

**Child Care Centres Act  
(CHAPTER 37A)**

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## **CHILD CARE CENTRES ACT**

### **(CHAPTER 37A)**

**(Original Enactment: 3 of 1988)**

**REVISED EDITION 2012**

**(31st March 2012)**

An Act to provide for the control, licensing and inspection of child care centres and for purposes connected therewith.

[1st July 1988]

### **Short title**

1. This Act may be cited as the Child Care Centres Act.

### **Interpretation**

2. In this Act, unless the context otherwise requires —

“child care centre” means any premises at which 5 or more children who are under the age of 7 years are habitually received for the purposes of care and supervision during part of the day or for longer periods;

“Director” means the Director of Social Welfare appointed under section 3(1) of the Children and Young Persons Act (Cap. 38) and includes any person who is authorised by him to perform any of the duties or exercise any of the powers of the Director under this Act or any regulations made thereunder;

“licence” means a licence issued under this Act in respect of a child care centre, and “licensed” and “licensee” have corresponding meanings;

“premises” includes any building, enclosure, ground or open air space.

*[20/2001]*

### **Child care centres to be licensed**

**3.—**(1) No person shall operate or take part in the management of a child care centre except under the authority of and in accordance with the terms and conditions of a licence issued by the Director.

(2) If a child care centre is not licensed or is used otherwise than in accordance with the terms and conditions of its licence, any person who operates or takes part in the management of the child care centre shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

### **Application for licence**

**4.—**(1) An application for the issue of a licence shall be in such form as may be prescribed.

(2) On receipt of an application, the Director may in his discretion issue a licence subject to such terms and conditions as he may think fit to impose.

(3) The Director may refuse to issue a licence if —

- (a) the Director is not satisfied as to the character or fitness of the applicant to be the licensee of a child care centre or, where the applicant is a body corporate, as to the character or fitness of the members of the board of directors or committee or board of trustees or other governing body of the body corporate;
- (b) for reasons connected with the situation, construction, accommodation, staffing or equipment, the premises to be used for the child care centre are not fit to be used for the purposes of a child care centre;
- (c) the premises to be used as a child care centre do not comply with any requirements relating to the structure, fire precautions, health, sanitation and safety set out in regulations made under section 19; or

- (d) the child care centre would not be under the continuous personal management and supervision of a person of sufficient qualifications and experience to ensure the satisfactory operation of the child care centre.

(4) Where the Director refuses to issue a licence, he shall, if requested to do so by the applicant, state in writing the reasons for his refusal.

### **Duration of licence**

5.—(1) On the issue of a licence, the licensee shall pay a fee of such amount as may be prescribed.

(2) A licence shall continue in force for a period of 2 years from the date of its issue or such shorter period as may be specified in the licence unless it has been previously revoked but may be renewed by the issue of a new licence.

### **Revocation and suspension of licence**

6.—(1) The Director may revoke or suspend the licence of a person in respect of a child care centre —

- (a) on any ground specified in section 4(3) which would have entitled the Director to refuse an application for a licence in respect of that child care centre;
- (b) if the licensee fails to comply with any direction given by the Director under section 14 or 15;
- (c) if the child care centre has ceased to be operated as such or to exist;
- (d) if the licensee has been convicted of an offence under this Act; or
- (e) on the ground that any term or condition specified in the licence has not been or is not being complied with.

(2) Before revoking or suspending a licence, the Director shall give notice to the licensee of the ground on which it is proposed to revoke or suspend the licence and shall afford the licensee an opportunity of showing cause why the licence should not be revoked or suspended.

### **Appeal**

7. Any person aggrieved by any decision of the Director under section 4(3) or 6(1) may, within 21 days after notice of the decision is given to him, appeal to the Minister whose decision shall be final.

### **Display of licence**

**8.**—(1) Every licensee shall cause his licence to be permanently displayed in some conspicuous place where it can readily be seen by all persons having access to the child care centre to which the licence relates.

(2) Every licensee who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

### **Transfer of licence**

**9.** On an application in writing signed by the licensee of any child care centre and by the person to whom the licensee desires to transfer the licence, the Director may, if he thinks fit, either by way of endorsement on the licence or otherwise in writing, transfer the licence to that person, and thereupon that person shall become the licensee of the child care centre.

### **Transfer or revocation of licence upon death of licensee**

**10.**—(1) If the licensee, or the sole surviving licensee, of a child care centre dies, his surviving spouse or any member of his family or any relative shall within 21 days of his death notify the Director of his death, and the Director may, if he thinks fit, either by way of endorsement on the licence or otherwise in writing, transfer the licence to a person nominated for the purpose by the executors or administrators of the deceased licensee, and thereupon that person shall become the licensee of the child care centre.

(2) Subject to subsection (4), until the licence is transferred in accordance with subsection (1) or unless the licence is revoked under subsection (3) or section 6, the child care centre shall continue to be a licensed child care centre under this Act.

(3) If a licence is not transferred under subsection (1) within 3 months after the death of the licensee or of the sole surviving licensee, the Director may, by notice published in the *Gazette*, revoke the licence and thereupon the child care centre shall cease to be a licensed child care centre.

(4) If the Director is not notified of the death of the licensee or of the sole surviving licensee by the end of the period of 21 days of his death under subsection (1), the child care centre shall thereupon cease to be a licensed child care centre.

### **Termination of licence where licensee disposes of child care centre**

**11.** Subject to sections 9 and 10, every licence shall cease to have effect when the licensee ceases to be the owner or lessee of the child care centre to which the licence relates.