

**Reprint
as at 1 June 2016**

**Education (Early Childhood Centres) Amendment
Regulations 2004**

(SR 2004/405)

Education (Early Childhood Centres) Amendment Regulations 2004: revoked, on 1 June 2016, pursuant to clause 3 of the Education (Early Childhood Centres) Regulations Revocation Order 2016 (LI 2016/71).

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.

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1 Title

- (1) These regulations are the Education (Early Childhood Centres) Amendment Regulations 2004.
- (2) In these regulations, the Education (Early Childhood Centres) Regulations 1998¹ are called “the principal regulations”.

2 Commencement

These regulations come into force on 1 January 2005.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

These regulations are administered by the Ministry of Education.

¹ SR 1998/85

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.

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.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 2 December 2004.

Eprint notes**1 *General***

This is an eprint of the Education (Early Childhood Centres) Amendment Regulations 2004 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Education (Early Childhood Centres) Regulations Revocation Order 2016 (LI 2016/71)