

Genl Regs. Gaz. 1929 p. 2144.
 Amdd: Gaz. 1930 p. 1127.
 Addtl Regs: Gaz. 1930 p. 1131.

New Zealand.



ANALYSIS.

<p>Title.</p> <p>1. Short Title and commencement.</p> <p>2. Interpretation.</p> <p>3. Music - teachers Registration Board established.</p> <p>4. Term of office of members appointed on election.</p> <p>5. Board to be a body corporate.</p> <p>6. Contracts of Board.</p> <p>7. First meeting of Board.</p> <p>8. Other meetings of Board.</p> <p>9. Functions of Board.</p> <p>10. Registrar of Music-teachers.</p>	<p>11. Register of Music-teachers.</p> <p>12. Qualification of applicants for registration under this Act.</p> <p>13. Applications for registration to be in writing.</p> <p>14. Penalty for fraudulently procuring registration.</p> <p>15. Limitations as to age and character.</p> <p>16. Certificates of registration.</p> <p>17. Annual fee.</p> <p>18. Cancellation of registration.</p> <p>19. Appeals from Board.</p> <p>20. Offences.</p> <p>21. Application of moneys received by Board.</p> <p>22. Regulations.</p>
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RULES FOR FIRST ELECTN OF BD.: GAZ. 1929 P. 417

1928, No. 31.

AN ACT to provide for the Registration of Music-teachers.

[6th October, 1928.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Music-teachers Registration Act, 1928, and shall come into force on the first day of January, nineteen hundred and twenty-nine. Title.

2. In this Act, unless the context otherwise requires,—

“ Board ” means the Music-teachers Registration Board constituted under this Act: Short Title and commencement.

“ Minister ” means the Minister of Education: Interpretation.

“ Registered ” means registered under this Act:

“ Registrar ” means the Registrar appointed under this Act.

3. (1) For the purposes of this Act there is hereby established a Board to be called the Music-teachers Registration Board. Music-teachers Registration Board established.

(2) The Board shall consist of nine persons, of whom one shall be appointed by the Minister, and eight shall be elected by registered music-teachers.

(3) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(4) For the purposes of every such election New Zealand is hereby divided into four districts as follows:—

- (a) The Auckland District, which shall consist of the area comprised in the Provincial District of Auckland:
- (b) The Wellington District, which shall consist of the area comprised in the Provincial Districts of Wellington, Taranaki, Hawke's Bay, Marlborough, and Nelson:
- (c) The Canterbury District, which shall consist of the area comprised in the Provincial Districts of Canterbury and Westland:
- (d) The Otago District, which shall consist of the area comprised in the Provincial District of Otago.

(5) The registered music-teachers resident in each such district shall from time to time, in the prescribed manner, elect two persons as members of the Board.

(6) For the purposes of the first such election to be held in each of the said districts, those persons who are members of any incorporated society of professional music-teachers or musicians recognized for that purpose by the Minister by notice in the *Gazette*, but no other persons, shall be deemed to be registered music-teachers.

Term of office of members appointed on election.

4. (1) Every member of the Board shall hold office for a term of two years from the date of his appointment or election, save that he may be reappointed or re-elected in the manner provided by the last preceding section, or may at any time be removed from office by the Minister on the recommendation of the Board.

(2) On the death, resignation, or removal from office of any member of the Board the Minister shall appoint some fit person to be a member of the Board for the residue of the term for which such first-mentioned person was appointed or elected:

Provided that where the vacancy is a vacancy in the office of an elected member the Minister shall make such appointment on the recommendation of the Board.

(3) Every member of the Board shall be paid out of the funds of the Board such allowances as the Board with the approval of the Minister from time to time appoints, and all travelling-expenses reasonably incurred by him in respect of his attendance at meetings of the Board and in transacting the business thereof.

Board to be a body corporate.

5. The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

Contracts of Board.

6. (1) Any contract which if made between private persons must be by deed shall if made by the Board be in writing under the seal of the Board.

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall if made by the Board be either under the seal of the Board or signed by two members of the Board on behalf of and by direction of the Board.

(3) Any contract which if made between private persons may be made verbally without writing may be similarly made by or on behalf of the Board by any two members acting by direction of the

Board, but no verbal contract shall be made for any sum exceeding twenty pounds.

7. (1) The first meeting of the Board shall be held on a day and at a time and place to be appointed in that behalf by the Minister. First meeting of Board.

(2) At its first meeting in each year the Board shall elect one of its members to be Chairman, who shall hold office for that year, and thereafter shall be eligible for re-election.

8. (1) Other meetings of the Board shall be held at such times and places as the Board shall from time to time appoint. Other meetings of Board.

(2) The Chairman of the Board or any two members thereof may at any time direct the Registrar to call a special meeting of the Board.

(3) At all meetings of the Board five members shall form a quorum and no business shall be transacted unless a quorum is present.

(4) The Chairman shall preside at all meetings of the Board at which he is present.

(5) In the absence of the Chairman from any meeting of the Board the members present thereat shall choose one of their number to be Chairman of that meeting.

(6) At any meeting of the Board the Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting-vote; and a decision of a majority of the members present shall be the decision of the Board.

9. The functions of the Board shall be to receive applications for registration under this Act, to authorize registration in cases where the conditions of registration have been complied with, and generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act. Functions of Board.

10. The Board shall appoint a Registrar of Music-teachers, and may appoint such other officers or servants as it deems necessary for the efficient carrying-out of its functions under this Act. Registrar of Music-teachers.

11. (1) The Registrar shall keep in his office a Register of Music-teachers in which shall be entered the names of all persons registered under this Act, the qualifications by virtue of which they are so registered, and such other particulars in relation thereto as the Board from time to time directs. Register of Music-teachers.

(2) The register shall be open for inspection by any person without fee during such hours as the Board from time to time determines.

12. (1) Save as otherwise expressly provided in this Act, every person shall on payment to the Board of a fee of ten shillings and sixpence be entitled to be registered under this Act as a teacher of music who satisfies the Board that— Qualification of applicants for registration under this Act.

(a) At the commencement of this Act he had been engaged in New Zealand for a period of at least twelve months immediately preceding such commencement as a music-teacher; or

(b) He possesses a degree, diploma, certificate, license, or other proof that he has passed an examination in music recognized by the Board; or

(c) He is otherwise competent to teach music.

(2) The Board in registering any such person may so register him as a teacher of any one or more musical subjects, or of the art of playing any one or more musical instruments.

(3) No person shall be registered as a music-teacher under paragraph (a) of the last preceding subsection unless application for registration is made to the Board within two years after the commencement of this Act.

Applications for registration to be in writing.

13. (1) Every application for registration under this Act shall be in writing addressed to the Board, and shall state an address at which any notice or demand may be served by the Board.

(2) No entry in the register of the name of any person shall be made by the Registrar save pursuant to a resolution of the Board in that behalf.

Penalty for fraudulently procuring registration.

14. 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 this Act commits an offence and is liable to a fine of fifty pounds.

Limitations as to age and character.

15. (1) No person shall be registered under this Act who is less than eighteen years of age.

(2) The Board shall not direct the registration under this Act of any applicant who is not in the opinion of the Board of good character and reputation.

Certificates of registration.

16. Every person registered under this Act shall be entitled to receive a certificate of registration under the hand of the Registrar. Every such certificate shall remain the property of the Board and shall be surrendered on demand.

Annual fee.

17. Every person registered under this Act shall pay to the Board in each year during any part of which he continues to be so registered a fee of ten shillings and sixpence, which shall become payable on the first day of January in each year after the year in which he is registered.

Cancellation of registration.

18. (1) The Board may cause to be removed from the register the name of any person who,—

- (a) Is proved to the satisfaction of the Board to have died ; or
- (b) Has been registered in error ; or
- (c) Is punished by imprisonment for any offence which in the opinion of the Board renders him unfit to be registered under this Act ; or
- (d) Has been guilty of such improper conduct as renders him in the opinion of the Board unfit to be registered under this Act.

(2) In addition to the powers conferred on it by the last preceding subsection the Board may cause to be removed from the register the name of every person who,—

- (e) By writing under his hand, requests the Board to remove his name from the register ; or
- (f) Being in arrear for more than three months in respect of the payment of any annual fee, does not make such payment within one month after service upon him of a demand therefor by the Board :

Provided that any person whose name is so removed from the register may at any time within twelve months thereafter pay to the Board all fees which are in arrear or which would be in arrear if his name had continued on the register, and he shall thereupon be entitled to have his name restored to the register.

(3) It shall be sufficient service of any such demand on any person to post the same to him at the address stated by him in his application for registration as a music-teacher pursuant to subsection one of section thirteen hereof, or at an address furnished by him to the Board in substitution for that address.

(4) The Board may at any time re-register by virtue of his original qualification any person whose name has been removed from the register.

19. (1) Every person who is aggrieved by any decision of the Board under this Act in relation to registration or an application for registration, other than a decision of the Board pursuant to paragraph (f) of subsection two of the last preceding subsection, may within three months after notice of such decision has been communicated to him by the Registrar appeal in the prescribed manner to a Board of Appeal consisting of a Magistrate and two assessors, of whom one shall be appointed by the Board and one by the appellant.

Appeals from
Board.

(2) The Board of Appeal shall thereupon hear the appeal, and may either confirm the decision of the Board, or order the registration of the appellant, or the restoration of his name to the register, and the determination of the Board of Appeal shall be final and conclusive.

20. (1) Every person commits an offence and is liable on summary conviction to a fine of twenty pounds who, not being registered under this Act, uses or causes to be used in connection with his calling or profession any written words, titles, or initials intended to cause or which may reasonably cause any other person to believe that he is so registered.

Offences.

(2) Every person whose name has been removed from the register under the foregoing provisions of this Act commits an offence and is liable on summary conviction to a fine of five pounds who fails or refuses to surrender to the Board on demand in writing his certificate of registration under this Act.

21. (1) All moneys received by the Board shall be paid into an account in the Board's name at such bank as the Board directs and shall be applied by the Board as follows:—

Application of
moneys received by
Board.

(a) In payment of the expenses of administration of the Board's affairs (including the conduct of appeals under section nineteen hereof) and of the salaries of the Registrar and other officers (if any) of the Board:

(b) In payment of allowances to and travelling-expenses of members of the Board, fees to assessors on appeals, and appellants' costs of appeal, if the Board of Appeal so directs, the amount of such costs to be fixed by such Board:

(c) Generally for the purpose of carrying out the objects of this Act:

(d) For any purpose which, in the opinion of the Board, will raise the standard of musical education in New Zealand:

(e) For the establishment of a provident fund for the assistance of persons registered under this Act who are in necessitous circumstances.

(2) Any moneys not immediately required for the purposes of the Board may from time to time be invested by the Board in any manner in which trustees are authorized by law to invest trust-moneys.

(3) The accounts of the Board shall be audited by an auditor appointed by the Board.

Regulations.

22. The Governor-General may from time to time by Order in Council make regulations—

- (a) Prescribing forms of application for and certificates of registration under this Act :
 - (b) Prescribing the form of the register to be kept and the particulars to be entered therein :
 - (c) Specifying examinations which shall be recognized by the Board for the purpose of conferring a qualification to be registered under this Act :
 - (d) Prescribing the musical subjects in respect of which registration may be granted under this Act and the letters or initials that any person so registered may use in connection with his calling or profession to signify such registration :
 - (e) Prescribing the manner of holding elections of persons to be appointed as members of the Board on election as provided in section three hereof :
 - (f) Providing for the conduct of appeals under section nineteen hereof, and prescribing the fees that may be paid to assessors :
 - (g) Generally for the purpose of giving effect to the provisions of this Act.
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