



## THE TEACHERS' LEAVE OF ABSENCE REGULATIONS 1951, AMENDMENT NO. 6

DENIS BLUNDELL, Governor-General  
ORDER IN COUNCIL

At the Government Buildings at Wellington this 5th day of February 1974

Present:

THE RIGHT HON. N. E. KIRK PRESIDING IN COUNCIL

PURSUANT to the Education Act 1964 and the State Services Remuneration and Conditions of Employment Act 1969, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Teachers' Leave of Absence Regulations 1951, Amendment No. 6, and shall be read together with and deemed part of the Teachers' Leave of Absence Regulations 1951\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1974.

**2. Maternity Leave**—The principal regulations are hereby amended by inserting, after regulation 5, the following regulation:

“5A (1) In this regulation, unless the context otherwise requires,—

“Entitled teacher” means any teacher whether married or single who holds a permanent teaching appointment, and who is pregnant as evidenced by a certificate to that effect signed by a registered medical practitioner; but, notwithstanding anything in regulation 2 of these regulations, does not include a teacher in training or a kindergarten trainee:

“Birth” means the birth of a child, whether live or still-born, to an entitled teacher as evidenced by a certificate of birth duly issued under the Births and Deaths Registration Act 1951:

“Still-born”, in relation to any child, means a still-born child within the meaning of the Births and Deaths Registration Act 1951.

\*S.R. 1951/128

Amendment No. 1: S.R. 1957/42  
Amendment No. 2: S.R. 1958/173  
Amendment No. 3: S.R. 1963/29  
Amendment No. 4: S.R. 1967/207  
Amendment No. 5: S.R. 1971/191

“(2) A Board may grant leave of absence without salary to an entitled teacher. The leave may commence at any time before the birth and shall extend for a period of not less than 3 months, but not more than 12 months, after the date of birth.

“(3) An entitled teacher who has been granted leave of absence in accordance with subclause (2) of this regulation, shall give notice in writing to the Board by which she is employed within 6 weeks after the date of the birth or within such longer period as the Board may consider appropriate having regard to the duration of the leave of absence granted, stating whether she intends to resume the duties of her teaching appointment at the expiration of that period of leave of absence, and where appropriate, the date on which she proposes to take up those duties. The date on which she proposes to take up those duties shall be subject to the agreement of the Board and shall correspond with the commencement of a school term except as the Board may otherwise permit or require.

“(4) An entitled teacher who resigns because of pregnancy or who is granted leave of absence without salary in accordance with subclause (2) of this regulation, shall, on application after the birth, be granted payment equivalent to 6 weeks full salary at the rate applicable at the date of the birth to the position from which she resigned or was granted leave of absence as the case may be.”

**3. Revocation and saving—**(1) The principal regulations are hereby consequentially amended by revoking paragraph (c) of regulation 5.

(2) Notwithstanding anything in regulation 2 of these regulations or in subclause (1) of this regulation, where a Board has before the commencement of these regulations granted leave of absence to a teacher in accordance with paragraph (c) of regulation 5 of the principal regulations, all the provisions of paragraph (c) of the said regulation 5 shall continue to apply to that teacher in respect of that period of leave of absence as if these regulations had not been made.

P. G. MILLEN,  
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 Teachers' Leave of Absence Regulations 1951, and come into force on 1 April 1974. The amendment introduces new provisions dealing with maternity leave for teachers. The effect is to reduce a maximum possible payment of salary for 12 weeks leave of absence under the present regulations to a payment for 6 weeks under the amendment. The leave taken under the new provisions may commence at any time before the birth and shall extend for a period of not less than 3 months, but not more than 12 months, after the date of the birth, but no more than 6 weeks salary is payable for whatever leave of absence is taken. Six weeks salary is similarly payable should the entitled teacher resign because of pregnancy instead of taking leave of absence. Both married and single entitled teachers are eligible for payment under these regulations.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 7 February 1974.

These regulations are administered in the Department of Education.