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PRIVATE EDUCATION ACT
(CHAPTER 247A)

PRIVATE EDUCATION
(AMENDMENT NO. 2) REGULATIONS 2021

In exercise of the powers conferred by section 71 of the Private Education Act, the SkillsFuture Singapore Agency, with the approval of the Minister for Education, makes the following Regulations:

Citation and commencement

1. These Regulations are the Private Education (Amendment No. 2) Regulations 2021 and come into operation on 1 December 2021.

Amendment of regulation 14

2. Regulation 14 of the Private Education Regulations 2009 (G.N. No. S 617/2009) (called in these Regulations the principal Regulations) is amended —

- (a) by deleting the word “fully-enclosed” in paragraph (1)(a);
- (b) by deleting paragraph (3) and substituting the following paragraph:

“(3) A private education institution to be registered, or that is registered, must not share premises with —

- (a) more than one other private education institution, where the premises comprise only one classroom; or
- (b) more than 2 other private education institutions, where the premises comprise 2 or more classrooms, except with the written permission of the Agency.”; and

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- (c) by deleting the words “shall not” in paragraph (4) and substituting the words “must not, except with the written permission of the Agency,”.

Amendment of regulation 15

3. Regulation 15 of the principal Regulations is amended —

- (a) by deleting paragraph (1) and substituting the following paragraph:

“(1) Every private education institution to be registered, or that is registered, must establish and maintain an Academic Board consisting of no fewer than 3 members —

(a) none of whom is disqualified from holding office under paragraph (2); and

(b) more than half of whom possess at least the following minimum qualification or minimum experience:

(i) where the highest qualification offered by the private education institution is a postgraduate qualification — a doctorate;

(ii) where the highest qualification offered by the private education institution is an undergraduate qualification — a postgraduate qualification;

(iii) where the highest qualification offered by the private education institution is a diploma, a certificate or other qualification that is not at least an undergraduate qualification — an undergraduate qualification;

(iv) in lieu of the qualification in sub-paragraph (i), (ii) or (iii) — 5 years of relevant working experience in a field to which a course, or one of the courses, offered by the private education institution relates.”; and

(b) by deleting the words “once a year” in paragraph (4)(c) and substituting the words “once every 2 years”.

Amendment of regulation 16

4. Regulation 16 of the principal Regulations is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) Every private education institution to be registered, or that is registered, must establish and maintain an Examination Board consisting of no fewer than 3 members —

(a) none of whom is disqualified from holding office under paragraph (2); and

(b) more than half of whom possess at least the following minimum qualification or minimum experience:

(i) where the highest qualification offered by the private education institution is a postgraduate qualification — a doctorate;

(ii) where the highest qualification offered by the private education institution is an undergraduate qualification — a postgraduate qualification;

(iii) where the highest qualification offered by the private education institution is a diploma, a certificate or other qualification that is not at least an undergraduate qualification — an undergraduate qualification;

(iv) in lieu of the qualification in sub-paragraph (i), (ii) or (iii) — 5 years of relevant working experience in a field to which a course, or one of

the courses, offered by the private education institution relates.”.

Amendment of regulation 21

5. Regulation 21(1) of the principal Regulations is amended —

- (a) by deleting the words “, transcripts, and past employment records” in sub-paragraph (b)(vi) and substituting the words “or transcripts, and past employment records.”;
- (b) by inserting, immediately after the words “payment schedule” in sub-paragraph (c)(vii), the words “and a copy of each receipt issued to the student for each payment of the course money”; and
- (c) by deleting the words “and transcripts” in sub-paragraph (e)(ii) and substituting the words “or transcripts”.

Amendment of regulation 25

6. Regulation 25 of the principal Regulations is amended —

- (a) by deleting paragraph (4) and substituting the following paragraph:

“(4) Subject to paragraph (4A), a registered private education institution which is not a member of a Scheme, when collecting the course money in respect of a student or intending student enrolled in a course permitted by the Agency under section 43(1) of the Act, must not at any time hold course money —

- (a) for more than 2 months of the student’s course in advance; or
- (b) for more than 6 months of the student’s course in advance, where the registered private education institution is a member of an industry-wide course money protection scheme approved by the Agency.”;

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- (b) by deleting the words “shall ensure that every agreement or contract for the enrolment of a student for a course longer than 2 months in duration” in paragraph (6) and substituting the words “must, in respect of any course permitted by the Agency under section 43(1) of the Act, enter into a written agreement or contract with every student enrolled in the course, that”;
- (c) by deleting the word “and” at the end of paragraph (6)(c)(ix);
- (d) by deleting the full-stop at the end of sub-paragraph (x) of paragraph (6)(c) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:
- “(xi) the title of the course; and
 - (xii) the certificate, degree, diploma or other qualification to be awarded to the student upon successful completion of the course.”; and
- (e) by inserting, immediately after paragraph (6), the following paragraph:
- “(6A) The registered private education institution must give to every student with whom a written agreement or contract is entered into a copy of the agreement or contract.”.

Amendment of regulation 26

7. Regulation 26(3) of the principal Regulations is amended by deleting sub-paragraphs (a) and (b) and substituting the following sub-paragraphs:

- “(a) if the person has less than 5 years of working experience in the field to which the course, module or subject relates —
- (i) qualifications in that field which are at least a level higher than the level of the course; and

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- (ii) if the person’s qualifications were not obtained in the language medium in which the person is to teach the course, module or subject, at least a pass at General Certificate in Education ‘Ordinary’ level or its equivalent in that language medium;
- (b) if the person has at least 5 years of working experience in the field to which the course, module or subject relates —
- (i) qualifications in that field which are at least equivalent to the level of the course and, if the person’s qualifications were not obtained in the language medium in which the person is to teach the course, module or subject, at least a pass at General Certificate in Education ‘Ordinary’ level or its equivalent in that language medium; or
 - (ii) qualifications in a different field which are at least one level higher than the level of the course and, if the person’s qualifications were not obtained in the language medium in which the person is to teach the course, module or subject, at least a pass at General Certificate in Education ‘Ordinary’ level or its equivalent in that language medium; or”.

Amendment of regulation 27

8. Regulation 27(2) of the principal Regulations is amended by deleting the words “in a vertical sequence”.

Amendment of regulation 28

9. Regulation 28(1) of the principal Regulations is amended —

- (a) by inserting, immediately after the words “registration number” in sub-paragraph (a), the words “and period of registration”;
- (b) by deleting sub-paragraph (h);

(c) by deleting sub-paragraph (k) and substituting the following sub-paragraph:

“(k) the name of every teacher deployed, the course the teacher is deployed to teach and whether the teacher teaches the course on a full-time or part-time basis;”; and

(d) by deleting the words “, module or subject” in sub-paragraph (l).

Deletion and substitution of regulation 29

10. Regulation 29 of the principal Regulations is deleted and the following regulation substituted therefor:

“Prescribed requirements for advertisements

29.—(1) For the purposes of section 46(2)(b)(iii) of the Act, an advertisement relating to a course offered by a private education institution is presumed, unless the contrary is proved, to be false or misleading in a material particular if the advertisement does not contain the following information:

- (a) the name of the course;
- (b) the names of the developer or proprietor of the course and the person conferring the award;
- (c) the countries or territories in which the developer or proprietor of the course, and the person conferring the award, are established;
- (d) if staying in any particular hostel or other place of accommodation by a student for the duration of the course is a requirement for enrolment in the course, that such a requirement exists;
- (e) if the private education institution offers any gift, additional service, privilege or benefit (other than the course and course materials) to a student or intending student of the course, the terms and conditions of that offer, including but not limited to —

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- (i) a complete description of every item, service, privilege or benefit offered;
 - (ii) the eligibility requirements for the offer;
 - (iii) the conditions under which a student or intending student may reject the offer; and
 - (iv) the conditions under which the offer or any part of the offer expires, lapses or is withdrawn or revoked;
- (f) if the private education institution offers any scholarship, grant or financial award to a student or intending student of the course, the terms and conditions of that scholarship, grant or financial award, including but not limited to —
- (i) the eligibility requirements for the scholarship, grant or financial award;
 - (ii) the amount of the scholarship, grant or financial award;
 - (iii) the payment schedule, the amount to be paid and the intervals at which each amount is paid;
 - (iv) the duration of the scholarship, grant or financial award;
 - (v) the conditions on which payment under the scholarship, grant or financial award is made;
 - (vi) any penalty that may be incurred under the scholarship, grant or financial award; and
 - (vii) the conditions under which the scholarship, grant or financial award expires, lapses or is withdrawn or revoked.

(2) In addition, the prescribed requirements for the purposes of section 46(2)(b)(iii) of the Act are that an advertisement relating to a private education institution must not make any of the following claims in relation to any course that the private education institution offers or provides:

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- (a) that completion of the course by a student guarantees the student entry to a Government school under the Education Act, the Institute of Technical Education, Singapore or any polytechnic or university established by a public Act;
 - (b) that completion of the course by a student guarantees the student any employment;
 - (c) that a student who is enrolled in the course has, or will obtain approval for, a student pass or other pass or permit enabling the student to stay in Singapore indefinitely or for a certain period;
 - (d) that a student who is enrolled in the course has, or will obtain approval for, deferment of enlistment for full-time national service;
 - (e) that the certificate, degree, diploma or other qualification awarded to the student upon successful completion of the course is or will be recognised by any particular Government agency, employer or tertiary institution or by Government agencies, employers or tertiary institutions generally.”.

Saving and transitional provisions

11.—(1) Regulations 15(1), 16(1), 25(6) and 29 of the principal Regulations as in force before 1 December 2021 continue to apply to a registered private education institution as if regulations 3(a), 4, 6(b), (c) and (d) and 10 of these Regulations had not been made, until 1 June 2022.

(2) The requirements in regulation 25(6A) of the principal Regulations (as inserted by regulation 6(e) of these Regulations) do not apply to a registered private education institution until 1 June 2022.

*[G.N. Nos. S 329/2011; S 135/2013; S 566/2016;
S 383/2017; S 433/2019; S 594/2021]*

Made on 18 October 2021.

WONG KIM YIN
Chairman,
SkillsFuture Singapore Agency.

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