

**Reprint
as at 1 June 2013**



**School Boarding Bursaries
Regulations 1972**

(SR 1972/179)

School Boarding Bursaries Regulations 1972: revoked, on 1 June 2013, by clause 3 of the School Boarding Bursaries (Revocation of Regulations) Order 2013 (SR 2013/105).

Arthur Porritt, Governor-General by his Deputy Alexander Turner

Order in Council

At the Government House at Wellington this 14th day of August
1972

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.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Education.

Contents

| | | Page |
|----|--|------|
| 1 | Title | 2 |
| 2 | Interpretation | 2 |
| 3 | Award of bursaries | 3 |
| 4 | Value of bursary <i>[Revoked]</i> | 3 |
| 4A | Transitional | 3 |
| 5 | Eligibility for bursary | 3 |
| 6 | Bursary awarded on grounds of hardship | 5 |
| 7 | Minister may authorise award of bursaries to pupils not otherwise eligible | 5 |
| 7A | Pro rata payments | 5 |
| 8 | Applications for bursaries | 6 |
| 9 | Tenure of bursaries | 6 |
| 10 | Retrospective award of bursaries | 6 |
| 11 | Payment of bursaries | 6 |
| 12 | Cancellation of bursary by Secretary | 8 |
| 13 | Termination of bursary | 8 |
| 14 | Reporting changed circumstances | 9 |
| 15 | Special provisions relating to 1976 <i>[Revoked]</i> | 9 |

Regulations

- 1 Title**
These regulations may be cited as the School Boarding Bursaries Regulations 1972.
- 2 Interpretation**
In these regulations, unless the context otherwise requires,—
- bursary** means a boarding bursary payable under these regulations
- home**, in relation to a pupil, means the home, or usual place of residence, in New Zealand, of the pupil
- Minister** means the Minister of Education
- pupil** means any child attending a State school; and includes a child attending a registered private primary school or a registered private secondary school
- Secretary** means the Secretary of Education

State school means a primary school, secondary school, secondary department, intermediate department, or composite school, established under Part 3 of the Education Act 1964; but does not include a special school.

Regulation 2 **Director-General**: revoked, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Regulation 2 **Secretary**: inserted, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

3 Award of bursaries

The Secretary shall, in accordance with these regulations, approve the award of a bursary to any pupil eligible to receive the bursary.

Regulation 3: amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

4 Value of bursary

[Revoked]

Regulation 4: revoked, on 11 September 1980, by regulation 5(a) of the Education Bursaries Regulations 1980 (SR 1980/182).

4A Transitional

Notwithstanding regulation 4 and regulation 11, the maximum annual value of a bursary for the year 1977 shall be \$433, payable by instalments of \$133 each in respect of the first and second terms and \$167 in respect of the third term; and deductions from payments in respect of the third term on account of absence shall be made at the rate of \$2.50 per day.

Regulation 4A: inserted, on 5 December 1977, by regulation 3 of the School Boarding Bursaries Regulations 1972, Amendment No 2 (SR 1977/309).

5 Eligibility for bursary

- (1) A pupil shall be eligible to receive a bursary if, in order to attend school, he is living away from his home, and—
- (a) his home is located 4.8 or more kilometres, or, in the case of a child under 10 years of age, 3.2 or more kilometres, from the nearest point of embarkation provided by a transport service to a State school; or
 - (b) his home is located 4.8 or more kilometres, or, in the case of a child under 10 years of age, 3.2 or more kilo-

- metres, from the nearest State school and, in the opinion of the Secretary, there is no transport service which the applicant could reasonably be expected to use to enable him to attend that school; or
- (c) he produces a certificate from a registered medical practitioner stating that he is suffering from such specified illness or specified physical disability that precludes his travelling between his home and school, but that he can travel between another place of accommodation, which shall be named in the certificate, and the school; but no pupil shall be eligible for the award of a bursary under this paragraph unless a Senior Inspector of Schools certifies that the pupil does not need special education; and, in any case the Secretary may, after consultation with the district medical officer of health, require the pupil to undergo such further medical examination by such registered medical practitioner as the district officer considers necessary; or
 - (d) his parents or guardian, being usually resident in New Zealand, are serving overseas on New Zealand government business or are seconded to a Pacific Island Administration from a New Zealand government department or agency, as part of New Zealand's assistance to such territory.
- (2) Notwithstanding anything in subclause (1), or in regulation 6 or regulation 7, no pupil shall, unless with the authority of the Secretary given after consideration of the special circumstances of any case or class of cases, be eligible to receive any bursary while he holds any other scholarship, bursary, or allowance, by whatever name called, awarded or made from public funds, for the purpose of assisting him to further his education.
- (3) If, with the authority of the Secretary, any pupil receives a bursary concurrently with any other scholarship, bursary, or allowance, awarded or made from public funds, the value of the bursary under these regulations may be reduced by such amount (if any) as the Secretary considers reasonable in the circumstances.

Regulation 5(1)(b): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Regulation 5(1)(c): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Regulation 5(2): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Regulation 5(3): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

6 Bursary awarded on grounds of hardship

Notwithstanding anything in paragraph (a) or paragraph (b) of regulation 5, the Secretary may grant a bursary if he is satisfied that failure to do so would cause the pupil hardship by virtue of the time during a school day which the pupil would, in order to attend the school, be absent from his home.

Regulation 6: amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

7 Minister may authorise award of bursaries to pupils not otherwise eligible

Notwithstanding anything in regulation 5 or regulation 6, the Minister may, subject to such conditions as he may from time to time determine, but otherwise in accordance with these regulations, authorise the award of bursaries to pupils or classes of pupils not otherwise eligible under these regulations.

7A Pro rata payments

(1) Without limiting the generality of regulation 7, the Minister may authorise the award of bursaries to pupils, or classes of pupils, who are not required to live away from home on a full-time basis.

(2) Notwithstanding anything in these regulations, the amount payable during any term to the holder of a bursary who is not required to live away from home on a full-time basis shall be calculated at the rate of 1.5% of the amount that would be payable to him per term if he were so required, for every night upon which he is required to live away from home.

Regulation 7A: inserted, on 21 September 1979, by regulation 2 of the School Boarding Bursaries Regulations 1972, Amendment No 4 (SR 1979/194).

8 Applications for bursaries

Every application for the award of a bursary shall be made to the Secretary on the form provided by the Secretary for the purpose.

Regulation 8: amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

9 Tenure of bursaries

Except as otherwise provided by these regulations, the tenure of a bursary awarded to a pupil shall be for so long as the pupil remains eligible to receive the bursary and remains enrolled at the same school, and has his home in the same location, as those shown in his application for the bursary.

10 Retrospective award of bursaries

(1) In special circumstances approved by the Secretary a bursary may be awarded retrospectively to a pupil in respect of any period during which he was eligible to receive, but did not receive a bursary, but no award shall be made for,—

- (a) any period earlier than the beginning of the school year immediately before the year in which the pupil applied for a bursary:
- (b) any period of primary education if the application is received after the termination of the pupil's primary education:
- (c) any period of secondary education if the application is received after the termination of the pupil's secondary education.

(2) The amount of any bursary awarded under this regulation shall, in respect of the retrospective period for which it is awarded, be paid by way of a single payment to the parent or guardian of the pupil.

Regulation 10(1): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

11 Payment of bursaries

(1) Except as provided in subclause (2) of regulation 10, payment of a bursary shall be made at the end of each school term as follows,—

- (a) if the pupil is boarding at a hostel under the control of the controlling authority of a school, to the controlling authority to be credited to the hostel account of the pupil; or
 - (b) if the pupil is boarding privately, to the school controlling authority of the school he attends which shall pay the sum received to the pupil's parents or to the authorised agent of the pupil's parents.
- (2) Notwithstanding anything in subclause (1), in special circumstances payments may be made in such other manner as the Secretary may determine.
- (3) Subject to subclauses (3A) and (4), the amount otherwise payable to the holder of a bursary during any term shall be reduced by 1.5% of that amount for every school day during that term on which the holder was absent from school.
- (3A) For the purpose of calculating the number of days during any term in respect of which the amount of a bursary is to be reduced, account shall be taken of neither—
- (a) the first 20 school days of absence during that term in respect of which the Secretary is satisfied, on the advice of the principal of the school, that the holder was absent because of sickness; nor
 - (b) the first 5 school days of absence during that term in respect of which the Secretary is satisfied, on the advice of the principal of the school, that the holder's absence was due to some other reasonable cause.
- (4) Notwithstanding anything in subclause (3), in special circumstances the Secretary may authorise payment for absences beyond the limits specified.

Regulation 11(2): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Regulation 11(3): substituted, on 21 July 1978, by regulation 3 of the School Boarding Bursaries Regulations 1972, Amendment No 3 (SR 1978/197).

Regulation 11(3A): inserted, on 21 July 1978, by regulation 3 of the School Boarding Bursaries Regulations 1972, Amendment No 3 (SR 1978/197).

Regulation 11(3A)(a): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Regulation 11(3A)(b): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Regulation 11(4): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

12 Cancellation of bursary by Secretary

- (1) The award of a bursary shall be cancelled by the Secretary if—
 - (a) the bursar fails to attend school regularly; but if the Secretary is satisfied after inquiry that the failure is due to illness or other cause beyond the control of the bursar he may allow the bursary to continue subject to the abatements specified in subclause (3) of regulation 11; or
 - (b) the bursar is expelled from the school.
- (2) If a pupil is suspended from school for misconduct but is permitted back into the school, no payment shall be made in respect of the period of suspension, but the bursary shall otherwise continue.
- (3) A bursary awarded under regulation 6 or regulation 7 may be cancelled or abated to any degree by the Secretary if he is satisfied that the circumstances of the pupil have so altered that the pupil no longer needs it or that he needs only a part of it to enable him to continue his education.

Regulation 12 heading: amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Regulation 12(1): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Regulation 12(1)(a): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Regulation 12(3): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

13 Termination of bursary

- (1) Subject to subclause (2), the award of a bursary shall be terminated if—
 - (a) the bursar transfers from the school shown in his application for it to another school; or
 - (b) the bursar has ceased to be eligible for the award of the bursary by reason of—
 - (i) a change in the location of his home; or
 - (ii) the opening of a State school in the vicinity of his home; or

- (iii) the commencement of a transport service with a point of embarkation in the vicinity of his home from which he can be carried to the school at which he is boarding.
- (2) The termination under subclause (1) of any bursary shall take effect—
 - (a) at the end of the current school year in the case of a bursar enrolled in form 5, form 6, or form 7; and
 - (b) at the end of the current school term in every other case.
- (3) Where the award of a bursary is, or is about to be, terminated under this regulation, the bursar may at any time, if he still is, or becomes, eligible for the award of a bursary, apply again for the award of a bursary.

Regulation 13: substituted, on 21 September 1979, by regulation 3 of the School Boarding Bursaries Regulations 1972, Amendment No 4 (SR 1979/194).

14 Reporting changed circumstances

- (1) The head teacher or principal of any school at which a bursar is for the time being enrolled as a pupil shall report in writing to the Secretary any circumstances coming to his notice which render the bursar ineligible to hold the bursary, or would require the Secretary to cancel or abate payments under it.
- (2) The parent or guardian of a bursar shall inform the controlling authority of the school attended by the bursar of any changed circumstances which would render the bursar ineligible to hold the bursary or to continue to receive payments at the same rate.

Regulation 14(1): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

15 Special provisions relating to 1976

[Revoked]

Regulation 15: revoked, on 5 December 1977, by regulation 4(a) of the School Boarding Bursaries Regulations 1972, Amendment No 2 (SR 1977/309).

P J Brooks,
Clerk of the Executive Council.

School Boarding Bursaries Regulations 1972

Reprinted as at
1 June 2013

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 17 August 1972.

School Boarding Bursaries (Revocation of Regulations) Order 2013

(SR 2013/105)

Hon Sir William Young, Administrator of the Government

Order in Council

At Wellington this 15th day of April 2013

Present:

His Excellency the Administrator of the Government in Council

Pursuant to section 303 of the Education Act 1989, His Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following order.

Order

1 Title

This order is the School Boarding Bursaries (Revocation of Regulations) Order 2013.

2 Commencement

This order comes into force on 1 June 2013.

4 Transitional provisions

Despite clause 3,—

- (a) the terms and conditions of any bursary or scholarship awarded to a student before the commencement of this order under any of the regulations specified in the Schedule are unaffected by this order; and
- (b) the regulations specified in the Schedule continue to apply to any bursary or scholarship awarded to a stu-

dent under those regulations before the commencement
of this order.

Martin Bell,
for Clerk of the Executive Council.

Date of notification in *Gazette*: 18 April 2013.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the School Boarding Bursaries Regulations 1972. The reprint incorporates all the amendments to the regulations as at 1 June 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

School Boarding Bursaries (Revocation of Regulations) Order 2013 (SR 2013/105): clause 3

Education Act 1989 (1989 No 80): section 144(2)

Education Bursaries Regulations 1980 (SR 1980/182): regulation 5(a)

School Boarding Bursaries Regulations 1972, Amendment No 4 (SR 1979/194)

School Boarding Bursaries Regulations 1972, Amendment No 3 (SR 1978/197)

School Boarding Bursaries Regulations 1972, Amendment No 2 (SR 1977/309)