

**Serial Number 1947/100**

*Reprint under section 7 of the Regulations Act, 1936, of Serial number 1944/23, as amended by Serial number 1946/91.*



**THE SUSPENSION OF APPRENTICESHIP EMERGENCY  
REGULATIONS 1944 (REPRINT)**

C. L. N. NEWALL, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington, this 16th day of  
February, 1944

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Emergency Regulations Act, 1939, 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 Suspension of Apprenticeship Emergency Regulations 1944.

(2) The regulations specified in the Schedule hereto are hereby revoked.

(3) All suspensions, revivals, arrangements, authorizations, engagements, notices, certificates, decisions, and generally all acts of authority that originated under any of the provisions of the regulations hereby revoked, and are subsisting or in force at the commencement of these regulations, shall enure for the purposes of these regulations as if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

(4) All matters and proceedings commenced under the regulations hereby revoked and pending or in progress at the commencement of these regulations may be continued, completed, and enforced under these regulations.

2. In these regulations, unless the context otherwise requires,—  
 “His Majesty’s Forces” means any of His Majesty’s Naval, Military, or Air Forces, whether raised in New Zealand or elsewhere :

“Military service” means—

(a) Continuous full-time service as a member of His Majesty’s Forces whether in New Zealand or elsewhere ; or

(b) Continuous full-time service as a radio operator in a ship to which the Shipping and Seamen Act Wireless Regulations 1925\* apply (including any period of training for service as such an operator) where the service as operator or trainee commences after the 19th day of February, 1941, and terminates during the present war or as soon after the termination of the war as the contract of service may lawfully be determined.

3. If any apprentice during the currency of the term of his apprenticeship has commenced or hereafter commences any period of military service his contract of apprenticeship shall be deemed to be suspended during the period of military service and for six months thereafter, and shall thereupon lapse and be determined unless previously revived in accordance with Regulation 4 hereof.

4. If any apprentice before the expiration of six months after being discharged or otherwise released from military service gives to his employer notice in writing that he desires the contract of apprenticeship to revive or enters into a mutual arrangement with the employer to revive the contract of apprenticeship, the contract of apprenticeship shall thereupon be deemed to be revived and shall continue, subject to Regulation 10 hereof, for the term of his apprenticeship unexpired at the date of suspension (calculated on the basis of an apprenticeship term of not more than five years) or for a period of three years, whichever is the shorter period :

Provided that in the case of an apprenticeship with a term under the contract of more than five years of which the apprentice has served not less than four and one-half years, the contract shall be deemed to be revived and shall continue for a period of six months or for the term of his apprenticeship unexpired at the date of suspension, whichever is the shorter period.

5. Where an apprentice revives his contract of apprenticeship as aforesaid the following provisions shall apply (irrespective of any grants that may be made by the Rehabilitation Board) :—

- (a) If the apprentice has attained the age of twenty-one years and has rendered military service in New Zealand for not less than twelve months or has rendered military service overseas or if the term of the apprenticeship (calculated on the basis of an apprenticeship term of not more than five years) has expired, the wages payable to him by his employer shall be at not less than the rate payable under the contract for the last six months of the apprenticeship term or the tenth six months of the apprenticeship term, whichever is the earlier period :

Provided that in the case of an apprentice under an apprenticeship with an apprenticeship term of more than five years of which not less than four and one-half years

\* Gazette, 25th June, 1925, Vol. II, page 1957.

had been served at the date of suspension, the wages payable to him by his employer shall be not less than the rate payable under the contract for the last six months of the apprenticeship term :

(b) In any other case the wages payable to the apprentice shall be at not less than the relevant rate or rates payable under the contract up to the date on which the provisions of paragraph (a) hereof would apply and thereafter in accordance with paragraph (a) hereof, but for the purpose of determining the relevant rate or rates every period of military service shall be deemed to be time served under the contract of apprenticeship :

(c) Notice in writing of the revival of the contract of apprenticeship shall be given forthwith to the District Registrar of Apprentices by the employer.

**[5A.** If pursuant to the Rates of Wages Emergency Regulations 1940\* or the Economic Stabilization Emergency Regulations 1942† any order or amendment has been made, whether before or after the commencement of this regulation, which affects the rates of wages payable under any contracts of apprenticeship of the same kind as the apprenticeship under a contract revived under these regulations, the order or amendment shall apply and be deemed to have applied to the revived contract of apprenticeship as from the date on which the order or amendment took effect or as from the date of the revival of the contract, whichever is the later, and for the purposes of Regulation 5 hereof the rate of wages payable for the last six months of the apprenticeship term, or for the tenth six months of the apprenticeship term, or for any other part of the apprenticeship term, as the case may be, shall be deemed to be and always to have been the appropriate rate under the revived contract of apprenticeship amended as provided by the order or amendment hereinbefore referred to.]

Regulations 4, 5, and 5A as printed within brackets were substituted by Regulation 2 of the Suspension of Apprenticeship Emergency Regulations 1944, Amendment No. 1 (Serial Number 1946/91).

Regulation 3 of the Suspension of Apprenticeship Emergency Regulations 1944, Amendment No. 1 (Serial Number 1946/91) which came into force on 12th June, 1946, is as follows :—

3. Every contract revived before the date of the coming into force of these regulations shall be deemed to have been revived as provided in Regulation 4 of the principal regulations as enacted hereby, and shall be subject as from that date to the provisions of Regulation 5 of the principal regulations as enacted hereby.

6. Any limitation in any Act, award, apprenticeship order, or agreement as to the age of any apprentice, or as to the term of any apprenticeship, or as to the number of apprentices, or as to the proportion of apprentices to journeymen, shall not apply with respect to any apprentice serving under a contract of apprenticeship revived as aforesaid.

\* Statutory Regulations 1940, Serial number 1940/86, page 301.

Amendment No. 1 : Statutory Regulations 1940, Serial number 1940/116, page 380.

Amendment No. 2 : Statutory Regulations 1940, Serial number 1940/242, page 765.

Amendment No. 3 : *Revoked.*

† Statutory Regulations 1942, Serial number 1942/335, page 815.

Reprinted with Amendments Nos. 1 to 3 : Statutory Regulations 1944, Serial number 1944/36, page 106.

Amendment No. 4 : Statutory Regulations 1944, Serial number 1944/93, page 252.

Amendment No. 5 : Statutory Regulations 1945, Serial number 1945/6, page 8.

Amendment No. 6 : Statutory Regulations 1945, Serial number 1945/75, page 181.

Amendment No. 7 : Statutory Regulations 1946, Serial number 1946/22, page 2.

Amendment No. 8 : Statutory Regulations 1946, Serial number 1946/22, page 41.

Amendment No. 9 : Statutory Regulations 1946, Serial number 1946/184, page 527.

Amendment No. 10 : Statutory Regulations 1946, Serial number 1946/208, page 588.

7. Where by reason of the death of the employer or for any other cause the apprentice is unable to revive his contract of apprenticeship any other employer may undertake the obligations of the original employer and, in that case, that other employer shall be deemed to be the original employer.

8. These regulations shall, with the necessary modifications, apply to any contract of apprenticeship that may have been cancelled or suspended before the making of these regulations by reason of the fact that the apprentice had served or had intended to serve in His Majesty's Forces.

9. Where pursuant to the foregoing provisions of these regulations a contract of apprenticeship is suspended and where the engagement of another apprentice in substitution for the apprentice whose contract is suspended would infringe an apprenticeship order in force under the Apprentices Act, 1923\*, fixing the proportion of apprentices to journeymen, the Industrial Emergency Council set up pursuant to the Industrial Emergency Council Regulations 1939† shall have power in its discretion to authorize the engagement of another apprentice, and any engagement entered into under any such authorization shall be lawful in all respects, notwithstanding any provision of the Apprentices Act, 1923, or any apprenticeship order in force thereunder :

Provided that any such authorization may require the engagement of the other apprentice to include such period of probation as the Industrial Emergency Council may think fit to require.

10. If any apprentice during his military service at any time since the 1st day of September, 1939, has performed or performs trade work of the same class as that to which he is apprenticed or of a class related thereto, he may, on production to an Apprenticeship Committee within six months after the termination of his military service of a certificate in the form hereinafter prescribed covering that trade work, be credited under his contract of apprenticeship with the period during which he was engaged on that work, or such shorter period as the Committee may decide, and the Committee shall communicate its decision to the District Registrar of Apprentices at the place where the apprentice's contract was originally registered.

11. The certificate to be issued to an apprentice covering trade work performed during his military service shall be issued on the application of the apprentice, and shall be in the following form :—

STATEMENT OF SERVICE OF APPRENTICE WITH HIS MAJESTY'S FORCES

THIS is to certify that ..... commenced service with His Majesty's Forces on the ..... day of ....., 19.., as a [*Insert name of trade*] in the [*Insert arm of service*], and that he ceased this service on ....., 19..

The following are particulars of the class of trade work in which he was engaged and the period thereof .....

Dated at ....., this ..... day of ....., 19..

....., Authorized Officer,  
..... Branch of His Majesty's Forces.

12. If any question arises as to whether any trade work performed by an apprentice during his military service is of the same class as that to which he was apprenticed or is of a class related thereto, the matter may be referred to the District Registrar of Apprentices, and the decision of the District Registrar shall be final and conclusive.

\* See Reprint of Statutes, Vol. V, page 576.

† Statutory Regulations 1939, Serial number 1939/166, page 733.

13. Where by these regulations any powers are conferred on an Apprenticeship Committee and there is no Apprenticeship Committee in or in connection with or in respect of the industry and locality concerned, those powers may be exercised by the District Registrar of Apprentices.

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### SCHEDULE

#### REGULATIONS REVOKED

- THE Suspension of Apprenticeship Emergency Regulations 1939 (Statutory Regulations 1939, Serial number 1939/154, page 693).  
The Suspension of Apprenticeship Emergency Regulations 1939, Amendment No. 1 (Statutory Regulations 1940, Serial number 1940/208, page 698).  
The Suspension of Apprenticeship Emergency Regulations 1939, Amendment No. 2 (Statutory Regulations 1941, Serial number 1941/90, page 323).  
The Suspension of Apprenticeship Emergency Regulations 1939, Amendment No. 3 (Statutory Regulations 1941, Serial number 1941/212, page 647).  
The Suspension of Apprenticeship Emergency Regulations 1939, Amendment No. 4 (Statutory Regulations 1942, Serial number 1942/202, page 487).

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

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*Certified for the purposes of section 7 of the Regulations Act, 1936,  
this 25th day of September, 1946.*

HERBERT E. EVANS,  
*Solicitor-General.*

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Issued under the authority of the Regulations Act, 1936.

Date of notification of principal regulations in *Gazette* : 17th day of February, 1944.

These regulations are administered in the Department of Labour and Employment.