

THE EARLY CHILDHOOD ACT

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THE EARLY CHILDHOOD ACT

Acts
5 of 2005,
12 of 2009
Sch.

[30th November, 2007.]

1. This Act may be cited as the Early Childhood Act.

Short title.

2.—(1) In this Act—

Inter-
pretation.

“basic school” means a school that offers a course of educational training for students under the age of six years;

“Commission” means the Early Childhood Commission established under section 3 of the Early Childhood Commission Act;

“day care centre” means any premises used for the provision of non-residential day care service to more than four children up to six years of age for at least six hours per day and at least four days per week;

“early childhood institution” means a setting that provides developmentally appropriate care, stimulation, education and socialization, for children under the age of six years, including day care centres and basic schools;

“inspector” means a person assigned by the prescribed authority pursuant to section 18;

“prescribed authority” means the Early Childhood Unit of the Ministry responsible for education, or such other entity as the Minister may designate in writing.

Registration

3.—(1) No person shall operate an early childhood institution unless that institution is registered under this Act.

Registration
of early
childhood
institutions.

(2) Every application for registration under this section shall be submitted in accordance with section 4.

(3) The Commission shall register an early childhood institution if in relation to an application the Commission is satisfied, based upon the written report of the prescribed authority, that—

- (a) the applicant is eighteen years of age or over;
- (b) the applicant is a fit and proper person to operate an early childhood institution;
- (c) where the applicant is an individual, the applicant has not been convicted of an offence under the Dangerous Drugs Act, the Offences Against the Person Act, the Sexual Offences Act (other than an offence against section 28) or the Child Care and Protection Act, or an offence involving fraud, dishonesty or moral turpitude;
- (d) where the applicant is a company, none of its directors or in the case of another body of persons, none of its members, has been convicted of an offence mentioned in paragraph (c).
- (e) a person to be employed by the applicant in the operation of the institution has not been convicted of an offence mentioned in paragraph (c).
- (f) the applicant or a person to be employed by the applicant in the operation of the institution is not, by reason of any infirmity of mind or body or otherwise, incapable of operating or being employed in the institution; and
- (g) the premises in which the institution is to be operated meets the requirements set out in the First Schedule.

(4) Where the registration of an early childhood institution is approved by the Commission, the Commission shall—

- (a) within thirty days after such approval (exclusive of Saturdays, Sundays and public general holidays),

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First Schedule.

issue a registration certificate to the institution; and

- (b) upon the issue of the registration certificate, cause a notice of the registration to be published in the *Gazette*;

(5) A notice under subsection (4)(b) shall state—

- (a) the name of the institution as it appears on the registration certificate; and
- (b) the name of the operator of the institution.

(6) The operator of an early childhood institution registered under this section shall ensure that a valid registration certificate issued to the institution under subsection (4) is displayed in a conspicuous place on the premises of the institution.

(7) Registration under this section—

- (a) shall be valid for a period of five years from the date of issue of the registration certificate; and
- (b) may be renewed upon application in accordance with the provisions of section 4, not later than thirty days before the date of expiration thereof.

(8) A person, other than the holder of a permit issued under section 5, who operates an early childhood institution that is not duly registered under this Act, commits an offence and is liable upon summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars.

4.—(1) Every application for registration in accordance with this section shall be in the prescribed form and shall be submitted to the Commission, together with the matters specified in the Second Schedule.

Application
for
registration.

Second
Schedule.

(2) Within seven days (exclusive of Saturdays, Sundays and public general holidays) after receiving an application under subsection (1), the Commission shall forward a copy of the application to the prescribed authority.