning Officer shall, by notice in the *Gazette* and advertisement in a newspaper circulating in each district, notify as to such district the names of the persons elected, the number of valid votes recorded for each candidate, and the total number of votes rejected as informal.

(3) The Returning Officer and every clerk or other person employed by him and every scrutineer shall be required faithfully and impartially to perform the duties of their offices, and shall not, directly or indirectly, make known the state of the poll, or give or pretend to give any information by which the state of the poll may be known before the final declaration thereof by the Returning Officer, or make known for which candidate any voter has voted, or communicate to any person any information likely to defeat the secrecy of the ballot.

32. If a candidate informs the Returning Officer in writing not later than 4 o'clock on the day on which nominations close that he retires from the election, the Returning Officer shall give due notice to the electors in the district concerned; and, if by such retirement the number of candidates is reduced to the number of vacancies to be filled, the Returning Officer shall publicly declare the remaining candidates to be duly elected as from the date of expiry of the term of the sitting members for the district; but if the said number of candidates is not so reduced the poll shall proceed, but the person so retiring shall not be capable of being elected.

33. The Returning Officer shall be the sole and absolute judge of the regularity and propriety of all matters connected with the election, and the election shall not be called in question on the ground that a voting paper or an addressed envelope was not posted to any elector, or that a voting paper from any elector was not received by the Returning Officer, or that a voting paper prepared by the Returning Officer was irregular in form, or that any vote was irregularly cast, or that any votes were wrongly computed, or that any other irregularity occurred in connection with the election, unless in the opinion of the Returning Officer (whose decision shall be final) the irregularity materially affected the result of the election or occurred otherwise than in good faith.

PART IV—CONDUCT OF APPEALS

34. (1) Every appeal made under section 19 of the Act against any decision of the Board shall be made by notice to the Board in the form or to the effect of the following:

The Music Teachers Registration Act 1928

NOTICE OF APPEAL

[To be signed by the appellant and posted to the Registrar.
..... Street,]]

- (a) Appellant's name [In full]:
- (b) Registered No. [If any]:
- (c) Postal address [State number of street where possible]:
- (d) Date of appeal:
- (e) Name [In full] and address of person appointed by appellant to act as assessor at the hearing of appeal.

[State facts concisely and number the paragraphs.]

SIR,

I hereby give notice of appeal against the decision of the Music Teachers Registration Board [State here decision appealed against] on the following grounds:

[Signature of appellant.]

I hereby consent to act as an assessor for the purpose of this appeal.

[Signature of assessor for appellant.]

(2) The appellant shall forward to the Minister of Education a copy of the notice of appeal.

35. (1) Within 21 days after receipt of any such notice of appeal, the Board shall serve on the appellant at the address given in his notice of appeal a statement in reply, setting forth briefly but clearly the reasons for the Board's decision and the Board's answer to the notice of appeal, and advising the appellant of the name of the assessor appointed by the Board.

(2) The statement in reply may be prepared and served by the Chairman or any two members of the Board without convening a meeting of the Board.

36. The notice of appeal and statement in reply shall form the case on appeal, and the Board shall, within 21 days after service on it of the notice of appeal, forward to the Minister of Education a copy of the statement in reply.

37. Upon receipt of the copy of the statement in reply, if forwarded, or, if not, then upon the expiration of the period within which it should have been forwarded, the Minister of Education shall appoint a Magistrate as Chairman of the Board of Appeal, and shall forward to him a copy of the notice of appeal and, if received, of the statement in reply, with instructions to convene the Board of Appeal for the purposes of the appeal.

38. The Magistrate and assessors shall hear and determine the appeal at such convenient place and time as may be decided by the Magistrate. The Magistrate shall cause at least five days' previous notice of the place and time to be given to the assessors, the Board, and the appellant.

39. At the hearing of the appeal the appellant may himself appear or may be represented by some person on his behalf, and the Board may be represented by any member thereof appointed by the Board or by some other person appointed by the Board.

40. The Board of Appeal may, in its discretion, receive any evidence that it thinks fit (whether on oath or otherwise), and may act on any statement, document, information, or matter which in the opinion of the Board of Appeal may assist it to deal with the matters before it, whether the same would be legally admissible in a Court of law or not.

41. In matters not expressly provided for in the Act or by these regulations the procedure of the Board of Appeal shall be such as the Magistrate may determine.

42. The Board of Appeal may from time to time adjourn the hearing or consideration or determination of the appeal as it thinks fit.

43. The determination made in respect of the appeal shall be in writing, signed by the Magistrate and the assessors, and a copy of the order shall be given to the appellant and to the Board; and the Board shall at once give effect to the order. No determination shall be invalid by reason of the omission or refusal of any assessor to sign the same.

44. The Board of Appeal may in its discretion order that the expenses involved in hearing an appeal shall be paid by the Music Teachers Registration Board, or may order that they shall be paid by the appellant in whole or in part.

45. The fee that may be paid to assessors shall be two guineas for each day upon which a sitting of the Board of Appeal is held.

PART V—GENERAL PROVISIONS

46. Every person whose name is proposed to be removed from the register, or whose name has been removed from the register under section 18 of the Act shall, wherever possible, be notified by the Registrar to that effect.

47. The name of every person removed from the register under section 18 of the Act shall be published in the *Gazette*; and the Board may, if it thinks fit, state the ground of the removal.

48. Except in the case of persons proved to have died, no such publication shall take place until after three months from the date of the Registrar's notification if no appeal is then pending, or in the case of an appeal, then until after the decision of the Board of Appeal has been given.

49. Every certificate of registration issued to any person whose name is removed from the register shall be returned by that person to the Registrar within one month after the date of the publication in the *Gazette* of the notification aforesaid.

50. Every such person who without just cause fails so to return any such certificate commits an offence and is liable on summary conviction to a fine not exceeding £5.

51. The Registrar shall present to the Board at its first meeting held in each year an audited statement of account and balance sheet for the previous year, which shall be published in the *Gazette*. Any registered music teacher shall be supplied with a copy of that statement of account and balance sheet on application to the Registrar.

Revocations

52. The regulations specified in the Fourth Schedule to these regulations are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Form No. 1

Reg. 3

The Music Teachers Registration Act 1928

FORM OF APPLICATION TO BE REGISTERED

[*This form is to be filled in and signed by the applicant.*]

The postal address of the Registrar is Post Office Box No. 2257, Wellington.

Should an application be sent by post with original documents, it is desirable that the package be registered.

To the Registrar of Music Teachers.

Name in full: [*Mr, Mrs, or Miss*].

Full postal address:

The applicant shall complete such of the following paragraphs A and B as may be applicable.

A. I hereby apply under section 12 (1) (b) of the Act to be registered as a teacher of music on the grounds that I possess a degree, diploma, certificate, licence, or other proof that I have passed an examination in music recognised by the Board.

My degree, diploma, etc., is:

The examination(s) referred to is (are), held at; held at

I attach herewith my diploma(s), certificate(s), licence(s), etc., relative to the above-mentioned examination(s).

B. I hereby apply under section 12 (1) (c) of the Act to be registered as a teacher of music on the grounds that I am competent to teach music. I submit the following evidence of competency:

(Continue overleaf if necessary.)

Every applicant shall complete the following paragraphs C, D, E, and F, and obtain completion of paragraph G.

C. I desire to be registered as a teacher of the following musical subject(s): [*For prescribed list of musical subjects in respect of which registration may be granted see endorsement.*]

I desire to be so registered as a teacher of the art of playing the following musical instrument(s):

D. I hereby declare that on the date of signing this application I am not less than 18 years of age.

E. I hereby declare that the statements made above are true to the best of my knowledge.

FIRST SCHEDULE—*continued*

[By section 14 of the Act every person who makes any false or fraudulent representation or produces to the Board or the Registrar any false certificate or testimonial for the purpose of securing registration under the Act is liable to a fine of £50.]

F. I enclose the registration fee of 15s. 0d.

Date:

Signature:

G. Evidence as to character.

I hereby certify that I have known the above-named applicant,, for years, and that he/she is of good character and reputation, and that he/she is the person named in the attached diploma (certificate, licence, etc.).

Signature:

Occupation:

Address:

[To be signed by a Minister of religion, solicitor, Justice of the Peace, or a professional member of an Incorporated Society of Musicians.]

[To be filled in by the Registrar.]

Action taken:

Registration number:

ENDORSEMENT

Musical Subjects in Respect of Which Registration may be Granted

1. Art of singing.
2. Theory of music to the standard required for any one of the following examinations:
 - (1) Degree of Music granted by any University in New Zealand.
 - (2) Degree of Master of Music of the Royal College of Music, London.
 - (3) Degree in Music granted by any British Chartered University or by any British or foreign University: provided that the degree would entitle the holder to admission *ad eundem statum* to a degree in Music in any University in New Zealand.
 - (4) Graduate of the Guildhall School of Music.
 - (5) Graduate of the Northern School of Music.
 - (6) Graduate of the Royal Schools of Music.
 - (7) Graduate of Trinity College, London.
 - (8) Executant Diploma in Music of the University of Auckland.
 - (9) Diplomas of the Birmingham School of Music.
 - (10) Diplomas of the Royal Scottish Academy of Music.
 - (11) Diploma of the State Conservatorium of New South Wales.
 - (12) Diploma of Music of the University of Adelaide.
 - (13) Diploma of Music of the University of Melbourne.
 - (14) Diploma in Music in any University in New Zealand.
 - (15) Fellowship of the former Auckland University College School of Music.
 - (16) Fellowship of the Royal College of Organists, London.
 - (17) Fellowship of Trinity College, London.

FIRST SCHEDULE—*continued*

- (18) Licentiatehip of Music of the Australian Music Examination Board.
- (19) Licentiatehip of the Guildhall School of Music.
- (20) Licentiatehip of the Royal Academy of Music, London.
- (21) Licentiatehip of the Royal Manchester College of Music.
- (22) Licentiatehip of the Associated Board of the Royal Schools of Music.
- (23) Licentiatehip of Trinity College, London.
- (24) Associateship of the former Auckland University College School of Music.
- (25) Associateship of Music of the Australian Music Examination Board.
- (26) Associateship of the Guildhall School of Music.
- (27) Associateship of the Royal Academy of Music, London.
- (28) Associateship of the Royal College of Music, London.
- (29) Associateship of the Royal College of Organists, London.
- (30) A certificate of Registration in Music under the Teachers Registration Council of Great Britain.
- (31) A Teachers Certificate of the former Auckland University College School of Music.
- (32) Any other examination which the Board from time to time recognises for the purpose of paragraph (b) of subsection (1) of section 12 of the Act.

Form No. 2

Reg. 7

THE MUSIC TEACHERS REGISTRATION BOARD

(Constituted by the Music Teachers Registration Act 1928)

THIS is to certify that, having complied with the conditions prescribed by the Music Teachers Registration Act 1928, is this day, by resolution of the Board, registered as a teacher of.....

Registered Number:

Date of Registration:

On behalf of the Music Teachers Registration Board:

....., Chairman.

....., Registrar.

[Common seal.]

Form No. 3

Reg. 9

The Music Teachers Registration Act 1928

NAME and address:

Registration number and date of registration:

Under section:

Subject(s) and instrument(s):

Qualifications:

Reg. 12

SECOND SCHEDULE

MUSICAL SUBJECTS IN RESPECT OF WHICH REGISTRATION MAY BE GRANTED

1. Art of singing.
2. Theory of music to the standard required for any one of the examinations enumerated in the Third Schedule.

Reg. 13

THIRD SCHEDULE

EXAMINATIONS TO BE RECOGNISED BY THE BOARD

- (1) Degree of Music granted by any University in New Zealand.
- (2) Degree of Master of Music of the Royal College of Music, London.
- (3) Degree in Music granted by any British Chartered University or by any British or foreign University: provided that the degree would entitle the holder to admission *ad eundem statum* to a degree in Music in any University in New Zealand.
- (4) Graduate of the Guildhall School of Music.
- (5) Graduate of the Northern School of Music.
- (6) Graduate of the Royal Schools of Music.
- (7) Graduate of Trinity College, London.
- (8) Executant Diploma in Music of the University of Auckland.
- (9) Diplomas of the Birmingham School of Music.
- (10) Diplomas of the Royal Scottish Academy of Music.
- (11) Diploma of the State Conservatorium of New South Wales.
- (12) Diploma of Music of the University of Adelaide.
- (13) Diploma of Music of the University of Melbourne.
- (14) Diploma in Music in any University in New Zealand.
- (15) Fellowship of the former Auckland University College School of Music.
- (16) Fellowship of the Royal College of Organists, London.
- (17) Fellowship of Trinity College, London.
- (18) Licentiatehip of Music of the Australian Music Examination Board.
- (19) Licentiatehip of the Guildhall School of Music.
- (20) Licentiatehip of the Royal Academy of Music, London.
- (21) Licentiatehip of the Royal Manchester College of Music.
- (22) Licentiatehip of the Associated Board of the Royal Schools of Music.
- (23) Licentiatehip of Trinity College, London.
- (24) Associateship of the former Auckland University College School of Music.
- (25) Associateship of Music of the Australian Music Examination Board.
- (26) Associateship of the Guildhall School of Music.
- (27) Associateship of the Royal Academy of Music, London.
- (28) Associateship of the Royal College of Music, London.
- (29) Associateship of the Royal College of Organists, London.
- (30) A certificate of Registration in Music under the Teachers Registration Council of Great Britain.
- (31) A Teachers Certificate of the former Auckland University College School of Music.

THIRD SCHEDULE—*continued*

- (32) Any other examination which the Board from time to time recognises for the purpose of paragraph (b) of subsection (1) of section 12 of the Act.

FOURTH SCHEDULE

Reg. 52

REGULATIONS REVOKED

Title or Subject-matter	Reference
	<i>Gazette</i>
Regulations under the Music Teachers Registration Act 1928	1929, Vol. II, p. 2146
Amended Regulations under the Music Teachers Registration Act 1928	1930, Vol. I, p. 1127
Regulations under the Music Teachers Registration Act 1928	1930, Vol. I, p. 1131
The Music Teachers Fee Regulations 1962	Statutory Regulations Serial Number 1962/84

T. J. SHERRARD,
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 consolidate and bring up to date the regulations under the Music Teachers Registration Act 1928. They affect the registration of music teachers, the conduct of elections of members of the Music Teachers Registration Board, and the conduct of appeals against decisions of that Board in relation to registration and applications for registration.

Issued under the authority of the Regulations Act 1936.

Date of Notification in *Gazette*: 5 May 1966.

These regulations are administered in the Department of Education.