

Serial Number 1948/70



THE PHYSICAL EDUCATION BURSARIES REGULATIONS 1948

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 12th day of
May, 1948

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Education Act, 1914, and section 36 of the Finance Act, 1931 (No. 2), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Physical Education Bursaries Regulations 1948.

2. In these regulations, unless the context otherwise requires,—

“School” means the School of Physical Education, University of Otago :

“Director” means the Director of Education :

“Minister” means the Minister of Education :

“Physical Education Bursary” or “bursary” means a bursary granted under these regulations :

“Registrar” means the Registrar of the University of Otago.

3. (1) A candidate for a bursary shall have the following qualifications and shall comply with the following requirements:—

(a) He shall be a British subject ; and

(b) He shall have resided in New Zealand for the twelve months immediately preceding the date of his application for a Physical Education Bursary :

Provided that this condition shall not apply to any person who, being a permanent resident of New Zealand, has been temporarily absent from New Zealand during any part of the said period of twelve months ; and

- (c) He shall have reached the age of seventeen years on the 31st day of December in the year in which he submits his application ; and
- (d) He shall produce to the Director of Education when required to do so satisfactory evidence as to his character ; and
- (e) He shall produce to the Director when required to do so a certificate as to health, by a registered medical practitioner approved by the Director, which certificate shall certify that the applicant is suitable physically for training as a physical education instructor ; and
- (f) He shall enter into an agreement with His Majesty the King in the form set out in the Schedule to these regulations ; and
- (g) He shall procure some person approved by the Director to enter into and become bound by a bond in the form set out in the said Schedule.

(2) Notwithstanding anything in subclause (1) of this regulation, the Director of Education, with the approval or by the direction of the Minister, may, in respect of any candidate for a Physical Education Bursary, dispense with the requirements of paragraphs (a) and (b) of subclause (1) of this regulation.

4. (1) Except with the authority of the Director of Education, given after consideration of the special circumstances of any case, no person shall be competent to be the holder of a Physical Education Bursary while he is the holder of any other bursary or while he is the holder of any scholarship or of any grant or allowance, by whatever name it is called, made for the purpose of assisting him to pursue his studies.

(2) Where, with the authority of the Director as aforesaid, any person holds concurrently a Physical Education Bursary and any other scholarship, bursary, grant, or allowance, the value of the Physical Education Bursary may be reduced by such amount as the Director considers reasonable in the circumstances.

5. The holder of any Physical Education Bursary shall carry out, diligently and continuously, the prescribed course as approved by the Director of Education ; shall abide by all rules of the school affecting his work or conduct ; and, while a student of the school, shall carry out faithfully and conform to all such duties and directions as may be allotted or given to him by the Director of the school.

6. On qualifying for the Diploma of Physical Education, or at the end of the period for which the said bursary has been granted, the bursar shall if so required by the Director of Education undertake as a Division " C " student a training-college course of one year approved by the Director, and during this period the student will be paid the allowances and fees payable to and on behalf of a student in Division " C " under the regulations relating to training colleges* made on the 13th day of December, 1926, and amendments thereof.

7. (1) It shall be a condition of every Physical Education Bursary that the holder of the bursary shall not, while the school is in session, be engaged in any occupation except with the consent of the Director.

(2) It shall be a further condition of every Physical Education Bursary that, on qualifying for the Diploma of Physical Education or, as the case may be, at the end of the period for which the bursary was granted, or, if the bursar is required in pursuance of Regulation 6 hereof to undertake as a Division "C" student a training-college course, at the end of that course, if required by the Director of Education, the holder of the bursary shall serve as a teacher in a school, centre, or institution, approved by the Director, or as a Physical Education Officer under the Education Department, or as a Physical Welfare Officer under the Department of Internal Affairs, or in any other position approved by the Director of Education, for a period of one year for each year or part of a year in which the bursary is paid, together with a period of three months for each year or part of a year in which a boarding-allowance is paid as part of the bursary.

8. Nothing in these regulations shall make it obligatory on the part of His Majesty to employ the bursar or to arrange for his employment.

Applications for Bursaries

9. (1) Application for a Physical Education Bursary shall be made to the Director of Education on a form to be provided for the purpose by the Department of Education.

(2) Except in special circumstances, no application for a bursary shall be considered unless it is received by the Director on or before the 1st day of October in the year preceding the year to which it relates.

10. Every application for a bursary under these regulations shall be accompanied by certificates or other documents as follows:—

- (a) Satisfactory evidence as to the character of the applicant;
- (b) A certificate as to the health of the applicant given by a registered medical practitioner approved by the Director, which certificate shall certify that the applicant is suitable physically for training as a Physical Education Instructor;
- (c) A certificate of the date of birth or other evidence of the age of the applicant;
- (d) Satisfactory evidence that the applicant has been accredited for entrance to the University, or has passed the Entrance Examination of the University of New Zealand, or has entered as a candidate for the Entrance Examination of the University of New Zealand, or has some equivalent or higher qualification recognized as such by the Director.

11. All bursaries under these regulations shall be awarded by the Director of Education.

12. (1) Subject to the provisions of the next succeeding subclause, a Physical Education Bursary may, at any time, be declared by the Director of Education to be forfeited in any of the following circumstances, namely:—

- (a) If a bursar fails to attend regularly the classes approved by the Director of Education;
- (b) If the bursar in any year fails to make progress in his studies satisfactory to the Director;
- (c) If the bursar without the consent of the Director ceases to pursue the course of study for which the bursary was granted:

- (d) If the bursar commits any grave breach of the rules of the school or is guilty of any grave misconduct ;
 - (e) If the bursar fails to fulfil the conditions of subclause (1) of Regulation 7 hereof.
- (2) No bursary shall be forfeited on either of the grounds specified in paragraphs (a) and (b) of the last preceding subclause if satisfactory evidence is produced to the Director of Education that the failure of the holder to comply with the requirements was due to his illness or to any other sufficient cause beyond his control.

Reports by the Registrar of the University of Otago

13. It shall be the duty of the Registrar to furnish to the Director of Education, as and when required by him to do so, a report in writing as to the progress of the holder in his course of study and generally as to his compliance with the conditions subject to which the bursary is held.

Value and Term of Bursaries

14. (1) The maximum annual value of a Physical Education Bursary shall be £70, with a boarding-allowance of £40 if the student is required to live away from home in order to complete his course, and tuition fees for the course.

(2) The normal term of a Physical Education Bursary shall be three years, provided always that a bursary may, at the discretion of the Director of Education, be awarded for any shorter period.

(3) The grant of a Physical Education Bursary shall not confer on the holder thereof any legal rights to the continuance of the bursary for the full term for which it is granted or to the continuance of the bursary at the same rate throughout the term thereof.

Payment of Bursaries

15. (1) No payment in respect of a Physical Education Bursary shall be made unless the Director of Education is satisfied that the holder of the bursary has complied with the conditions subject to which the bursary was awarded.

(2) Subject to the last preceding subclause, payments in respect of Physical Education Bursaries shall be made as follows :—

- (a) In so far as tuition fees are payable under the bursary they shall be paid to the Registrar and shall be accepted to the amount thereof in satisfaction of those fees :

Provided that, except in special cases approved by the Director, not more than one year's tuition fees shall be payable under this paragraph with respect to any subject at the same grade ;

- (b) All other payments in respect of the bursary shall be made to the holder thereof by quarterly or other instalments as the Director of Education may determine.

(3) On the application of the holder of a Physical Education Bursary, the Director may in special cases suspend the benefits of the bursary for such period or periods as he thinks fit. Any period during which the bursary is so suspended shall not be taken into account in computing the term of the bursary. Except as provided in the foregoing provisions of this subclause, the benefits of the bursary shall be continuous throughout the term of the bursary.

Award of Bursaries

16. There shall in each year be awarded such number of Physical Education Bursaries as the Director with the authority of the Minister may determine.

SCHEDULE

PHYSICAL EDUCATION BURSARIES AGREEMENT

An agreement made this day of 19.., between His Majesty the King, acting by and through the Director of Education, of the one part, and of (hereinafter called "the Bursar"), of the other part :

Whereas His Majesty, on application of the Bursar, has agreed to grant the Bursar a Physical Education Bursary of the maximum annual value of seventy pounds (£70) together with tuition fees for the period of years from the first day of January, 19.., to assist the Bursar to undertake his University course leading to the Diploma of Physical Education, and a boarding-allowance of the maximum annual value of forty pounds (£40) for a period of years during such time as the Bursar is obliged to live away from home or his usual place of residence while undertaking the said course :

Now it is hereby agreed as follows :—

1. During the continuance of the Physical Education Bursary the Bursar shall diligently and continuously study and attend at the School of Physical Education, University of Otago, the classes approved by the Director of Education and shall abide by all the rules of the School affecting his work or conduct and while a student at the School shall faithfully carry out and conform to all such duties and directions as may be allotted or given to him by the Director of the school.

2. The Bursar, in respect of any year for which he accepts a Physical Education Bursary, shall forego for that year any other bursary under the Educational Bursaries Regulations 1940 or any scholarship or other grant or allowance made for the purpose of assisting him to pursue his studies :

Provided that in exceptional circumstances in any case the Director of Education may authorize the student to retain another bursary, scholarship, grant, or allowance, but in that event may reduce the amount of the Physical Education Bursary.

3. On qualifying for the Diploma of Physical Education, or at the end of the period for which the said bursary has been granted, the Bursar shall, if so required by the Director of Education, undertake as a Division "C" student a training-college course of one year approved by the said Director, and during this period the Bursar will be paid the allowances and fees payable to and on behalf of a student in Division "C" under the regulations relating to training colleges made on the 13th day of December, 1926, and amendments thereof.

4. On qualifying for the Diploma of Physical Education, or at the end of the period for which the Physical Education Bursary is granted, or if the Bursar be required, in pursuance of the last preceding clause to undertake as a Division "C" student a training-college course, at the end of that course, the Bursar shall, if required by the Director of Education, serve as a teacher in a school, centre, or institution, approved by the said Director, or as a Physical Education Officer under the Education Department, or as a Physical Welfare Officer under the Department of Internal Affairs, or in any other position approved by the Director, for a period of one year for each year or part of a year in which the bursary is paid, together with a period of three months for each year or part of a year in which a boarding-allowance is paid as part of the bursary.

5. During the said period of employment the Bursar shall use all his diligence and skill in the performance of his duties and shall abide by all regulations relating to his employment.

6. Nothing contained in this agreement shall make it obligatory on the part of His Majesty so to employ the Bursar or to arrange for his employment.

7. His Majesty undertakes that as long as the Bursar shall perform the agreements and stipulations on his part contained in this agreement, His Majesty shall cause to be paid to the Bursar during the time that he shall hold the bursary payments at the rate of seventy pounds (£70) yearly, together with tuition fees, and together with a boarding-allowance at the rate of forty pounds (£40) yearly during such time as the Bursar is obliged to live away from his home or his usual place of residence while undertaking the study course. Subject to compliance by the Bursar with the conditions of the Physical Education Bursary, payment of tuition fees shall be made direct to the Registrar of the University of Otago, and the other benefits shall be paid to the Bursar by quarterly or other instalments as the Director of Education may determine.

8. Subject to the provisions of the next succeeding clause, the Physical Education Bursary may at any time be forfeited by His Majesty in any of the following circumstances, namely:—

- (a) If the Bursar fails to attend regularly the classes approved by the said Director :
- (b) If the Bursar in any year fails to make progress in his studies satisfactory to the said Director :
- (c) If the Bursar without the consent of the Minister ceases to pursue the course of study for which the bursary was granted :
- (d) If the Bursar commits any grave breach of the rules of the school or is guilty of any grave misconduct.

9. No bursary shall be forfeited on either of the grounds specified in paragraph (a) or paragraph (b) of the last preceding clause if satisfactory evidence is produced to the said Director that the failure to comply with the requirements was due to the Bursar's illness or to any other sufficient cause beyond his control.

10. If the Bursar at any time commits a breach of this agreement, the Director of Education, acting on behalf of His Majesty, may determine this agreement: And upon such determination the Bursar shall and will pay to the Crown all moneys which the Crown, pursuant to the provisions of this memorandum of agreement, shall have paid to or on behalf of the Bursar, together with interest calculated at the rate of £5 per centum per annum from the respective days of the payment of the said moneys until the respective days of their repayment.

In witness whereof these presents have been executed the day and year first above written.

Signed by the Director of Education in the presence of—
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Signed by the Bursar in the presence of—
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PHYSICAL EDUCATION BURSARIES BOND.

KNOW all men by these presents that I,, of, in New Zealand,, am held and firmly bound in the sum of two hundred and fifty pounds to be paid to His Majesty the King for which payment well and faithfully to be made I bind myself my executors and administrators to His Majesty the King firmly by these presents.

Dated this day of, 19..

Whereas, of (my), has made application for and been granted a Physical Education Bursary upon the terms, conditions, promises, undertakings, and agreements set out in a certain memorandum of agreement bearing date the day of, 19.., and made between His Majesty the King, acting by and through the Director of Education, of the one part, and the said, of the other part, and whereas as a condition of the grant of the said bursary I have executed this bond.

Now the condition of the above written Bond or obligation is that:—

- (i) If the Bursar being a female marry ; or
- (ii) If the Bursar shall do, carry out, perform, and pay the promises undertakings, duties, and obligations in the said memorandum of agreement by the Bursar made entered into or undertaken ; or

- (iii) If on demand by the Director of Education the Bursar pays to His Majesty the King a sum equal to the total amount paid by His Majesty the King acting by the Director of Education in pursuance of the undertaking made and given in the said memorandum of agreement or a due proportion (to be determined by the Director of Education according to the length of Education Service completed by the Bursar) of that amount ; or
- (iv) If it be shown to the satisfaction of the Director of Education that the Bursar is within the meaning of the said memorandum of agreement and of the Education Act, 1914, medically unfit for the Education Service,—

then and in any of such cases the above-written bond or obligation shall be void, but otherwise the same shall remain in full force and virtue.

Signed by the said in the presence of—

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T. J. SHERRARD,
 Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
 Date of notification in *Gazette* : 13th day of May, 1948.
 These regulations are administered in the Education Department.