



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**PRIVATE EDUCATION ACT**

**(CHAPTER 247A)**

**(Original Enactment: Act 21 of 2009)**

**REVISED EDITION 2011**

**(31st December 2011)**

*Prepared and Published by*

**THE LAW REVISION COMMISSION  
UNDER THE AUTHORITY OF  
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)**

**Informal Consolidation – version in force from 30/7/2020**

# Private Education Act

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An Act to provide for the regulation and accreditation of private education institutions so as to ensure the provision of quality education thereat and for matters connected therewith.

*[Act 24 of 2016 wef 04/10/2016]*

[1st December 2009: with the exception of Parts III to VII ; 21st December 2009: Parts III to VII ]

## PART I

## PRELIMINARY

**Short title**

1. This Act may be cited as the Private Education Act.

**Interpretation**

2. In this Act, unless the context otherwise requires —
  - “advertisement” includes any notice, circular, pamphlet, brochure, prospectus, programme or other document, and

any announcement, notification or intimation, to the public or any section thereof or to any person or persons, made —

- (a) orally or in writing;
- (b) by means of any poster, placard, notice or other document affixed, posted or displayed on any wall, billboard or hoarding or on any other object or thing;
- (c) by means of sound broadcast, television, the Internet or other media; or
- (d) in any other form or manner whatsoever;

“Agency” means the SkillsFuture Singapore Agency established by section 3 of the SkillsFuture Singapore Agency Act 2016;

*[Act 24 of 2016 wef 03/10/2016]*

“Appeals Board” means the Appeals Board constituted under section 51;

“award”, in relation to a private education institution, includes the conferment of any degree, diploma or certificate by the private education institution, whether on its own behalf or otherwise;

“body corporate” includes a limited liability partnership;

*[Deleted by Act 24 of 2016 wef 03/10/2016]*

“Chief Executive” means the Chief Executive of the Agency appointed under section 38 of the SkillsFuture Singapore Agency Act 2016 and includes any person acting in that capacity;

*[Act 24 of 2016 wef 03/10/2016]*

*[Deleted by Act 24 of 2016 wef 03/10/2016]*

“company” has the same meaning as in section 4(1) of the Companies Act (Cap. 50);

*[Deleted by Act 24 of 2016 wef 03/10/2016]*

“course”, in relation to a private education institution, means a course of study or training programme offered or provided by the private education institution;

“course money” means money that a private education institution receives, directly or indirectly, from —

- (a) a student, or a person (whether within or outside Singapore) who intends to become or who has taken any steps towards becoming a student (referred to in this Act as an intending student); or
- (b) another person who pays the money on behalf of the student or intending student,

for a course that the private education institution is providing or offering to provide to the student or intending student;

“director” has the same meaning as in section 4(1) of the Companies Act;

“education” includes instruction, training or teaching;

“education institution” means any person that offers to provide, or provides, education, whether by itself or in association or collaboration with or by affiliation with any other person;

“examination service”, in relation to any private education institution, means any test, examination or other method of assessing the level of proficiency, aptitude, skill, knowledge or understanding of a person attending or enrolled in any course provided by the private education institution;

“inspector” means an inspector appointed by the Agency under section 56(1);

*[Act 24 of 2016 wef 03/10/2016]*

“limited liability partnership” has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“manager” —

- (a) in relation to a private education institution that is a body corporate, means any director, partner or member of its board or committee of management which is responsible for the management of the affairs of the body corporate, or other similar officer of the body corporate, and includes any person in

accordance with whose directions, instructions or wishes those directors, partners or other members, as the case may be, are accustomed or under an obligation, whether formal or informal, to act;

- (b) in relation to a private education institution that is an unincorporated association (other than a partnership), means any member of the governing body of the unincorporated association which is responsible for the management of the affairs of the unincorporated association, or any person holding a position analogous to that of member of such a governing body;
- (c) in relation to a private education institution that is a partnership, means any partner of the partnership; or
- (d) in relation to a private education institution that is a sole-proprietorship, means the sole-proprietor;

*[Deleted by Act 24 of 2016 wef 03/10/2016]*

“partner” includes any person purporting to act as a partner;

“partnership” includes a limited partnership within the meaning of the Limited Partnerships Act (Cap. 163B);

“premises”, in relation to a private education institution (whether registered or unregistered) or a proposed private education institution, means any building, enclosure, ground, open-air space or other place used or to be used by the private education institution or proposed private education institution in connection with the provision of private education;

“prescribed dispute resolution scheme” means a dispute resolution scheme that is prescribed under section 64;

“private education” has the meaning given to it in the First Schedule;

“private education institution” means —

- (a) any person that offers to provide or provides private education whether in Singapore or elsewhere,

whether or not the person offers to provide or provides the private education —

- (i) for profit;
- (ii) together with other education; or
- (iii) by itself or in association or collaboration with or by affiliation with any other person; and

*[Act 24 of 2016 wef 03/10/2016]*

- (b) such school registered under the Education Act (Cap. 87) which receives a grant-in-aid or subvention extended by the Government to aided schools as is specified by the Minister in a notification published in the *Gazette*,

but does not include any private education institution that the Minister declares, by notification in the *Gazette*, to be excluded from this definition, after having regard to the association, collaboration with or affiliation of the private education institution with any school registered under the Education Act;

“registered private education institution” means any private education institution that is registered under Part III;

“registered society” means a society registered or deemed to be registered under the Societies Act (Cap. 311);

“renovation works” means any structural or non-structural additions and alterations carried out to any premises, but does not include repairs and maintenance works;

“Scheme” means a voluntary accreditation or certification scheme established or maintained under section 49(1);

“student”, in relation to an education institution, means a person who receives, or is enrolled in the education institution to receive, education offered or provided by the education institution;

“teacher” means a person who teaches students of an education institution, or who prepares or issues lessons or corrects written answers;

“unregistered private education institution” means any private education institution that is not, or that ceases to be, a registered private education institution, but does not include an education institution which is exempted under section 68 from registration under Part III.

## PART II

### ADMINISTRATION OF ACT

*[Act 24 of 2016 wef 04/10/2016]*

#### **Agency to administer Act**

3. The Agency is responsible for the administration and enforcement of this Act.

*[Act 24 of 2016 wef 04/10/2016]*

#### **Functions of Agency**

4.—(1) Without prejudice to section 5 of the SkillsFuture Singapore Agency Act 2016, it is the function of the Agency under this Act —

- (a) to register persons who provide or offer to provide private education in Singapore or elsewhere, and to assess and reassess them from time to time;
- (b) to otherwise regulate persons who offer or provide any service relating, directly or indirectly, to private education;
- (c) to promote and facilitate the development of the private education sector in Singapore;
- (d) to establish or support accreditation or certification schemes and other measures to enhance the standards of the private education industry or the education industry in Singapore generally;
- (e) to facilitate the improvement of private education in Singapore of these courses; and
- (f) to facilitate public availability of meaningful and accurate information relating to —

- (i) registered private education institutions and persons regulated under this Act, including their compliance with the requirements of this Act;
  - (ii) access of students or prospective students to dispute resolution processes; and
  - (iii) the private education industry in Singapore.
- (2) In discharging its functions under this Act, the Agency is to have regard —
- (a) to the financial capability, and the adequacy and quality of the staffing and resources, of any registered private education institution to achieve the stated outcomes for the students who take the courses at the institution;
  - (b) to ensuring that minimum standards are maintained by providers of private education that the Agency has registered;
  - (c) to securing the availability of meaningful and accurate information to the public about —
    - (i) courses offered by registered private education institutions and the conditions attaching to enrolment in the courses, to enable prospective students to make informed decisions about enrolling in the courses; and
    - (ii) registered private education institutions and their compliance with the requirements of this Act; and
  - (d) to ensuring access of students to timely and appropriate dispute resolution processes, in particular overseas students, having regard especially to their status as persons only temporarily in Singapore.

*[Act 24 of 2016 wef 04/10/2016]*

### **Committee for Private Education**

5. Without prejudice to section 34 of the SkillsFuture Singapore Agency Act 2016, the Agency may appoint a committee, to be known

as the Committee for Private Education, to which the Agency may delegate the exercise of any of its powers under this Act.

*[Act 24 of 2016 wef 04/10/2016]*

### **Financial penalties, etc., payable to Consolidated Fund**

**6.—**(1) All financial penalties imposed under section 48 or 64, and all composition sums collected under section 67, are to be paid into the Consolidated Fund.

(2) All fees and other moneys collected under this Act are to be paid to the Agency.

*[Act 24 of 2016 wef 04/10/2016]*

## PART III

### REGULATION OF PRIVATE EDUCATION INSTITUTIONS

#### *Division 1 — Registration of private education institutions*

#### **Requirement for registration**

**34.—**(1) Subject to the provisions of this Act, no person in Singapore may —

- (a) offer to provide or provide private education, whether in Singapore or elsewhere; or
- (b) award any degree, diploma or certificate (including any honorary degree or other distinctions) in respect of private education, whether offered or provided in Singapore or elsewhere,

unless the person is a registered private education institution.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

(3) Any person who knowingly assists in the provision of private education by an unregistered private education institution shall be guilty of an offence.

(4) The Agency may take such measures as it thinks necessary to secure the closure of any unregistered private education institution, including but not limited to —

- (a) the use of such force or assistance as may be necessary to remove therefrom any person who is in the premises in the possession or control of the unregistered private education institution; and
- (b) the sealing of all or any of the entrances to or exits from such premises.

*[Act 24 of 2016 wef 03/10/2016]*

(5) The expenses reasonably incurred by the Agency in the exercise of its powers under subsection (4) and such other reasonable expenses as may be incidental thereto shall be recoverable by the Agency as a civil debt from the manager or managers (as the case may be) of the unregistered private education institution; and every manager of such an unregistered private education institution shall be jointly and severally liable to the Agency for those expenses.

*[Act 24 of 2016 wef 03/10/2016]*

(6) Without prejudice to subsection (4) or (5) or any other power vested in the Agency under this Act, the Agency may, by written direction addressed to the managers of an unregistered private education institution, direct that the unregistered private education institution refund each student thereof, within such time as may be specified in the direction, the whole of the course money the unregistered private education institution received in respect of the student.

*[Act 24 of 2016 wef 03/10/2016]*

(7) Subsection (6) shall apply notwithstanding anything contained in the agreement or contract between the unregistered private education institution and the students concerned.

(8) Where any written direction issued by the Agency under subsection (6) is not complied with, the unregistered private education institution and every manager thereof to whom the direction is addressed shall each be guilty of an offence.

*[Act 24 of 2016 wef 03/10/2016]*

(9) Subject to subsection (7), it shall be a defence for any person charged with an offence under subsection (8) to prove that he had a reasonable excuse for failing to comply with the written direction of the Agency under subsection (6).

*[Act 24 of 2016 wef 03/10/2016]*

(10) Subject to the provisions of this Act, no person shall be entitled to recover in any court any charge, course money or remuneration for any private education provided in Singapore unless the person providing the private education is registered under this Act to provide the private education and the person did so in accordance with the permission of the Agency under section 43 required for the course.

*[Act 24 of 2016 wef 03/10/2016]*

### **Application for grant or renewal of registration**

**35.—**(1) Every application for the grant or renewal of the registration of a private education institution —

- (a) shall be made by a manager of the private education institution (referred to in this section as the applicant) to the Agency in such form and manner, and within such time, as may be prescribed;

*[Act 24 of 2016 wef 03/10/2016]*

- (b) shall be accompanied by the prescribed fee; and

- (c) may be accompanied by an application to the Agency for the waiver of any of the requirements imposed under this Act for the registration of private education institutions or the renewal thereof.

*[Act 24 of 2016 wef 03/10/2016]*

(2) The Agency may require the applicant making an application under subsection (1) to furnish it with such information or documents as the Agency considers necessary in relation to the application.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Where the applicant fails to furnish the Agency with any information or document required under subsection (2) in relation to his application within the time specified by the Agency —

- (a) the application shall be deemed to have been withdrawn; and

- (b) where the application is accompanied by an application for the waiver of any of the requirements imposed under this Act for the registration of private education institutions or

the renewal thereof, the application for waiver shall also be deemed to have been withdrawn.

*[Act 24 of 2016 wef 03/10/2016]*

### **Grant or renewal of registration**

**36.—**(1) The Agency may, upon receiving an application made under section 35(1) for the grant or renewal of the registration of a private education institution, and after such inquiry as it may think necessary —

- (a) if the application is accompanied by an application for the waiver of any of the requirements imposed under this Act for the registration or renewal of registration of private education institutions —
  - (i) grant or renew (as the case may be) the registration of the private education institution subject to such terms and conditions as it thinks fit, after waiving such of the requirements imposed under this Act for the registration or renewal of registration of private education institutions that is the subject of the application for waiver; or
  - (ii) refuse to waive such of the requirements imposed under this Act for the registration or renewal of registration of private education institutions that is the subject of the application for waiver and refuse to grant or renew (as the case may be) the registration of the private education institution because of section 37; or
- (b) in any other case —
  - (i) grant or renew (as the case may be) the registration of the private education institution subject to such terms and conditions as it thinks fit; or
  - (ii) refuse to grant or renew (as the case may be) the registration of the private education institution because of section 37.

*[Act 24 of 2016 wef 03/10/2016]*

(2) Every registration of a private education institution, and every renewal thereof, shall be for such period as may be specified by the Agency.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Without prejudice to the generality of subsection (1)(a)(i) and (b)(i), the terms and conditions subject to which the Agency registers a private education institution may provide that except with the prior written approval of the Agency —

- (a) the private education institution shall not enter into a contractual agreement or other arrangement (whether or not in partnership) with one or more other parties to undertake any activity that is not related to private education, so as to obtain individual benefits for the parties, whether in the form of a share of the output of the arrangement or joint or collective profits for all the parties; or
- (b) the private education institution shall only provide private education and other activities that are related to the provision of private education.

*[Act 24 of 2016 wef 03/10/2016]*

(4) The Agency may at any time add to, vary or revoke any term or condition of the registration of a private education institution without compensation.

*[Act 24 of 2016 wef 03/10/2016]*

(5) For the avoidance of doubt, nothing in subsection (3) shall authorise the imposition of any term or condition restricting or prohibiting any particular member of a registered society from entering into any contractual agreement or other arrangement referred to in subsection (3)(a) or from carrying on any activity that is not related to the provision of private education.

### **Grounds for refusal to grant or renew registration**

**37.—**(1) The Agency may refuse to grant or renew the registration of a private education institution if —

- (a) the private education institution is not a company or a registered society;

- (b) the premises of the private education institution —
- (i) are or are likely to be unsuitable for providing private education;
  - (ii) are unsanitary or unsuitable for providing private education, or are otherwise dangerous or unsafe;
  - (iii) are to be used, wholly or in part, for any purpose other than providing private education or education; or
  - (iv) do not conform to the regulations made under section 71;
- (c) all or more than half of the total number of teachers of the private education institution, or all or more than half of the total number of the proposed teachers thereof —
- (i) do not possess the minimum qualifications or experience, or fulfil such other criteria, as may be prescribed under section 44(1)(a); or
  - (ii) are otherwise not fit and proper persons to teach in the private education institution;
- (d) in the application for the grant or renewal of the registration (as the case may be) of the private education institution, a statement has been made or information has been furnished which is false or misleading in a material particular or by reason of the omission of a material particular;
- (e) the private education institution or any manager thereof —
- (i) is contravening or has contravened this Act;
  - (ii) has been convicted of any offence under this Act within a period of 5 years preceding the date of the application for the grant or renewal of the registration (as the case may be) of the private education institution; or
  - (iii) has been convicted of any other offence involving fraud or dishonesty or the conviction for which

involved a finding that the private education institution or a manager thereof (as the case may be) has acted fraudulently or dishonestly, whether in Singapore or elsewhere, within a period of 5 years preceding the date of the application for the grant or renewal of the registration (as the case may be) of the private education institution;

- (f) any manager or proposed manager of the private education institution is otherwise not a fit and proper person to carry on or manage the private education institution;
- (g) the Agency is of the view that the registration or renewal of registration (as the case may be) of the private education institution is not in the interests of the public, or the students, intending students or prospective students of the private education institution; or
- (h) the Agency is satisfied that the name of the private education institution, or the name of any premises or school of the private education institution (or any department or faculty thereof), or the name of any education offered to be provided or provided by the private education institution —
  - (i) is likely to mislead members of the public as to the true character or purpose of the private education institution, premises, school or department or faculty thereof or education, as the case may be;
  - (ii) is identical to or so nearly resembles the name of some other private education institution or other education institution, whether in Singapore or elsewhere, as is likely to deceive or confuse members of the public or students of either education institution;
  - (iii) is undesirable or offensive; or

- (iv) is a name of a kind that the Minister has directed the Agency, by notification in the *Gazette*, not to accept for registration or is proscribed.

*[Act 24 of 2016 wef 03/10/2016]*

(2) The Agency shall, before refusing to grant or renew the registration of any private education institution under subsection (1), give the private education institution and the managers thereof notice in writing of its intention to do so.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Upon receipt of the notice of the Agency under subsection (2), the private education institution concerned or any manager thereof may, within 14 days after the date of the notice, show cause to the Agency as to why the registration of the private education institution should be granted or renewed.

*[Act 24 of 2016 wef 03/10/2016]*

(4) Where, after the private education institution or any manager thereof has shown cause under subsection (3) or the time to do so has expired, the Agency decides not to grant or renew the registration of the private education institution —

- (a) the Agency shall notify the private education institution and the managers thereof of its decision in writing; and
- (b) in the case where the registration of the private education institution is not renewed, the registration shall lapse accordingly.

*[Act 24 of 2016 wef 03/10/2016]*

### **Suspension or cancellation of registration**

**38.**—(1) The Agency may, without compensation, suspend (for a period not exceeding 6 months) or cancel the registration of any private education institution, or reduce the period of registration of the private education institution, if —

- (a) the private education institution ceases to be a company or a registered society;
- (b) the premises of the private education institution —
  - (i) are unsuitable for providing private education;

- (ii) are unsanitary or unsuitable for providing private education, or are otherwise dangerous or unsafe;
  - (iii) are used, wholly or in part, for any purpose other than providing private education or education; or
  - (iv) do not conform to the regulations made under section 71;
- (c) all or more than half of the total number of teachers of the private education institution —
  - (i) do not possess the minimum qualifications or experience, or fulfil such other criteria, as may be prescribed under section 44(1)(a); or
  - (ii) are otherwise not fit and proper persons to teach in the private education institution;
- (d) the Agency becomes aware of a circumstance that would have permitted the Agency to refuse to grant or renew the registration of the private education institution because of section 37, had the Agency been aware of the circumstances immediately before granting or renewing the registration, as the case may be;
- (e) there is reasonable cause to believe that the grant or renewal of registration has been obtained by means of any false statement or any statement that is false in a material particular;
- (f) the private education institution or any manager thereof —
  - (i) is contravening or has contravened this Act;
  - (ii) has, at any time during the period of registration of the private education institution, been convicted of any offence under this Act; or
  - (iii) has, at any time during the period of registration of the private education institution, been convicted of any other offence involving fraud or dishonesty or the conviction for which involved a finding that the private education institution or a manager thereof (as

- the case may be) has acted fraudulently or dishonestly, whether in Singapore or elsewhere;
- (g) any manager of the private education institution is not a fit and proper person to carry on or manage the private education institution;
  - (h) the Agency is of the view that the continued registration of the private education institution is not in the interests of the public, or the students, intending students or prospective students of the private education institution;
  - (i) the private education institution fails to comply with a direction of the Agency issued under section 40;
  - (j) the Agency is satisfied that the private education institution has ceased to provide private education;
  - (k) the private education institution is wound up or otherwise dissolved;
  - (l) any term or condition of registration of the private education institution has been breached; or
  - (m) it appears to the Agency that the private education institution is being administered in a manner that is —
    - (i) contrary to the interests of the public; or
    - (ii) detrimental or likely to be detrimental to its students, intending students or prospective students.

*[Act 24 of 2016 wef 03/10/2016]*

(2) The Agency shall, before suspending or cancelling the registration of any private education institution or reducing the period of registration of the private education institution under subsection (1), give the private education institution notice in writing of its intention to do so.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Upon receipt of the notice of the Agency under subsection (2), the private education institution concerned or any manager thereof may, within a period of 14 days after the date of the notice, show cause to the Agency as to why the registration of the private education

institution should not be suspended or cancelled, or the period of its registration should not be reduced (as the case may be).

*[Act 24 of 2016 wef 03/10/2016]*

(4) The Agency shall, after the private education institution or any manager thereof has shown cause under subsection (3) or the time to do so has expired, notify the private education institution of its decision in writing.

*[Act 24 of 2016 wef 03/10/2016]*

(5) Subject to section 53, any decision by the Agency under subsection (1) to suspend or cancel the registration of a private education institution, or to reduce the period of such registration, shall not take effect until the expiration of 14 days after the Agency has served the notice of the decision on the private education institution concerned.

*[Act 24 of 2016 wef 03/10/2016]*

### **Approval of change of name**

**39.—**(1) Every registered private education institution shall obtain the prior approval of the Agency before changing its name, or the name of any premises or school (or any department or faculty thereof) of, or any education provided by, the private education institution to a new name.

*[Act 24 of 2016 wef 03/10/2016]*

(2) For the purposes of subsection (1), a manager of the registered private education institution which intends to effect a change of name under subsection (1) shall submit to the Agency an application for approval of the new name in such form and manner as may be prescribed, and that application shall be accompanied by the prescribed fee.

*[Act 24 of 2016 wef 03/10/2016]*

(3) The Agency may refuse to grant its approval under subsection (1) if it is satisfied that the new name of the private education institution, or the premises, school (or any department or faculty thereof) or education provided by the private education institution, as the case may be, is a name which is referred to in section 37(1)(h).

*[Act 24 of 2016 wef 03/10/2016]*

**Power to direct change of name**

**40.**—(1) Notwithstanding anything in this Act, the Agency may direct a registered private education institution to change its name, or the name of any premises or school (or any department or faculty thereof) of or education provided by the private education institution, to such new name as the Agency may approve under section 39 where the Agency is satisfied that the private education institution has been registered (whether through inadvertence or otherwise and whether before, on or after the date of commencement of this section) by a name, or the name of the premises or school (or a department or faculty thereof) or education bears a name —

- (a) which is referred to in section 37(1)(h); or
- (b) the use of which has been restrained by an injunction granted under the Trade Marks Act (Cap. 332).

*[Act 24 of 2016 wef 03/10/2016]*

(2) The registered private education institution to whom a direction under subsection (1) is given shall comply with the direction within a period of 6 weeks after the date of the direction, or such longer period as the Agency may allow in any particular case, unless the direction is earlier annulled by the Minister.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Any registered private education institution which contravenes subsection (2) shall be guilty of an offence.

(4) For the avoidance of doubt, the Agency shall accept as correct any decision of the High Court to grant an injunction referred to in subsection (1)(b).

*[Act 24 of 2016 wef 03/10/2016]*

*Division 2 — Management of registered private education institutions*

**Duties of managers**

**41.**—(1) The duties of a manager of a registered private education institution shall be to carry on or manage the registered private education institution and, in particular —

- (a) to ensure the keeping of proper records, including records containing information on —
- (i) the administration of the courses offered or provided by the private education institution;
  - (ii) the teachers deployed by the private education institution;
  - (iii) the attendance of the students of the private education institution; and
  - (iv) such particulars as may be prescribed about the private education institution's administration and governance arrangements, financial viability, educational programmes and student welfare processes, resources and other matters;
- (b) to ensure that, in the event the provision of private education by the private education institution is about to cease, the Agency and each student and intending student of the private education institution are informed, in writing and in the time delimited as follows, of the cessation and of the necessary arrangements made by the private education institution for the student or intending student to be offered a place in another registered private education institution to complete the same or similar course at the private education institution's expense or otherwise:
- (i) where the provision of private education by the private education institution must cease because the Agency refused to renew the registration of the private education institution under section 37 or the registration of the private education institution is suspended or cancelled, or the period of its registration is reduced, under section 38 — at least 14 days before the cessation or such other period as the Agency may allow in any particular case; or

- (ii) where the provision of private education by the private education institution must cease for any other reason — at least 30 days before the cessation;

*[Act 24 of 2016 wef 03/10/2016]*

- (c) to obtain the permission of the Agency, in such form and manner as the Agency may require, before any renovation works are carried out to the premises of the private education institution or any part thereof or before relocating of the premises of the private education institution;

*[Act 24 of 2016 wef 03/10/2016]*

- (d) to notify the Agency, in writing —

- (i) if there is any change in the ownership, control or management of the private education institution, of that change within 14 days after the date of the change;

- (ii) if any manager of the private education institution has been convicted of any offence punishable with imprisonment, of that conviction within 14 days after the date of conviction; or

- (iii) if any legal proceedings have been instituted against the private education institution, of the legal proceedings within 14 days after the date the private education institution is served with the originating process in such proceedings;

*[Act 24 of 2016 wef 03/10/2016]*

- (e) to furnish such information or documents relating to the private education institution as may be required, from time to time, by the Agency within such time and in such manner as the Agency may specify; and

*[Act 24 of 2016 wef 03/10/2016]*

- (f) to discharge such other duties as may be prescribed or as the Agency may, from time to time, by notice in writing impose in any particular case.

*[Act 24 of 2016 wef 03/10/2016]*

(2) For the purposes of subsection (1), every manager of a registered private education institution shall —

(a) maintain —

(i) a telephone number;

(ii) a residential address; and

(iii) an electronic mail address or a facsimile number,

at which he may be contacted by the Agency in relation to any matter concerning the registered private education institution;

*[Act 24 of 2016 wef 03/10/2016]*

(b) upon the registration of the private education institution or his becoming a manager of the registered private education institution, notify the Agency of the contact information he is required to maintain under paragraph (a); and

*[Act 24 of 2016 wef 03/10/2016]*

(c) notify the Agency of any change in the contact information he is required to maintain under paragraph (a) within a period of 14 days after the date of the change.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Any manager who, without reasonable excuse, fails to comply with any of the duties of a manager prescribed under subsection (1) or (2) shall be guilty of an offence.

### **Suspension or removal of managers**

**42.—**(1) Without prejudice to any other power vested in the Agency under this Act, the Agency may, at any time, direct a registered private education institution —

(a) to suspend or remove any person appointed as a manager of the registered private education institution if the Agency is satisfied that the manager —

(i) is not a fit and proper person to carry on or manage the registered private education institution; or

(ii) is unable to discharge the duties prescribed under section 41 or imposed on managers under this Act; or

- (b) to appoint such additional person as the Agency may approve to discharge the duties of the manager referred to in paragraph (a) for such period as the Agency considers necessary.

*[Act 24 of 2016 wef 03/10/2016]*

- (2) Any registered private education institution which contravenes any direction of the Agency issued under subsection (1) shall be guilty of an offence.

*[Act 24 of 2016 wef 03/10/2016]*

*Division 3 — Provisions relating to courses by registered private education institutions*

**Permission to offer or provide courses**

**43.—**(1) Subject to subsections (2) and (3), no registered private education institution may offer or provide a course, whether in Singapore or elsewhere and whether by itself or in association or collaboration with or by affiliation with any other person, except with the permission in writing of the Agency and in accordance with the terms and conditions of such permission.

*[Act 24 of 2016 wef 03/10/2016]*

(2) Subsection (1) shall not apply to such courses as may be prescribed.

(3) No registered private education institution may offer or provide, whether in Singapore or elsewhere, a course leading to the award of any associate, undergraduate or graduate degree or any other degree that is conferred in its own name without the permission in writing of the Minister.

(4) An application for the permission of the Agency under subsection (1) shall —

- (a) be made on behalf of the registered private education institution by a manager of the registered private education institution (referred to in this section as the applicant) to the Agency in such form and manner, and within such time, as may be prescribed; and

(b) be accompanied by the prescribed fee.

*[Act 24 of 2016 wef 03/10/2016]*

(5) The Agency may, upon an application made under subsection (4) and after such inquiry as it may think necessary, grant its permission subject to such terms and conditions as it thinks fit or refuse to grant its permission.

*[Act 24 of 2016 wef 03/10/2016]*

(6) The Agency may, in determining whether to grant its permission under subsection (1), have regard to such considerations as it thinks fit.

*[Act 24 of 2016 wef 03/10/2016]*

(7) The Agency may require the applicant making an application under subsection (4) to furnish it with such information or documents as the Agency considers necessary in relation to the application.

*[Act 24 of 2016 wef 03/10/2016]*

(8) Where the applicant fails to furnish the Agency with any information or document required under subsection (7) in relation to his application within the time specified by the Agency, the application shall be deemed to have been withdrawn.

*[Act 24 of 2016 wef 03/10/2016]*

(9) Without prejudice to the generality of subsection (5) and notwithstanding section 49, the terms and conditions subject to which the Agency grants its permission to a registered private education institution may include a term or condition requiring the registered private education institution to be or to remain (as the case may be) a member of a Scheme.

*[Act 24 of 2016 wef 03/10/2016]*

(10) The Agency may at any time, without compensation —

(a) add to, vary or revoke any term or condition of its permission granted under subsection (5); or

(b) suspend or revoke its permission granted under subsection (5).

*[Act 24 of 2016 wef 03/10/2016]*

(11) Any registered private education institution which contravenes subsection (1) or (3) shall be guilty of an offence.

(12) Any person who knowingly or recklessly —

(a) issues or publishes any advertisement of any course to be offered or provided by a registered private education institution, being a course which the Agency has not granted its permission under subsection (1); or

*[Act 24 of 2016 wef 03/10/2016]*

(b) solicits or receives any money from any student in respect of such a course,

*[Act 24 of 2016 wef 03/10/2016]*

shall be guilty of an offence.

*Division 4 — Provisions relating to teachers of registered private education institutions*

**Notification of teachers of registered private education institutions**

**44.—**(1) No registered private education institution shall deploy a person to teach any course to all or any of the students of the registered private education institution unless —

(a) the person possesses such minimum qualifications and experience, and fulfils such other criteria, as may be prescribed;

(b) a manager of the registered private education institution has notified the Agency, in such form and manner and within such time as may be prescribed, of the prescribed particulars of that person; and

*[Act 24 of 2016 wef 03/10/2016]*

(c) the notification referred to in paragraph (b) is accompanied by the prescribed fee.

(2) The Agency may, at any time —

(a) impose such requirements or restrictions relating to any teacher of a registered private education institution as it thinks fit to impose, including but not limited to requirements or restrictions relating to the subjects or classes that the teacher may teach; and

- (b) add to, vary or revoke any requirement or restriction imposed under paragraph (a).

*[Act 24 of 2016 wef 03/10/2016]*

(3) Any registered private education institution which contravenes any requirement or restriction imposed under subsection (2) shall be guilty of an offence.

### **Power to prohibit or restrict deployment of teachers**

**45.—**(1) The Agency may, at any time, direct a registered private education institution to cease to deploy any person to teach any course to all or any of the students of the registered private education institution if the Agency is satisfied that —

- (a) any information in respect of the person furnished to the Agency under this Act is false or misleading in a material particular or by reason of the omission of a material particular;
- (b) the person does not possess the minimum qualifications or experience, or fulfil such other criteria, as may be prescribed under section 44(1)(a) or is otherwise not competent to teach the course;
- (c) the person has misconducted himself in his capacity as a teacher of the registered private education institution;
- (d) the person is contravening or has contravened this Act; or
- (e) the person is not a fit and proper person to teach in the registered private education institution.

*[Act 24 of 2016 wef 03/10/2016]*

(2) Any registered private education institution which contravenes any direction of the Agency issued under subsection (1) shall be guilty of an offence.

*[Act 24 of 2016 wef 03/10/2016]*

*Division 5 — Provisions relating to advertising***Prohibition of certain advertisements**

**46.—(1)** No person shall knowingly or recklessly issue or publish, or cause to be issued or published, any advertisement relating to a private education institution which is false or misleading in a material particular.

(2) For the purposes of subsection (1) —

(a) “advertisement” includes an advertisement that is made available —

- (i) in a newspaper, magazine, journal or other periodical published or circulated in Singapore or elsewhere;
- (ii) in a sound or television broadcast transmitted for reception in Singapore or elsewhere; or
- (iii) by any other means of broadcasting or communication for circulation or reception in Singapore or elsewhere; and

(b) an advertisement relating to a private education institution shall be presumed, unless the contrary is proved, to be false or misleading in a material particular if the advertisement —

- (i) falsely describes the private education institution;
- (ii) contains any false or misleading information concerning the private education institution or any course offered or provided by the private education institution; or
- (iii) does not contain such information, or is not in accordance with such requirements, as may be prescribed.

(3) Any person who contravenes subsection (1) 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 6 months or to both.

**Remedial measures in relation to advertisements**

**47.—(1)** Without prejudice to the generality of section 59, where any person has issued or published, or caused to be issued or published, any advertisement in contravention of section 43(12) or 46, the Agency may direct the person to do all or any of the following at the person's cost and expense:

- (a) take all practicable steps to withdraw the advertisement;
- (b) modify the advertisement in such manner as may be specified or approved by the Agency;
- (c) cease the issue or publication of any other advertisement which is wholly or substantially the same as the first-mentioned advertisement;
- (d) issue or publish, or cause to be issued or published, a corrective advertisement in such manner and containing such information as may be specified or approved by the Agency.

*[Act 24 of 2016 wef 03/10/2016]*

(2) The person to whom the Agency has issued a direction under subsection (1) shall bear all costs and expenses arising from complying with the direction.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Where the person to whom the Agency has issued a direction under subsection (1) fails to comply with the direction, the Agency may take such steps as it thinks reasonable and necessary to give effect to the direction and recover all costs and expenses reasonably incurred by it in so doing from that person as a civil debt due to the Agency.

*[Act 24 of 2016 wef 03/10/2016]*

(4) Any person who contravenes any direction of the Agency issued under subsection (1) shall be guilty of an offence.

*[Act 24 of 2016 wef 03/10/2016]*

*Division 6 — Administrative penalties***General measures Agency may impose on errant private education institutions**

**48.**—(1) Without prejudice to any other power vested in the Agency under this Act, where a private education institution —

- (a) has breached any term or condition of its registration; or
- (b) has failed to comply with section 39(1) or 44(1), or such regulations as may be prescribed for the purpose of this section the breach of which is not an offence,

the Agency may, in its discretion —

- (i) impose a financial penalty of such amount, not exceeding \$5,000, as the Agency thinks fit;
- (ii) censure the private education institution; or
- (iii) order that the registration of the private education institution be subject to such terms or conditions as may be imposed by the Agency, whether in addition to or in substitution of the existing terms and conditions of its registration.

*[Act 24 of 2016 wef 03/10/2016]*

(2) Any financial penalty payable by any private education institution under subsection (1)(i) shall be recoverable as a civil debt due to the Agency from the private education institution.

*[Act 24 of 2016 wef 03/10/2016]*

(3) The Agency shall, before making any decision under subsection (1) in relation to any private education institution, give the private education institution notice in writing of its intention to do so.

*[Act 24 of 2016 wef 03/10/2016]*

(4) Upon receipt of the notice of the Agency under subsection (3), the private education institution concerned or any manager thereof may, within a period of 14 days after the date of the notice, show cause to the Agency as to why the Agency should not impose a

financial penalty, censure or make an order under subsection (1)(iii), as the case may be.

*[Act 24 of 2016 wef 03/10/2016]*

(5) The Agency shall, after the private education institution or any manager thereof has shown cause under subsection (4) or the time to do so has expired, notify the private education institution of its decision in writing.

*[Act 24 of 2016 wef 03/10/2016]*

(6) Subject to section 53, any decision by the Agency under subsection (1) shall not take effect until the expiration of 14 days after the Agency has served the notice of the decision on the private education institution concerned.

*[Act 24 of 2016 wef 03/10/2016]*

*[Act 24 of 2016 wef 03/10/2016]*

## PART IV

### PROVISION AND CONTROL OF OTHER SERVICES

#### **Establishment or maintenance of accreditation or certification schemes by Agency**

**49.—**(1) The Agency may establish or maintain one or more voluntary accreditation or certification schemes for —

- (a) registered private education institutions; and
- (b) any class of other education institutions as the Agency may deem appropriate.

*[Act 24 of 2016 wef 03/10/2016]*

(2) Any education institution which is eligible to be a member of a Scheme may apply to the Agency to be a member of the Scheme.

*[Act 24 of 2016 wef 03/10/2016]*

(3) The Agency may, if it is satisfied that an education institution meets such eligibility criteria for a Scheme as the Agency may determine, accept the application of the education institution to become a member of the Scheme, subject to the education institution providing a written undertaking, in such form and manner as the

Agency may determine, that it will abide by the terms and conditions of the Scheme as determined by the Agency.

*[Act 24 of 2016 wef 03/10/2016]*

(4) The Agency may, from time to time, vary the terms and conditions of any Scheme by issuing a notice in writing to the members of the Scheme or any relevant class thereof.

*[Act 24 of 2016 wef 03/10/2016]*

(5) The terms and conditions of a Scheme, as determined by the Agency, may include all or any of the following:

- (a) that members of the Scheme shall appoint a management representative to oversee the effective implementation and maintenance of the requirements under the Scheme;
- (b) that members of the Scheme shall provide all the necessary information and documents, including any declaration of conformity or accuracy of information, that the Agency may require from time to time;
- (c) that members of the Scheme shall facilitate and provide reasonable assistance to the assessors appointed by the Agency, including but not limited to making available information to the assessors and ensuring the safety of assessors during site visits to the premises of the members;
- (d) that members of the Scheme shall pay such fees as may be imposed in respect of their application to be members of the Scheme or their continued association with the Scheme;
- (e) that members of the Scheme shall comply with such codes of conduct or guidelines relating to quality or standards as may be stipulated by the Agency from time to time;
- (f) that members of the Scheme shall enter into such student fee protection scheme as the Agency may designate for the purposes of the Scheme and abide by the terms and conditions of such student fee protection scheme;
- (g) that members of the Scheme shall ensure information relating to them, and such other information as may be

stipulated by the Agency, are available in a publicly accessible manner;

- (h) that members of the Scheme shall allow the Agency to publicise the list of members of the Scheme or a list of those that have been withdrawn, or have been suspended or removed, from the Scheme.

*[Act 24 of 2016 wef 03/10/2016]*

(6) The Agency may appoint any person to administer any Scheme, or any aspect or any part of a Scheme, subject to such terms and restrictions as may be specified by the Agency.

*[Act 24 of 2016 wef 03/10/2016]*

(7) Any information furnished by or on behalf of an education institution or any manager thereof for the purpose of a Scheme —

- (a) may be used for or in relation to investigating or prosecuting any person for an offence under any written law; or
- (b) may be used or published in the form of research findings, comparison studies, banding of comparable education institutions, or in any other form or manner or for such purposes as the Agency may determine.

*[Act 24 of 2016 wef 03/10/2016]*

*[Act 24 of 2016 wef 03/10/2016]*

### **Restrictions on certain other services**

**50.**—(1) Subject to subsection (3), no person shall establish, maintain, offer or provide any accreditation or certification scheme relating, whether directly or indirectly, to private education institutions or private education without the approval of the Agency.

*[Act 24 of 2016 wef 03/10/2016]*

(2) Subject to subsection (3), no person in Singapore shall offer or provide any examination service to any private education institution in Singapore or elsewhere without the approval of the Agency.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Subsection (1) or (2) shall not apply to —

- (a) the Government, any statutory authority constituted by or under any written law for a public purpose, or any entity

owned or controlled by the Government or such statutory authority; or

(b) such other persons as may be prescribed.

(4) Any approval of the Agency under subsection (1) or (2) —

(a) may be granted subject to such terms and conditions as the Agency may specify; and

(b) may be revoked at any time by the Agency by notice in writing.

*[Act 24 of 2016 wef 03/10/2016]*

(5) Any person who contravenes subsection (1) or (2) shall be guilty of an offence.

## PART V

### APPEALS

#### **Constitution of Appeals Board**

**51.**—(1) There shall be an Appeals Board consisting of a chairman and 4 other members as the Minister may appoint.

(2) The Minister shall appoint a secretary to the Appeals Board.

(3) Every member of the Appeals Board shall, unless the Minister otherwise directs, hold office for a period of 3 years and be eligible for re-appointment.

(4) The Minister may, at any time, revoke the appointment of any member of the Appeals Board.

(5) A member of the Appeals Board may resign his office by notice in writing to the Minister.

(6) Members of the Appeals Board may receive such remuneration and such travelling and subsistence allowances as the Minister may determine.

## **Duty, powers and procedures of Appeals Board**

**52.—**(1) It shall be the duty of the Appeals Board to hear and decide all appeals against the appealable decisions of the Agency within the meaning of section 53(1).

*[Act 24 of 2016 wef 03/10/2016]*

(2) In the discharge of its duty under this Act, the Appeals Board shall have the following powers:

- (a) to take evidence on oath;
- (b) to summon any person to attend any hearing of the Appeals Board to give evidence or produce any document or other article in his possession, except that no person shall be bound to answer any question or produce any document in respect of any matter which would have been protected from disclosure on the ground of privilege if the proceedings had been held in any court;
- (c) to order an inspection of the premises of any private education institution; and
- (d) to enter and view the premises of any private education institution.

(3) The quorum of the Appeals Board shall be 3.

(4) The chairman of the Appeals Board shall, when present, preside at every meeting of the Appeals Board, and in his absence such member of the Board as may be chosen by the members present shall preside.

(5) The proceedings of the Appeals Board shall not be open to the public.

(6) No act or proceedings of the Appeals Board shall be questioned on account of any vacancy on it.

(7) All members of the Appeals Board shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

(8) Subject to the provisions of this Act, the Appeals Board may regulate its own procedure in such manner as it thinks fit.

**Appeals to Appeals Board**

**53.—(1)** Any person who is aggrieved by —

(a) any decision of the Agency —

- (i) refusing to grant or renew the registration of a private education institution under section 36;
- (ii) imposing any term or condition upon the registration of a private education institution under section 36;
- (iii) suspending or cancelling the registration of a private education institution under section 38;
- (iv) refusing to approve any change of the name of a private education institution, or the name of any premises or school (or any department or faculty thereof) of or education provided by the private education institution, under section 39;
- (v) directing the change in the name of a private education institution, or the name of any premises or school (or any department or faculty thereof) of or education provided by the private education institution, under section 40;
- (vi) directing the suspension or removal of any person appointed as a manager of a registered private education institution under section 42(1)(a) or the appointment of any additional person to discharge the duties of a manager of a private education institution under section 42(1)(b);
- (vii) refusing any permission under section 43(1) or imposing any term or condition when granting such permission;  

*[Act 24 of 2016 wef 03/10/2016]*
- (viii) imposing any financial penalty, censure or other order under section 48(1); or

- (ix) refusing any approval under section 50 or imposing any term or condition when approving under that section;

*[Act 24 of 2016 wef 03/10/2016]*

- (b) any direction of the Agency under section 34(6), 42, 45, 47, 59 or 60;

*[Act 24 of 2016 wef 03/10/2016]*

- (c) any requisition for particulars or information under section 62; or

- (d) any decision of the Agency under section 64(3),

*[Act 24 of 2016 wef 03/10/2016]*

(each of which decision, direction or requisition shall be referred to in this Act as an appealable decision) may, within such time as may be prescribed under section 55 in respect of the type of appealable decision, lodge an appeal against the decision to the Appeals Board.

(2) Every appeal under subsection (1) shall be lodged in such form and manner as may be prescribed under section 55.

(3) The Appeals Board may —

- (a) confirm, set aside or modify the appealable decision to which the appeal relates; or

- (b) give such directions in such manner as the Appeals Board thinks fit, including a direction to the Agency to review its appealable decision to which the appeal relates,

*[Act 24 of 2016 wef 03/10/2016]*

and the decision of the Appeals Board shall be final.

(4) The decision of the Appeals Board shall be communicated to the appellant in writing by the secretary to the Appeals Board.

(5) The lodging of an appeal under subsection (1) against an appealable decision shall not suspend the effect of the appealable decision to which the appeal relates, except where the appeal relates to —

- (a) any written direction of the Agency issued under section 34(6) or 60 requiring the private education institution or the managers thereof to refund the whole

or any part of any course money to any student or intending student of the private education institution; or

*[Act 24 of 2016 wef 03/10/2016]*

- (b) any other appealable decision of the Agency that is prescribed under section 55 as a suspended appealable decision.

*[Act 24 of 2016 wef 03/10/2016]*

### **Disclosure of conflicts of interest by members of Appeals Board**

**54.**—(1) A member of the Appeals Board shall declare to the Minister, or any person authorised by the Minister, the nature and extent of all conflicts of interest or potential conflicts of interest, if any, with his duties or interests as a member of the Appeals Board arising from —

- (a) his holding of any office;
- (b) his interest in any contract;
- (c) his possession or ownership of any property;
- (d) any direct or indirect relationship with a private education institution or any other person regulated under this Act; or
- (e) his connection or association with any trade or consumer body.

(2) Where the Minister, or any person authorised by the Minister, is satisfied that a member of the Appeals Board is unable to carry out his duties properly and effectively because of any conflict of interest or potential conflict of interest referred to in subsection (1), the Minister may replace that member or direct that member to abstain from taking part in any proceedings relating to any matter affected by his conflict of interest or potential conflict of interest.

### **Rules relating to appeals**

**55.** The Minister may make rules for or with respect to —

- (a) the time within which an appeal to the Appeals Board may be lodged;
- (b) the form and manner in which an appeal to the Appeals Board shall be lodged;

- (c) the fees to be paid in respect of any appeal lodged with the Appeals Board;
- (d) the records to be kept by the Appeals Board; and
- (e) all matters and things which are required or permitted to be prescribed or which are necessary or expedient to give effect to any provision of this Part.

## PART VI

### INSPECTION, ENFORCEMENT AND OFFENCES

#### **Appointment of inspectors**

**56.—**(1) The Agency may appoint any of its officers or employees to be an inspector for the purposes of this Act.

*[Act 24 of 2016 wef 03/10/2016]*

(2) The Agency shall furnish every inspector with an identification card that identifies him as an inspector.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Every inspector shall, when exercising any power under this Act, on demand produce his identification card to the person affected by the exercise of that power.

#### **Inspection of registered private education institutions**

**57.—**(1) An inspector may, from time to time, enter and inspect the premises under the possession or control of any registered private education institution for the purpose of ascertaining whether this Act has been or is being complied with.

(2) In carrying out an inspection under subsection (1), an inspector may —

- (a) examine any book, document, material or article as he may consider necessary and remove or make copies of it for further examination;
- (b) require any person, whether a manager, teacher or student of the registered private education institution or otherwise, to be present before an inspector or any officer of the Agency and —

- (i) to produce for inspection any book, document, material or article which is in the possession or under the custody of that person, which the inspector or an officer of the Agency may remove or make copies of for further examination; or
- (ii) to furnish any information which is within the power of the person to furnish relating to the control or management of the registered private education institution, to the teaching carried on in the registered private education institution, to the student activities of the registered private education institution or to such other matter as the inspector may specify; or

*[Act 24 of 2016 wef 03/10/2016]*

- (c) do anything that is necessary or expedient for the carrying out of the inspection.

### **Enforcement powers of inspectors**

**58.—**(1) In addition to the powers conferred on him by this Act, an inspector may —

- (a) at reasonable hours, enter any premises or part thereof (whether or not in the possession or control of a registered private education institution) when he has reasonable cause to believe that evidence of the commission of an offence under this Act can be found therein, and search for and seize and remove any book, document, material or article or make copies thereof as he may consider necessary;
- (b) require any person whom he reasonably believes to have committed the offence to furnish evidence of his identity;
- (c) require, by order in writing, the attendance before him of any person within the limits of Singapore who, from any information given or otherwise obtained by the inspector, appears to be acquainted with the facts or circumstances of the case;

- (d) examine orally any person reasonably believed to be acquainted with the facts or circumstances of the case or with such other matter as the inspector may specify, and reduce into writing the answer given or statement made by that person;
- (e) require any person to furnish any information or produce any book, document or copy thereof in the possession of that person, and inspect, copy, make extracts from or seize and remove such book or document; and
- (f) take such photographs or video recording, as the inspector thinks necessary, of the premises and persons reasonably believed to be acquainted with the facts or circumstances of the case or with such other matter as the inspector may specify.

(2) The person referred to in subsection (1)(d) shall be bound to state truly the facts or circumstances with which he is acquainted.

(3) A statement made by the person referred to in subsection (1)(d) shall be read over to him and shall, after correction, if necessary, be signed by him.

(4) All statements, answers, information and documents procured in the course of investigation shall be admissible in evidence in any proceedings under this Act against the person making or producing the same.

### **General power to direct remedial measures**

**59.**—(1) Without prejudice to any other power vested in the Agency under this Act, if it appears to the Agency that —

- (a) any provision of this Act has not been complied with by or in relation to any registered private education institution; or
- (b) any registered private education institution is not being efficiently or properly administered,

the Agency may, by notice in writing addressed to the managers of the registered private education institution, direct them to take such measures and within such time as may be specified in the notice in

order that the provision of this Act may be complied with or the registered private education institution may be efficiently or properly administered (as the case may be).

*[Act 24 of 2016 wef 03/10/2016]*

(2) The registered private education institution in respect of which the Agency has issued a direction under subsection (1) shall bear all costs and expenses arising from complying with the direction.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Where the managers of the registered private education institution to whom the Agency has addressed a direction under subsection (1) fail to comply with the direction, the Agency may take such steps as it thinks reasonable and necessary to give effect to the direction and recover all costs and expenses reasonably incurred by it in so doing from the registered private education institution as a civil debt due to the Agency.

*[Act 24 of 2016 wef 03/10/2016]*

(4) Where any direction issued by the Agency under subsection (1) addressed to the managers of a registered private education institution has not been complied with, every manager of the registered private education institution shall each be guilty of an offence.

*[Act 24 of 2016 wef 03/10/2016]*

(5) It shall be a defence for any person charged with an offence under subsection (4) to prove that he had a reasonable excuse for failing to comply with the direction of the Agency that is the subject of the offence.

*[Act 24 of 2016 wef 03/10/2016]*

### **Power to direct course money refunds, etc.**

**60.**—(1) This section applies to a student or intending student of a private education institution in relation to a course offered or provided by the private education institution if —

- (a) the course does not start on the agreed starting day;
- (b) the course ceases to be provided at any time after it starts but before it is completed; or
- (c) the course is not provided in full to the student or intending student because of the Agency refusing to renew the registration of the private education institution under

section 37 or the Agency suspending, cancelling or reducing the period of registration of the private education institution under section 38,

*[Act 24 of 2016 wef 03/10/2016]*

and the student or intending student has not withdrawn from the private education institution before the default day.

(2) Without prejudice to any other power vested in the Agency under this Act, the Agency may by written direction addressed to the managers of a registered private education institution for a course or, in the case where registration is cancelled, a former registered private education institution for a course, direct that the registered private education institution or former registered private education institution, as the case may be, do either or all of the following:

- (a) refund each student or intending student, within such time as may be specified in the direction, the whole or such part as the Agency deems equitable of the course money the registered private education institution or former registered private education institution, as the case may be, received in respect of the student or intending student before the default day;
- (b) make arrangements for each student or intending student of the registered private education institution or former registered private education institution, as the case may be, to be offered a place in another registered private education institution to complete the same or a similar course, at the private education institution's expense or otherwise, and notify the student or intending student accordingly —
  - (i) where the provision of the course by the private education institution must cease because the Agency refused to renew the registration of the private education institution under section 37 or the registration of the private education institution is suspended or cancelled, or the period of its registration is reduced, under section 38 — at least 14 days before it ceases to provide the course or such

other period as the Agency may allow in any particular case; or

- (ii) where the provision of private education by the private education institution must cease for any other reason — at least 30 days before it ceases to provide the course.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Subsection (2) shall apply notwithstanding anything contained in the agreement or contract between the registered private education institution or former registered private education institution and the students or intending students concerned, and subject to subsection (4), the student or intending student concerned shall be entitled to recover the amount specified in the direction to refund under subsection (2) from the registered private education institution or former registered private education institution, as the case may be, as a civil debt in a court of competent jurisdiction.

(4) The registered private education institution or former registered private education institution, as the case may be, shall be relieved of its liability to make a refund if the student or intending student accepts the offer under subsection (2)(b) to complete the same or a similar course at the private education institution's expense.

(5) Where any written direction issued by the Agency under subsection (2) is not complied with, the private education institution and every manager of the private education institution to whom the direction is addressed shall each be guilty of an offence.

*[Act 24 of 2016 wef 03/10/2016]*

(6) In addition to subsection (4), it shall be a defence for any person charged with an offence under subsection (5) to prove that he had a reasonable excuse for failing to comply with the written direction of the Agency that is the subject of the offence.

*[Act 24 of 2016 wef 03/10/2016]*

(7) Nothing in this section shall affect the operation of the Charities Act (Cap. 37), the Insolvency, Restructuring and Dissolution Act 2018, the Societies Act (Cap. 311) or any other written law relating to the winding up or dissolution of a private education institution.

*[Act 40 of 2018 wef 30/07/2020]*

(8) In this section —

“agreed starting day”, in relation to a course offered or provided by a private education institution, means the day on which the course was scheduled to start;

“default day” means —

- (a) the agreed starting day, if subsection (1)(a) applies; or
- (b) the day on which the course ceases to be provided if subsection (1)(b) or (c) applies.

### **General offences and penalties**

61.—(1) Any person who —

- (a) in relation to any application under this Act or any notification under section 44(1) —
    - (i) makes any false statement which he knows to be false or does not believe to be true or which he makes recklessly; or
    - (ii) intentionally suppresses any material fact;
  - (b) neglects or refuses to produce any book, document, material or article or to furnish any information, neglects or refuses to attend before an inspector as required, furnishes any book, document, material or information which is false in a material particular and which he knows to be false or does not believe to be true, or, by the intentional suppression of any material fact, furnishes information which is misleading, under section 57 or 58;
  - (c) obstructs or impedes the Agency, any officer of the Agency or any inspector lawfully carrying out any function or duty in the exercise of any power conferred by or under this Act; or
- [Act 24 of 2016 wef 03/10/2016]*
- (d) being summoned to attend at a hearing of the Appeals Board to give evidence or produce any document or other article, without reasonable excuse refuses or neglects to do

so or refuses to answer any questions put to him by or with the concurrence of the Appeals Board, or otherwise hinders, obstructs or deceives the Appeals Board in the exercise of its powers under this Act,

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 6 months or to both.

(2) Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

## PART VII

### MISCELLANEOUS

#### **Power of Agency to issue requisition for particulars or information**

**62.**—(1) The Agency may, from time to time, issue a requisition in writing to any person to furnish such particulars or supply such information relating to any matter to which this Act applies as may be specified in the requisition.

*[Act 24 of 2016 wef 03/10/2016]*

- (2) A requisition issued by the Agency under subsection (1) may —
- (a) specify the form in which and the time within which the particulars or information are to be furnished;
  - (b) require the particulars or information to be furnished periodically at or within such time or times and in such form or forms as are specified in the requisition; and
  - (c) specify the place or manner at or in which the particulars or information are to be delivered.

*[Act 24 of 2016 wef 03/10/2016]*

(3) Every person who is issued a requisition by the Agency under subsection (1) shall furnish the particulars or supply the information specified in the requisition to the best of his knowledge and belief.

*[Act 24 of 2016 wef 03/10/2016]*

(4) Any person who, without reasonable excuse, fails to comply with any requisition issued by the Agency under subsection (1) shall be guilty of an offence.

*[Act 24 of 2016 wef 03/10/2016]*

(5) Any person who, in compliance or purported compliance with any requisition issued by the Agency under subsection (1), furnishes the Agency with any information or document which he knows is false or misleading shall be guilty of an offence.

*[Act 24 of 2016 wef 03/10/2016]*

*[Act 24 of 2016 wef 03/10/2016]*

### **Registers and publication of information**

**63.—**(1) The Agency may establish, maintain and cause to be published in such manner as it may determine, one or more registers in respect of —

- (a) registered private education institutions or any class thereof, and such other persons as may be prescribed;
- (b) courses offered or provided, or to be offered or provided, by any persons or class of persons referred to in paragraph (a); or
- (c) such other information relating to private education generally or to any Scheme as the Agency may determine.

*[Act 24 of 2016 wef 03/10/2016]*

(2) Regulations may be made under section 71 to prescribe the manner in which the registers are established or maintained under subsection (1), including the details or particulars required to be entered in the registers.

(3) Any person may, upon payment of such fee as may be prescribed, inspect and take an extract from any register established under subsection (1).

(4) Any extract taken under subsection (3), if certified by the Agency to be a true copy, shall be admissible as evidence in any legal proceedings.

*[Act 24 of 2016 wef 03/10/2016]*

### **Power of Agency in relation to dispute resolution schemes**

**64.**—(1) Regulations may be made under section 71 to prescribe one or more dispute resolution schemes for the resolution of disputes arising from or relating to the provision of services by registered private education institutions to students.

(2) Without prejudice to the generality of subsection (1), regulations may be made under section 71 —

- (a) to require registered private education institutions or any class thereof to participate in such prescribed dispute resolution schemes and to comply with such terms and conditions of the scheme as may be prescribed;
- (b) to prescribe a list of approved dispute resolution centres under each prescribed dispute resolution scheme; and
- (c) generally to give effect to this section.

(3) Where the Agency is satisfied that any registered private education institution has contravened any of the regulations referred to in subsection (2), the Agency may do all or any of the following:

- (a) impose a financial penalty of such amount, not exceeding \$5,000, as the Agency thinks fit;
- (b) censure the private education institution, if it thinks it necessary in the public interest or for the protection of the public or any section of the public;
- (c) order that the registration of the private education institution be subject to such terms or conditions as may be imposed by the Agency, whether in addition to or in substitution of the existing terms and conditions of its registration.

*[Act 24 of 2016 wef 03/10/2016]*

(4) The Agency shall, before making any decision under subsection (3) in relation to any private education institution, give the private education institution notice in writing of its intention to do so.

[Act 24 of 2016 wef 03/10/2016]

(5) Upon receipt of the notice of the Agency under subsection (4), the private education institution concerned or any manager thereof may, within a period of 14 days after the date of the notice, show cause to the Agency as to why the Agency should not impose a financial penalty, censure or make an order under subsection (3)(c), as the case may be.

[Act 24 of 2016 wef 03/10/2016]

(6) The Agency shall, after the private education institution or any manager thereof has shown cause under subsection (5) or the time to do so has expired, notify the private education institution of its decision in writing.

[Act 24 of 2016 wef 03/10/2016]

(7) Subject to section 53, any decision by the Agency under subsection (3) shall not take effect until the expiration of 14 days after the Agency has served the notice of the decision on the private education institution concerned.

[Act 24 of 2016 wef 03/10/2016]

(8) The Agency may issue, and in its discretion publish by notification in the *Gazette* or in such other manner as it considers appropriate, such guidelines as it considers appropriate for providing guidance in relation to the operation of a prescribed dispute resolution scheme.

[Act 24 of 2016 wef 03/10/2016]

[Act 24 of 2016 wef 03/10/2016]

### **Jurisdiction of court**

**65.** Notwithstanding any provision to the contrary in the Criminal Procedure Code 2010 (Act 15 of 2010), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

**Offences by bodies corporate, etc.**

**66.**—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section, “officer” —

(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive,

manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of such a committee and includes any person purporting to act in any such capacity.

(6) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

### **Composition of offences**

**67.**—(1) The Chief Executive or any officer authorised by him may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

- (a) one half of the amount of the maximum fine that is prescribed for the offence; or
- (b) \$5,000,

whichever is the lower.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

### **General exemption**

**68.** The Minister may, by order published in the *Gazette*, exempt any person or any class of persons, courses or advertisements from any provision of this Act, subject to such terms or conditions as may be prescribed.

**Service of documents**

**69.**—(1) Any notice, order, direction or other document required or authorised by this Act to be served on any person may be served on the person —

(a) in the case of an individual —

- (i) by delivering it to the individual personally;
- (ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;
- (iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;
- (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of residence or business of the individual; or
- (v) by sending it by facsimile transmission to the facsimile number operated at the usual or last known address of the place of residence or business of the individual, or the last facsimile number given to the Agency by the individual as the facsimile number for the service of documents on the individual;

*[Act 24 of 2016 wef 03/10/2016]*

(b) in the case of a partnership other than a limited liability partnership —

- (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;
- (ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore; or
- (iii) by sending it by facsimile transmission to the facsimile number operated at the principal or last

known place of business of the partnership in Singapore; and

- (c) in the case of any limited liability partnership or any other body corporate —
- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;
  - (ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore; or
  - (iii) by sending it by facsimile transmission to the facsimile number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore.

(2) Where any notice, order, direction or other document required or authorised by this Act to be served is sent by a facsimile transmission to the facsimile number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office (as the case may be).

(3) Where any notice, order, direction or other document required or authorised by this Act to be served is sent by pre-paid registered post, it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

(4) Any notice, order, direction or other document required or authorised by this Act to be served on the owner or occupier of any premises —

- (a) may be served by delivering it or a true copy thereof to some adult person on the premises or, if there is no such

person on the premises to whom it can with reasonable diligence be delivered, by affixing the notice, order, direction or document to some conspicuous part of the premises; and

- (b) shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

(5) Without prejudice to the generality of this section, any notice, order, direction or other document required or authorised by this Act to be served on a manager or the managers of a private education institution —

- (a) may be served by delivering it or a true copy thereof to some adult person on the premises of the private education institution or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing the notice, order, direction or document to some conspicuous part of the premises; and

- (b) shall be deemed to be properly addressed if addressed by the description of the manager or managers of the registered private education institution without further name or description.

(6) This section shall not apply to notices and documents to be served in proceedings in court.

### **Amendment of First Schedule**

**70.—**(1) The Minister may at any time, by order published in the *Gazette*, amend the First Schedule by adding any education as private education.

(2) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provisions as may be necessary or expedient.

(3) All orders made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

## Regulations

**71.—**(1) The Agency may, with the approval of the Minister, make regulations as may be necessary or expedient to give effect to the provisions and purposes of this Act.

*[Act 24 of 2016 wef 03/10/2016]*

(2) Without prejudice to the generality of subsection (1), regulations may be made under that subsection for or in respect of all or any of the following matters:

- (a) the forms to be used and the information to be furnished in, or the documents to be furnished with, any application and the forms to be used for any other purpose under this Act;
- (b) the fees and charges payable under this Act, including the interest or penalty for the late payment of any fee or charge, and the waiver, refund or remission, whether wholly or in part, of such fees and charges;
- (c) the requirements and restrictions on the names of private education institutions or the names of any premises or school (or any department or faculty thereof) of or education provided by private education institutions, and the use or display of such names;
- (d) the premises of private education institutions, including but not limited to —
  - (i) the requirements for office or administrative areas;
  - (ii) the number, type and size of classrooms;
  - (iii) the facilities and equipment to be provided;
  - (iv) the signage in or around the premises;
  - (v) the use of the premises; and
  - (vi) the restrictions on the sharing of premises with other persons;
- (e) the form and manner of the keeping of registers or records under this Act, the inspection thereof, the taking of extracts

therefrom, the supply of copies thereof, and the returns to be made to the Agency including financial records;

*[Act 24 of 2016 wef 03/10/2016]*

- (f) the publication of information by private education institutions, in such form and manner as may be prescribed, relating to the premises, teachers and courses of the private education institutions, including but not limited to course money, course schedules, examination schedules, course particulars and programme modules;  
*[Act 24 of 2016 wef 03/10/2016]*
- (g) the administration of courses offered or provided by registered private education institutions, including but not limited to the requirements relating to the names of courses, course programme duration, enrolment of students, the form and content of the agreements or contracts to be entered into with students, and the establishment of boards, committees or other similar bodies to oversee academic, examination or administrative structures and processes;
- (h) the deployment of teachers by registered private education institutions;
- (i) the use of advertisements by or on behalf of a private education institution, or any solicitation or canvassing for business by or on behalf of a private education institution;
- (j) the use of any accreditation, certification or inspection mark of the Agency;  
*[Act 24 of 2016 wef 03/10/2016]*
- (k) the regulation of persons who provide any service relating, whether directly or indirectly, to the provision of private education, including the application, with such modifications as may be prescribed, of the provisions of this Act to such persons;
- (l) the offences which may be compounded under section 67;
- (m) to prescribe all matters and things which by this Act are required or permitted to be prescribed or which are

necessary or expedient to be prescribed to give effect to this Act.

(3) Regulations made under subsection (1) —

- (a) may relate to all or any class or description of private education institutions;
- (b) may make different provisions for different classes or descriptions of private education institutions;
- (c) may provide that a contravention of any specified provision thereof shall be an offence; and
- (d) other than regulations prescribed for the purpose of section 48, may provide for penalties not exceeding a fine of \$10,000 or imprisonment for a term not exceeding 12 months or both for each offence and, in the case of a continuing offence, a further penalty not exceeding a fine of \$1,000 for that offence for every day or part thereof during which the offence continues after conviction.

### **Non-application to certain education institutions**

**72.**—(1) This Act shall not apply to the following persons, all of whom shall not be regarded as private education institutions, or managers or teachers of private education institutions, as the case may be:

- (a) the Government or any entity owned or controlled by the Government and the teachers of a Government school;
- (b) the Institute of Technical Education, Singapore established under the Institute of Technical Education Act (Cap. 141A) or any company owned (wholly or partly) by or any undertaking of the Institute of Technical Education, Singapore and their respective teachers;
- (c) the following Polytechnics or undertakings and their respective teachers:
  - (i) the Nanyang Polytechnic established under the Nanyang Polytechnic Act (Cap. 191A);

- (ii) the Ngee Ann Polytechnic established under the Ngee Ann Polytechnic Act (Cap. 207);
  - (iii) the Republic Polytechnic established under the Republic Polytechnic Act (Cap. 270);
  - (iv) the Singapore Polytechnic established under the Singapore Polytechnic Act (Cap. 303);
  - (v) the Temasek Polytechnic established under the Temasek Polytechnic Act (Cap. 323A); and
  - (vi) any company that is owned (wholly or partly) by any such Polytechnic referred to in sub-paragraphs (i) to (v);
- (d) any other body that is established or constituted by or under a public Act and that has a public function, or any entity owned (wholly or partly) or controlled by such a body, offering to provide or providing any education, and its teachers;
- (e) the organisation, committee of management, managers and teachers of any school registered under the Education Act (Cap. 87) and which receives a grant-in-aid or subvention extended by the Government to aided schools within the meaning of that Act unless the organisation is specified in a notification made under the definition of “private education institution” in section 2;
- (f) the organisation, committee of management, managers and teachers at any special education school for students with physical or intellectual disabilities which is registered under the Education Act and which receives a subvention extended by the Government;
- (g) the organisation, committee of management, managers and teachers of any education institution providing education in accordance with religious beliefs and principles and no other education, including any school exempted under section 3 of the Education Act and any Muslim religious school referred to in section 87(1) of the Administration of Muslim Law Act (Cap. 3);

- (h) the governing board constituted for any school under the School Boards (Incorporation) Act (Cap. 284A), its governors and the teachers of such a school;
- (i) the Nanyang Technological University, the National University of Singapore, the Singapore Management University, the Singapore University of Technology and Design, the Singapore Institute of Technology, the Singapore University of Social Sciences and any other person whose function of providing university education is determined by written law, any entity owned (wholly or partly) or controlled by any such University or person, and the teachers of the respective Universities and entities; and
- (j) any place of safety or juvenile rehabilitation centre approved, appointed or established under the Children and Young Persons Act (Cap. 38) or any approved institution approved under section 12 of the Probation of Offenders Act (Cap. 252), respectively, and the respective managers thereof.

*[Act 19 of 2017 wef 02/01/2019]*

(2) This Act does not apply to, or in relation to, any early childhood development centre licensed under the Early Childhood Development Centres Act 2017, the key appointment holders (as defined in that Act) of the licensee of the centre, and the teachers of the centre.

*[Act 19 of 2017 wef 02/01/2019]*

### **Saving and transitional provisions**

**73.**—(1) Notwithstanding the provisions of this Act, any person who, immediately before the date of commencement of Part III, is registered under the Education Act (Cap. 87) and is in Singapore —

- (a) offering to provide or providing private education, whether in Singapore or elsewhere; or
- (b) awarding any degree, diploma or certificate (including any honorary degree or other distinction) in respect of private education, whether offered or provided in Singapore or elsewhere,

(referred to in this section as an existing regulated private education institution) shall be deemed to be registered as a private education institution for a period of 18 months from that date, subject to the same conditions of its registration as a school under the Education Act (if applicable) to the extent that those conditions are not inconsistent with the provisions of this Act.

(2) Notwithstanding the provisions of this Act, every course lawfully offered or provided by an existing regulated private education institution under the Education Act immediately before the date of commencement of section 43, whether in Singapore or elsewhere and whether by itself or in association or collaboration with or by affiliation with any other person, shall be deemed to be permitted by the Council under section 43 for the same period delimited by subsection (1).

(3) Notwithstanding the provisions of this Act, an existing regulated private education institution which, immediately before the date of commencement of section 44, is deploying any teacher authorised under the Education Act to teach any course to all or any of the students of the existing regulated private education institution shall be deemed to have complied with section 44 for the same period delimited by subsection (1).

(4) Where anything has been commenced by or on behalf of the Director-General of Education under the Education Act before the date of commencement of Part III, IV, V or VI, as the case may be, the Minister or the Appeals Board under the Education Act in relation to an existing regulated private education institution, such thing may be carried on and completed by or under the authority of the Council, the Minister or the Appeals Board (as the case may be) under the corresponding provisions in those Parts.

(5) Notwithstanding the provisions of this Act, any person (other than an existing regulated private education institution) who, immediately before the date of commencement of Part III, is —

- (a) offering to provide or providing private education, whether in Singapore or elsewhere; or
- (b) awarding any degree, diploma or certificate (including any honorary degree or other distinction) in respect of private

education, whether offered or provided in Singapore or elsewhere,

shall be entitled to continue doing so for a period of 2 months from that date, and if before the expiry of that period the person applies for registration under that Part, that person shall be entitled to continue carrying on doing so until —

- (i) the date on which the person is registered as a private education institution under Part III; or
- (ii) the application for registration under that Part is refused or withdrawn.

(6) Any application by a private education institution for registration under the Education Act before the date of commencement of Part III which application was not dealt with before that commencement shall lapse.

(7) For a period of 2 years after the commencement of this section, the Minister may, by rules, prescribe such provisions of a savings or transitional nature consequent on the enactment of any provision of this Act as he may consider necessary or expedient.

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## FIRST SCHEDULE

Sections 2 and 70(1)

### DEFINITION OF PRIVATE EDUCATION

1. In this Schedule, unless the context otherwise requires —

“contract of service” has the same meaning as in section 2 of the Employment Act (Cap. 91);

“employee” means a person who has entered into or works under a contract of service with an employer;

“employer” has the same meaning as in section 2 of the Employment Act;

“full-time”, in relation to the provision of education, means the provision of education of a duration of at least one month and that is conducted for 5 days of a week for at least 3 hours each day;

FIRST SCHEDULE — *continued*

“post-secondary education” means education normally for a person who is 16 years of age or above;

*[Act 16 of 2016 wef 10/06/2016]*

“primary or secondary education” means education normally for a child who is above the age of 6 years and below the age of 18 years.

2. “Private education” means any of the following types of education, whether provided wholly or in part electronically, through correspondence or in any other manner:

- (a) education leading to the award of a diploma or degree;
- (b) full-time post-secondary education leading to the award of a certificate;
- (c) full-time primary or secondary education wholly or substantially in accordance with a foreign or international curriculum;
- (d) full-time special education for students with physical or intellectual disabilities;
- (e) full-time education for the purpose of preparing students for any examination that —
  - (i) leads to a qualification awarded by any person other than the person which provides such full-time education; or
  - (ii) entitles the students to be admitted to an education institution.

3. “Private education” does not include —

- (a) any apprenticeship whereby an employer undertakes to employ a person and to train the person, or have the person trained, systematically for a trade or vocation; or
- (b) any education provided by any employer exclusively for his employees.

## SECOND SCHEDULE

*[Deleted by Act 24 of 2016 wef 03/10/2016]*

## THIRD SCHEDULE

*[Deleted by Act 24 of 2016 wef 03/10/2016]*

LEGISLATIVE HISTORY  
PRIVATE EDUCATION ACT  
(CHAPTER 247A)

This Legislative History is provided for the convenience of users of the Private Education Act. It is not part of the Act.

**1. Act 21 of 2009 — Private Education Act 2009**

Date of First Reading	:	18 August 2009 (Bill No. 15/2009 published on 18 August 2009)
Date of Second and Third Readings	:	14 September 2009
Date of commencement	:	1 December 2009 (except Parts III to VII)

**2. Act 21 of 2009 — Private Education Act 2009**

Date of First Reading	:	18 August 2009 (Bill No. 15/2009 published on 18 August 2009)
Date of Second and Third Readings	:	14 September 2009
Date of commencement	:	21 December 2009 (Parts III to VII)

**3. Act 3 of 2011 — Children and Young Persons (Amendment) Act 2011**  
(Consequential amendments made to Act by)

Date of First Reading	:	22 November 2010 (Bill No. 35/2010 published on 22 November 2010)
Date of Second and Third Readings	:	10 January 2011
Date of commencement	:	20 July 2011

**4. Act 14 of 2011 — Singapore University of Technology and Design Act 2011**

(Consequential amendments made to Act by)

Date of First Reading	:	1 March 2011 (Bill No. 9/2011 published on 2 March 2011)
Date of Second and Third Readings	:	11 April 2011
Date of commencement	:	18 October 2011

**5. 2011 Revised Edition — Private Education Act (Chapter 247A)**

Date of operation : 31 December 2011

**6. Act 11 of 2014 — Singapore Institute of Technology Act 2014**

(Consequential amendments made to Act by)

Date of First Reading : 20 January 2014 (Bill No. 7/2014 published on 20 January 2014)

Date of Second and Third Readings : 17 February 2014

Date of commencement : 28 March 2014

**7. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016**

Date of First Reading : 14 April 2016 (Bill No. 15/2016 published on 14 April 2016)

Date of Second and Third Readings : 9 May 2016

Date of commencement : 10 June 2016

**8. Act 24 of 2016 — SkillsFuture Singapore Agency Act 2016**

Date of First Reading : 11 July 2016 (Bill No. 24/2016 published on 11 July 2016)

Date of Second and Third Readings : 16 August 2016

Date of commencement : 3 October 2016

**9. Act 24 of 2016 — SkillsFuture Singapore Agency Act 2016**

Date of First Reading : 11 July 2016 (Bill No. 24/2016 published on 11 July 2016)

Date of Second and Third Readings : 16 August 2016

Date of commencement : 4 October 2016

**10. Act 30 of 2017 — Singapore University of Social Sciences Act 2017**

Date of First Reading : 3 April 2017 (Bill No. 24/2017 published on 3 April 2017)

Date of Second and Third Readings : 8 May 2017

Date of commencement : 11 July 2017

**11. Act 19 of 2017 — Early Childhood Development Centres Act 2017**

Date of First Reading : 6 February 2017 (Bill No. 7/2017 published on 6 February 2017)

Date of Second and Third Readings : 28 February 2017

Date of commencement : 2 January 2019

**12. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018**

Date of First Reading : 10 September 2018 (Bill No.  
32/2018 published on  
10 September 2018)

Date of Second and Third Readings : 1 October 2018

Date of commencement : 30 July 2020

COMPARATIVE TABLE  
PRIVATE EDUCATION ACT  
(CHAPTER 247A)

The following provisions in the Private Education Act 2009 (Act 21 of 2009) have been renumbered by the Law Revision Commissioners in this 2011 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Private Education Act.

<b>2011 Ed.</b>	<b>Act 21 of 2009</b>
<i>Omitted</i>	<b>73</b>
<b>73—(1) to (7)</b>	<b>74—(1) to (7)</b>