



## Education (Early Childhood Centres) Amendment Regulations 2004

Silvia Cartwright, Governor-General

### Order in Council

At Wellington this 15th day of November 2004

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 317 of the Education Act 1989, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

#### Contents

1	Title	5	Consultation required in certain cases affecting kohanga reo
2	Commencement	6	Maximum numbers of children
3	Issue of licences		
4	Secretary may reclassify licence as provisional licence		

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### Regulations

#### 1 Title

- (1) These regulations are the Education (Early Childhood Centres) Amendment Regulations 2004.
- (2) In these regulations, the Education (Early Childhood Centres) Regulations 1998<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 1998/85

## 2 Commencement

These regulations come into force on 1 January 2005.

## 3 Issue of licences

Regulation 8(2)(e) of the principal regulations is amended by omitting the words “the period for which it will remain in force,”.

## 4 Secretary may reclassify licence as provisional licence

Regulation 10 of the principal regulations is amended by revoking subclauses (2), (3), (4), and (5), and substituting the following subclauses:

- “(2) If the Secretary reclassifies a licensed centre’s licence under subclause (1),—
- “(a) the licensee must give the Secretary the licence immediately upon receipt of the notice from the Secretary under subclause (1) (except where the reclassification is in respect of a suspended licence); and
  - “(b) the Secretary must immediately forward to the licensee a provisional licence.
- “(3) A provisional licence must—
- “(a) specify the conditions that must be complied with for the revocation of the provisional licence and the return of the centre’s full licence; and
  - “(b) specify for each condition the date by which the condition must be complied with.
- “(4) A date specified under subclause (3)(b) will usually be a date not more than 3 months after the day on which the notice under subclause (1) was given to the licensee.
- “(5) The Secretary may at any time extend a date specified under subclause (3)(b) by specifying a later date.
- “(6) A date specified under subclause (3)(b) or subclause (5) may not be later than 12 months after the date on which the notice under subclause (1) was given to the licensee.
- “(7) A provisional licence remains in force until the Secretary either—
- “(a) revokes the provisional licence and returns the centre’s full licence under subclause (8); or
  - “(b) cancels the centre’s full licence under subclause (9).

- “(8) The Secretary must revoke a provisional licence and return a centre’s full licence if—
- “(a) he or she is satisfied that every condition specified under subclause (3)(a) has either—
    - “(i) been complied with by the date specified for compliance; or
    - “(ii) no longer needs to be complied with; and
  - “(b) the full licence has not been cancelled.
- “(9) The Secretary must cancel a centre’s full licence by written notice to the licensee if he or she is satisfied that—
- “(a) any condition specified under subclause (3)(a) has not been complied with by the date specified for compliance; and
  - “(b) compliance with the condition is still required.”

**5 Consultation required in certain cases affecting kohanga reo**

Regulation 15(1) of the principal regulations is amended by omitting the word “The”.

**6 Maximum numbers of children**

Regulation 37(1)(d) of the principal regulations is amended by omitting the word “under” in the second place where it appears.

Diane Morcom,  
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, which come into force on 1 January 2005, amend the Education (Early Childhood Centres) Regulations 1998 (“the principal regulations”).

*Regulation 3* amends regulation 8(2)(e) of the principal regulations to remove the requirement for a provisional licence to state the period for which it will remain in force.

*Regulation 4* amends regulation 10 of the principal regulations to provide that if a centre's licence is reclassified as a provisional licence, the provisional licence must specify the conditions to be complied with for the return of the centre's full licence, and for each condition the date by which that condition must be complied with. A date, and any extension of a date given by the Secretary of Education, may not be later than 12 months after the date on which the notice was given to the licensee reclassifying its full licence as a provisional licence.

*Regulations 5 and 6* correct typographical errors in the principal regulations.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 2 December 2004.

These regulations are administered in the Ministry of Education.

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