

New Zealand.



ANALYSIS.

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1925, No. 36.

Title.

AN ACT TO AMEND THE APPRENTICES ACT, 1923.

[29th September, 1925.]

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

Short Title.

1. This Act may be cited as the Apprentices Amendment Act, 1925, and shall be read together with and deemed part of the Apprentices Act, 1923 (hereinafter referred to as the principal Act).

2. Section three of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:—

“(1.) Save as otherwise expressly provided herein, this Act shall apply—

“(a.) To all employers engaged in an industry in which apprentices are employed and who are for the time being bound by an award or agreement relating to such industry; and also to all other employers engaged in any such industry to whom this Act is applied by order of the Court:

“(b.) To all apprentices employed by such employers in any such industry:

“(c.) To all contracts of apprenticeship between such employers and apprentices.”

Contract of apprenticeship defined.

3. For the purposes of the principal Act every agreement, whether expressed in writing or not, made between an employer and a worker, or between an employer and a worker and the parent or guardian of such worker, whereby the employer agrees to teach and the worker agrees to learn any industry shall be deemed to be a contract of apprenticeship.

4. (1.) Where any contract of apprenticeship to which the principal Act applies is inconsistent with the terms of any order made by the Court pursuant to section five of that Act, then, subject to the provisions of this section, the contract of apprenticeship shall be read subject to the terms of the order, and shall be deemed to be modified thereby accordingly :

Provided that any party to the contract of apprenticeship may at any time appeal to the Court for a modification of the order in so far as it affects the contract of apprenticeship, and the Court may make such modification of the order in relation to such contract as it thinks fit, or may exclude that contract from the operation of the order.

(2.) The provisions of the last preceding subsection shall commence to apply with respect to any contract of apprenticeship as follows :—

- (a.) In the case of a contract to which the principal Act has been applied before the making of the order of the Court, as from the date of the commencement of that order or as from the passing of this Act, whichever date is the later :
- (b.) In the case of a contract to which the principal Act is applied after the making of the order, as from the date on which the principal Act is so applied or as from the passing of this Act, whichever date is the later.

(3.) Notwithstanding anything in the last preceding subsection, where any employer, party to a contract of apprenticeship, becomes bound by an award or agreement on a date subsequent to the commencement of that award or agreement, an order of the Court shall not operate with respect to such contract of apprenticeship before the date when the employer became so bound by the award or agreement.

(4.) Section three of the principal Act is hereby consequentially amended by repealing subsection five thereof.

5. Section eight of the principal Act is hereby amended as follows :—

- (a.) By omitting from subsection one all words after the words “the parent or guardian (if any) of the apprentice,” and substituting the words “or, if not made in writing, shall be forthwith reduced to writing signed as aforesaid. It shall be the duty of the parties to any such contract to register the contract or any alteration thereof in the prescribed manner with the District Registrar for the locality concerned within twenty-eight days after the commencement of the employment of the apprentice (in the case of an original contract), or within twenty-eight days after the making of the alteration (in the case of an alteration of a contract), and if it is not presented for registration within the time aforesaid the contract or alteration thereof shall, on the expiration of the said period, be deemed to lapse, and the parties thereto shall be severally liable on summary conviction to a fine of ten pounds” :

Order of Court to govern terms of contracts of apprenticeship.

Consequential repeal.

Section 8 of principal Act (as to registration of contracts of apprenticeship) amended.

(b.) By adding to subsection two the following words: "but when registered shall operate in accordance with the intention of the parties, save that in the case of an original contract it shall when so registered operate as from the commencement of the employment of the apprentice":

(c.) By omitting from subsection seven all words after the words "shall be registered," and substituting the words "in the prescribed manner within twenty-eight days after the date of the application of this Act thereto:

"Provided that failure to register any such contract shall not affect its validity, but the parties thereto shall in such case be severally liable to a like penalty as if it were a contract to which subsection one of this section applied."

6. Section eleven of the principal Act is hereby amended as follows:—

(a.) By omitting the words "any adult or other person already in possession of knowledge or skill in the industry," and substituting the words "any person already possessed of knowledge or skill in the industry, or any adult person, whether possessed of such knowledge or skill or not"; and

(b.) By adding the following as subsection two thereof:—

"(2.) No contract for the apprenticeship of an adult shall be made otherwise than in accordance with this section."

All contracts for apprenticeship of adults to be subject to supervision of Committee or Court.