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Early Childhood Development Centres Bill

Bill No. 7/2017.

Read the first time on 6 February 2017.

EARLY CHILDHOOD DEVELOPMENT CENTRES ACT 2017

(No. of 2017)

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A BILL

intituled

An Act to regulate the operation of early childhood development centres, to provide for other connected or incidental matters, to repeal the Child Care Centres Act (Chapter 37A of the 2012 Revised Edition) and to make consequential and related amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART 1
PRELIMINARY

Short title and commencement

1. This Act is the Early Childhood Development Centres Act 2017
5 and comes into operation on a date that the Minister appoints by
notification in the *Gazette*.

Interpretation

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

“applicant” means a person making an application;

10 “application”, in relation to a licence, means an application for or
to renew a licence;

“authorised officer”, for any provision of this Act, means a
public officer who is appointed as an authorised officer under
section 5(3) for the purposes of that provision;

15 “Chief Licensing Officer” means the public officer appointed
under section 5(1)(a);

“code of practice” means a code of practice issued or approved
by the Chief Licensing Officer under section 36, and includes
any such code of practice as amended from time to time under
20 that section;

“early childhood development centre” means any premises
where any early childhood development service is provided
or is to be provided;

25 “early childhood development service” means the provision of
care or education, or care and education, habitually of 5 or
more children who are below 7 years of age, for a fee, reward
or profit by a person who is not a relative or guardian of all the
children;

30 “key appointment holder”, in relation to an applicant or a
licensee —

(a) that is a company, limited liability partnership or other
body corporate, means —

- (i) a member of the board of directors or committee or board of trustees or other governing board of the applicant or licensee (as the case may be); and
 - (ii) any other person, by whatever name called, who has general management or supervision of the business of the early childhood development centre to which the application or licence (as the case may be) relates; 5
- (b) that is a partnership, means — 10
- (i) a partner of the applicant or licensee (as the case may be); and
 - (ii) any other person, by whatever name called, who has general management or supervision of the business of the early childhood development centre to which the application or licence (as the case may be) relates; and 15
- (c) in any other case, means any person, by whatever name called, who has general management or supervision of the business of the early childhood development centre to which the application or licence (as the case may be) relates; 20
- “licence” means a licence granted or renewed under this Act authorising the licensee to operate the early childhood development centre specified in the licence; 25
- “licensee” means a person who is the holder of a licence;
- “modification” and “modify”, in relation to the conditions of a licence, include deleting or varying and substituting a condition, and adding a condition;
- “operate”, for an early childhood development centre, means to control or direct the operations of the centre in connection with a business of providing or offering early childhood development service at that centre; 30

“premises” includes a building, an enclosure, ground and open air space;

“repealed Act” means the Child Care Centres Act (Cap. 37A) repealed by this Act.

5 **Act does not apply to certain centres**

3. This Act does not apply to, or in relation to any of the following:

(a) any early childhood development centre —

(i) operated by or on behalf of the Government; or

10 (ii) specified in the Schedule (called in this Act an excluded early childhood development centre);

(b) any person deployed, engaged or permitted by —

(i) the Government to perform any duty or provide any service at a centre mentioned in paragraph (a)(i); or

15 (ii) the operator of an excluded early childhood development centre to perform any duty or provide any service at that centre.

Purpose of Act

4. The purpose of this Act is to regulate the operation of early childhood development centres, so as to —

20 (a) protect the safety, wellbeing and welfare of children at early childhood development centres; and

(b) promote the quality, and continuous improvement in the quality, of early childhood development services at early childhood development centres.

25 **Appointment of officers**

5.—(1) The Minister may appoint —

(a) a public officer as the Chief Licensing Officer for the purposes of this Act; and

30 (b) such number of public officers as Assistant Chief Licensing Officers as may be necessary.

(2) The Chief Licensing Officer and Assistant Chief Licensing Officers may be known by such title as the Minister determines from time to time.

(3) The Chief Licensing Officer may, in relation to any provision of this Act, appoint a public officer to be an authorised officer for the purposes of that provision, either generally or in a particular case. 5

(4) Subject to subsection (5), the Chief Licensing Officer may, with the approval of the Minister, delegate the exercise of all or any of the powers conferred or duties imposed upon the Chief Licensing Officer by any provision of this Act (except the power of delegation conferred by this subsection) to an Assistant Chief Licensing Officer. 10

(5) Any delegation under subsection (4) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Chief Licensing Officer may specify; and any reference in the provision of this Act to the Chief Licensing Officer includes a reference to such an Assistant Chief Licensing Officer. 15

PART 2

LICENSING OF EARLY CHILDHOOD DEVELOPMENT CENTRES 20

No operation of early childhood development centre without licence, etc.

6.—(1) A person must not operate (whether solely or jointly with any other person) an early childhood development centre unless the person — 25

- (a) is authorised to do so by a licence under this Act;
- (b) is exempt from this subsection by or under this Act in relation to that centre; or
- (c) is directed by the Chief Licensing Officer under section 18 to do so despite the expiry or revocation of the licence for that centre. 30

(2) A person must not advertise or otherwise hold out that the person is operating an early childhood development centre under a licence, unless the person holds a valid licence under this Act.

5 (3) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; and

10 (b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Application for or to renew licence

7.—(1) An application must be made to the Chief Licensing Officer in accordance with this section.

(2) An application must —

15 (a) be in the form and manner required by the Chief Licensing Officer;

(b) be accompanied by a non-refundable application fee (if prescribed) paid in the manner required by the Chief Licensing Officer; and

20 (c) be accompanied by any information that the Chief Licensing Officer requires to decide on the application.

(3) A separate application must be made for every early childhood development centre that a person operates or intends to operate (as the case may be) under the authority of a licence.

25 (4) In addition to the requirements under subsections (2) and (3), an application to renew a licence must —

(a) be made not later than the prescribed time before the date the licence expires (called in this subsection the renewal deadline); and

30 (b) if made later than the renewal deadline, be accompanied by a non-refundable late renewal application fee (if prescribed) paid in the manner required by the Chief Licensing Officer.

- (5) The Chief Licensing Officer or an authorised officer may —
- (a) carry out such inquiries and investigations in relation to an application under subsection (1) as are necessary for a proper consideration by the Chief Licensing Officer of the application; and 5
 - (b) request that the applicant provide, within a specified time, any additional information that the Chief Licensing Officer requires for a proper consideration of the application.
- (6) The Chief Licensing Officer may refuse an application —
- (a) that is incomplete or otherwise not made in accordance with this section; or 10
 - (b) if the applicant fails to provide the additional information requested under subsection (5)(b).

Grant or renewal of licence

- 8.—**(1) After considering any application for or to renew a licence, the Chief Licensing Officer may — 15
- (a) on payment of a licence fee or renewal fee (if prescribed), grant or renew the licence (as the case may be); or
 - (b) refuse (without compensation) to grant or renew the licence, as the case may be. 20
- (2) A person may be granted more than one licence.
- (3) In deciding whether a licence should be granted or renewed, the Chief Licensing Officer must have regard to, and give such weight as the Chief Licensing Officer considers appropriate to, all of the following matters: 25
- (a) whether the applicant has the appropriate character and fitness to operate and maintain an early childhood development centre;
 - (b) whether every key appointment holder of the applicant has the appropriate character and fitness to act in that capacity; 30
 - (c) whether the applicant, or any key appointment holder of the applicant, has been —

- (i) convicted of an offence under this Act;
 - (ii) convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the applicant or key appointment holder (as the case may be) had acted dishonestly; or
 - (iii) convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed;
- (d) whether the applicant has, during the prescribed period immediately before the application, failed to pay any charge or fee charged or imposed under this Act, the repealed Act or the Education Act (Cap. 87) in connection with the operation of an early childhood development centre;
- (e) whether the applicant has previously —
- (i) been refused the grant or renewal of a licence under this Act or the repealed Act;
 - (ii) had any licence revoked or shortened under this Act or the repealed Act;
 - (iii) been the subject of any other regulatory sanction under this Act;
 - (iv) been refused registration of a school under the Education Act; or
 - (v) had any registration of a school cancelled under the Education Act;
- (f) whether any key appointment holder of the applicant is disqualified under section 19 to act or continue to act as a key appointment holder;
- (g) whether the applicant has, or is likely to have, the financial capacity to operate and maintain an early childhood development centre;

- (h) whether the applicant is the owner or lessee of the premises to be used as an early childhood development centre, or has a licence from another person to occupy those premises;
- (i) whether the premises to be used as an early childhood development centre are fit to be used as such a centre, having regard to —
 - (i) location, accommodation, staffing or equipment; and
 - (ii) building structure, fire safety, public health and sanitation requirements prescribed under this Act or any other written law;
- (j) whether the applicant has the capacity to deliver early childhood development services according to such requirements relating to the types and content of the curriculum or programme for early childhood development centres as may be prescribed;
- (k) whether there is any other relevant matter that makes it contrary to the public interest to grant or renew the licence.

(4) For the purpose of determining whether a person has the appropriate character and fitness under subsection (3)(a) or (b), the Chief Licensing Officer must take into account the prescribed considerations (if prescribed).

(5) To avoid doubt, the Chief Licensing Officer is not confined to consideration of the matters in subsection (3) or prescribed under subsection (4), and may take into account such other matters and evidence as may be relevant.

Form and validity of licence

9.—(1) Every licence must state its class and be in such form as the Chief Licensing Officer may determine.

(2) Every licence granted or renewed under this Act is to continue in force for such period as may be specified in the licence unless it is earlier revoked or has its term shortened under section 16.

Licence conditions

10.—(1) In granting or renewing a licence to any person to operate an early childhood development centre, the Chief Licensing Officer may impose such conditions as the Chief Licensing Officer considers
5 requisite or expedient having regard to the purpose of this Act.

(2) The Chief Licensing Officer may impose —

- (a) conditions generally applicable to all licences;
- (b) conditions specifically applicable to a class of licences; or
- (c) conditions specifically applicable to a particular licence.

10 (3) In particular, a licence to operate an early childhood development centre may include conditions —

- (a) relating to the operation, operating hours and maintenance of the centre;
- 15 (b) relating to the care, education, safety and security of children attending the centre;
- (c) relating to the conduct of employees, agents and contractors of the licensee;
- (d) relating to the safety and security of persons performing duties or engaged in work at the centre; and
- 20 (e) requiring the licensee to undergo and pass such audit as the Chief Licensing Officer may determine for compliance with —
 - (i) the provisions of this Act;
 - (ii) the conditions of the licence;
 - 25 (iii) the applicable codes of practice issued, approved or amended by the Chief Licensing Officer under section 36; and
 - (iv) any direction given by the Chief Licensing Officer under section 17.

(4) For the purpose of subsection (3)(e) —

(a) the audit may be conducted only by —

(i) authorised officers; or

(ii) such qualified individuals or such qualified audit team as may be approved by the Chief Licensing Officer for the purpose; and

5

(b) the Chief Licensing Officer may require the licensee —

(i) to submit to the Chief Licensing Officer or to the persons conducting the audit such information as the Chief Licensing Officer may specify which pertains to the operation of any early childhood development centre by the licensee; and

10

(ii) to allow the persons conducting the audit to carry out on-site collection or verification of any information which pertains to the operation of any early childhood development centre by the licensee.

15

(5) Without prejudice to subsection (1), the Chief Licensing Officer may grant a renewal of a licence with or without modifying the conditions of the licence, but section 11 does not apply to or in relation to granting a renewal of a licence with modifications to the conditions of the licence.

20

Modification of conditions of licence

11.—(1) The Chief Licensing Officer may modify the conditions of a licence in accordance with this section without compensating the licensee to whom the licence is granted.

25

(2) Before modifying any conditions of a licence, the Chief Licensing Officer must give notice to the licensee —

(a) stating that the Chief Licensing Officer proposes to make the modification in the manner as specified in the notice; and

30

(b) specifying the time (being not less than 14 days after the date of service of the notice on the licensee) within which the licensee may make written representations to the Chief

Licensing Officer with respect to the proposed modification.

(3) Upon receiving any written representation mentioned in subsection (2)(b), the Chief Licensing Officer must consider that representation and may —

- (a) reject the representation;
- (b) amend the proposed modification in such manner as the Chief Licensing Officer thinks fit having regard to the representation; or
- (c) withdraw the proposed modification.

(4) Where —

- (a) the Chief Licensing Officer rejects any written representation under subsection (3)(a);
- (b) the Chief Licensing Officer amends any proposed modification to the conditions of the licence under subsection (3)(b); or
- (c) no written representation is received by the Chief Licensing Officer within the time specified in subsection (2)(b), or any written representation made under that subsection is subsequently withdrawn, and the licensee has not given immediate effect to the modification,

the Chief Licensing Officer must issue a direction in writing to the licensee in question requiring the licensee, within the time specified by the Chief Licensing Officer, to give effect to the modification as specified in the notice under subsection (2) or as amended by the Chief Licensing Officer, as the case may be.

Security deposit

12.—(1) Before granting or renewing a licence, the Chief Licensing Officer may require an applicant or a licensee (as the case may be) to give to the Chief Licensing Officer a security deposit.

- (2) The Chief Licensing Officer may determine —
- (a) the form of the security deposit (such as but not limited to a performance bond or bank guarantee);
 - (b) the manner in which the security deposit is to be given; and
 - (c) the amount of the security deposit. 5
- (3) The Chief Licensing Officer may —
- (a) require the licensee to add to the amount of the security deposit given or to be given, within the time specified by the Chief Licensing Officer; or
 - (b) reduce the amount of security deposit given or to be given 10
by the licensee with effect from the date specified by the Chief Licensing Officer.
- (4) In determining whether to require a security deposit and the amount of the security deposit, the Chief Licensing Officer must have regard to, and give such weight as the Chief Licensing Officer 15
considers appropriate to, all of the following matters:
- (a) the track record of an applicant or a licensee in complying with —
 - (i) requirements under any written law (including the 20
repealed Act) applicable to the applicant's or licensee's operation of an early childhood development centre; and
 - (ii) any requirement imposed by or under this Act;
 - (b) the likelihood, or the commencement, of proceedings for 25
the taking of regulatory action against a licensee;
 - (c) any other matter as may be prescribed.

Transfer of licence

13.—(1) A licence, and any right, benefit or privilege under the licence, is not transferable to any other person unless the Chief Licensing Officer approves in writing the transfer. 30

(2) An application for the Chief Licensing Officer's approval to transfer a licence must be made by the licensee and the intended transferee in accordance with this section.

(3) An application under subsection (2) to transfer a licence must —

5 (a) be made in the form and manner required by the Chief Licensing Officer;

 (b) be accompanied by a non-refundable application fee (if prescribed) paid in the manner required by the Chief Licensing Officer; and

10 (c) be accompanied by any information that the Chief Licensing Officer requires to decide on the application.

(4) In addition to the requirements under subsection (3), the application under subsection (2) to transfer a licence must be made not later than a prescribed time, being a time before the licence expires.

(5) The Chief Licensing Officer or an authorised officer may —

20 (a) carry out such inquiries and investigations in relation to the application under subsection (2) as are necessary for a proper consideration by the Chief Licensing Officer of the application to transfer a licence; and

 (b) request that the applicant making the application under subsection (2) provide, within a specified time, any additional information that the Chief Licensing Officer requires for a proper consideration of that application.

25 (6) The Chief Licensing Officer may refuse an application under subsection (2) to transfer a licence —

 (a) that is incomplete or otherwise not made in accordance with this section; or

30 (b) if the applicant fails to provide the additional information requested under subsection (5)(b).

(7) After considering the matters mentioned in section 8 and such other matters as may be prescribed (if prescribed), the Chief Licensing Officer may —

- (a) approve the transfer of the licence; or
- (b) refuse (without compensation) to approve the transfer of the licence.

(8) To avoid doubt, the Chief Licensing Officer is not confined to consideration of the matters mentioned in section 8 or prescribed under subsection (7), and may take into account such other matters and evidence as may be relevant. 5

(9) The Chief Licensing Officer's approval under this section may be given with or without conditions.

(10) The transfer of a licence takes effect on — 10

- (a) the date on which the conditions (if any) for the Chief Licensing Officer's approval of the transfer are met; or
- (b) such other date as the Chief Licensing Officer may specify.

(11) The transfer of a licence does not affect any criminal or civil liability incurred by the original licensee. 15

(12) A licence that is transferred in accordance with this section is to continue in force for the remaining term of the licence unless it is earlier revoked or has its term shortened under section 16.

Voluntary cessation of operation or surrender of licence

14.—(1) A licensee must not, without giving the Chief Licensing Officer prior notice — 20

- (a) wholly and permanently cease operating the early childhood development centre specified in the licensee's licence; or
- (b) for any reason surrender the licence. 25

(2) A notice under subsection (1) must be made to the Chief Licensing Officer not later than the prescribed time before the following date, whichever is applicable:

- (a) the date on which the early childhood development centre is to wholly and permanently cease operations; 30
- (b) the date on which the licensee intends the surrender of the licence to take effect.

(3) No part of any licence fee or renewal fee may be refunded to the licensee upon the cessation of the operation of an early childhood development centre or surrender of a licence under this section.

Lapse of licence

5 **15.**—(1) Unless expired or earlier revoked under section 16, a licence in respect of an early childhood development centre lapses —

(a) if the licensee is an individual, on the date of death of the licensee;

10 (b) if the licensee is a partnership, body corporate or an unincorporated association, on the date the licensee ceases to exist;

(c) on the date that the licensee is no longer the owner or a lessee of, or no longer has a licence to occupy, the premises used as the early childhood development centre; or

15 (d) if no children are enrolled in that centre for a continuous period prescribed, at the end of that period.

(2) No part of any licence fee or renewal fee may be refunded upon the lapse of a licence under this section.

Revocation of licence and other regulatory sanctions

20 **16.**—(1) Subject to subsection (3), if the Chief Licensing Officer is satisfied that —

(a) a licensee is contravening or not complying with, or has contravened or failed to comply with —

(i) a condition of the licensee's licence;

25 (ii) any provision of this Act, the contravention of or non-compliance with which is not an offence;

(iii) any provision of a code of practice applicable to the licensee;

30 (iv) any direction given to the licensee under subsection (2)(e) or (g) or section 27(4); or

- (v) any requirement of the Chief Licensing Officer under subsection (2)(c);
- (b) the licensee is no longer a suitable person to be granted a licence, having regard to the matters mentioned in section 8; 5
- (c) the licensee is, or likely to be, declared a bankrupt or has gone, or likely to go into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (d) the licensee has made any assignment to, or composition with, the licensee's creditors or, if a company, is unable to pay its debts; 10
- (e) the licensee has, in connection with the application for the grant or renewal of the licensee's licence, made a statement or furnished any information or document which is false or misleading in a material particular; or 15
- (f) the licensee is convicted of any offence under this Act, the Chief Licensing Officer may revoke (without compensation and without refunding any fee) the licensee's licence, with or without forfeiting any performance bond, guarantee or other form of security furnished by the licensee under this Act. 20
- (2) However, the Chief Licensing Officer may (without compensation), in lieu of revoking a licensee's licence under subsection (1), do any one or more of the following:
- (a) censure the licensee in writing, which may be published in such manner and made accessible to such persons as the Chief Licensing Officer thinks fit; 25
- (b) modify any condition of the licence;
- (c) require the furnishing of any performance bond, guarantee or other form of security, or an additional performance bond, guarantee or other form of security, to secure compliance by the licensee with any matter mentioned in subsection (1)(a)(i) to (v) or for the purpose of meeting any financial penalty arising out of any proceedings with a view 30

to regulatory action started or likely to start against the licensee, or both;

5 (d) subject to subsection (8), forfeit the whole or part of any performance bond, guarantee or other form of security furnished under paragraph (c) or section 12;

(e) direct the licensee to do, or refrain from doing, such things as specified in the direction, and within such period as specified in the direction (if specified), to rectify a contravention or non-compliance;

10 (f) shorten (for not longer than such period for a licence of such term as may be prescribed) the term of the licence without any compensation and without refund of any licence fee or renewal fee;

15 (g) direct the licensee to pay, within a period specified in a direction, a financial penalty of such amount as the Chief Licensing Officer thinks fit, being —

(i) not more than \$5,000 for each contravention or non-compliance mentioned in subsection (1) that is the subject; or

20 (ii) in any other case, not more than \$5,000.

(3) Before exercising any power under subsection (1) or (2), the Chief Licensing Officer must give written notice to the licensee concerned —

25 (a) stating that the Chief Licensing Officer intends to take regulatory action against the licensee under this section;

(b) specifying the type of action in subsection (1) or (2) the Chief Licensing Officer proposes to take, and each instance of non-compliance that is the subject of the action; and

30 (c) specifying the time (being not less than 14 days after the service of the notice on the licensee) within which written representations may be made to the Chief Licensing Officer with respect to the proposed action.

(4) The Chief Licensing Officer may, after considering any written representation under subsection (3)(c), decide to take such regulatory

action in subsection (1) or (2) as the Chief Licensing Officer considers appropriate.

(5) Where the Chief Licensing Officer has made any decision under subsection (4) against any licensee, the Chief Licensing Officer must serve on the licensee concerned a notice of the decision. 5

(6) Subject to section 43, a decision to revoke a licence, or to impose a regulatory action in subsection (2), which is specified in the notice given under subsection (5) is to take effect from the date on which that notice is given, or on such other date as may be specified in the notice.

(7) The revocation, or shortening of the term, of any licence or the issuing of any direction under this section does not prejudice the enforcement by any person of any right or claim against the licensee or former licensee, or by the licensee or former licensee of any right or claim against any person. 10

(8) Where any financial penalty is imposed on a licensee under subsection (2)(g) for contravening or not complying with any matter mentioned in subsection (1)(a)(i) to (v), any performance bond, guarantee or other form of security given by the licensee to secure compliance by the licensee with that matter mentioned in subsection (1)(a)(i) to (v) must not be forfeited by the Chief Licensing Officer for that contravention except to the extent to pay the financial penalty. 15 20

(9) A licensee who fails to pay any amount of a financial penalty imposed under subsection (2)(g) within the period specified for payment by the Chief Licensing Officer under that subsection is liable to pay interest at the same rate as for a judgment debt on the unpaid amount. 25

(10) Despite subsection (8), any financial penalty imposed on a licensee under subsection (2)(g) and any interest payable under subsection (9) is recoverable as a debt due to the Government, and the licensee's liability to pay is not affected by the licensee's licence ceasing, for any reason, to be in force. 30

(11) In any proceedings under this section in relation to the conviction of a licensee or any person for a criminal offence, the

Chief Licensing Officer is to accept the licensee's or person's conviction as final and conclusive.

5 (12) For the purposes of subsection (1)(d), a company is unable to pay its debts if it is a company which is deemed to be so unable under section 254(2) of the Companies Act (Cap. 50).

Directions concerning safety, wellbeing, etc., of children

10 **17.—**(1) The Chief Licensing Officer may (without compensation) give a direction to a licensee if the Chief Licensing Officer has reasonable grounds to believe that there are circumstances that may endanger, or are likely to endanger, the safety, wellbeing and welfare of children or other individuals at an early childhood development centre.

(2) Any direction given under subsection (1) —

15 (a) may require the licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the direction or are of a description as specified in the direction;

(b) is to take effect at such time, being the earliest practicable time, as is determined by or under that direction; and

20 (c) may be varied or revoked at any time by the Chief Licensing Officer.

(3) To avoid doubt, the direction may require a licensee to stop the operation of an early childhood development centre, or any part of an early childhood development centre, until the Chief Licensing Officer is satisfied that the circumstances mentioned in subsection (1) no longer exist.

30 (4) Before giving a direction under subsection (1) to a licensee, the Chief Licensing Officer must, unless the Chief Licensing Officer in respect of any particular direction considers that it is not practicable or desirable, give notice to the licensee —

(a) stating that the Chief Licensing Officer proposes to give the direction and the effect of the proposed direction; and

- (b) specifying the time within which written representations to the proposed direction may be made,

and the Chief Licensing Officer must consider the written representations which are duly made.

(5) A direction given under subsection (1) need not be published in the *Gazette*. 5

(6) Every licensee must comply with a direction given to the licensee under this section.

(7) A licensee who fails to comply with a direction given under subsection (1) shall be guilty of an offence and 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. 10

Directions when licence expires, etc.

18.—(1) This section applies where —

(a) a licence expires, or is expiring but no application to renew the licence is made before the renewal deadline mentioned in section 7(4)(a); 15

(b) a licence is transferred under section 13;

(c) a licensee ceases to operate the early childhood development centre specified in the licence or surrenders the licence, or gives notice under section 14 of the cessation of the operation of the centre or surrender of the licence; 20

(d) a licence lapses under section 15(1)(b) or (c);

(e) a licensee is given notice under section 16 of the revocation, or shortening of the term, of the licence; or 25

(f) a licensee is given a direction under section 17 to cease the operation of an early childhood development centre, or any part of an early childhood development centre.

(2) The purpose of this section is to secure the orderly cessation by a licensee of the operation of an early childhood development centre with minimal disruption to the children attending the centre. 30

(3) The Chief Licensing Officer may (without compensation), for the purpose of this section, give directions to one or more of the following persons:

(a) the licensee;

5 (b) a key appointment holder of the licensee;

(c) if there is no key appointment holder of the licensee who is able to comply with the directions, any person who was a key appointment holder of the licensee in the period of 6 months immediately preceding the date of the relevant event in subsection (1).

10 (4) Without limiting subsection (3), the Chief Licensing Officer may (without compensation) give all or any of the following directions under that subsection:

15 (a) the licensee must inform, in writing, the parents or guardian of every child who attends the affected centre, and every employee of the licensee or other person deployed at the affected centre, of the relevant event in subsection (1);

(b) the licensee must not enrol any more children in the affected centre;

20 (c) the licensee must not collect any deposit or fee in respect of any child attending the affected centre;

(d) the licensee must refund to the parents or guardian any deposit or fee due to them before the affected centre ceases operations;

25 (e) the licensee must return the licence to the Chief Licensing Officer;

(f) the licensee must submit, within the prescribed period after the cessation of the affected centre's operation, such audited statement of subsidy as may be required by the Chief Licensing Officer;

30 (g) the licensee must provide the Chief Licensing Officer with such assistance as may be specified by the Chief Licensing Officer in respect of alternative care or education

arrangements for the children who attend the affected centre;

- (h) any other direction that the Chief Licensing Officer thinks is necessary to ensure the orderly cessation by the licensee of the operation of the affected centre so as to cause minimal disruption to the children who attend the affected centre, which may include a direction for the continued operation of the affected centre for such period after the expiry or revocation of the licence as may be specified by the Chief Licensing Officer.

(5) In giving a direction under subsection (3), the Chief Licensing Officer may specify the period within which the direction must be complied.

(6) A person who, without reasonable excuse —

- (a) fails to comply with a direction given under subsection (3);
or
(b) fails to comply with a direction given under subsection (3) within the period specified by the Chief Licensing Officer,

shall be guilty of an offence and 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.

(7) In this section, “licensee” includes a person who has ceased to hold a licence.

Disqualification of key appointment holders

19.—(1) Despite the provisions of any other written law, a person must not, without the written consent of the Chief Licensing Officer, act or continue to act as a key appointment holder for any licensee of an early childhood development centre if —

- (a) the person is convicted of an offence under this Act;
(b) the person is convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the person had acted dishonestly;

(c) the person is convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed;

5 (d) the person is or has been a director of, or directly concerned in the management of —

(i) an early childhood development centre for which a licence has been refused or is revoked;

10 (ii) a child care centre for which a licence under the repealed Act was, under that Act, refused or revoked;
or

(iii) a kindergarten for which registration under the Education Act (Cap. 87) has been refused or cancelled;

15 (e) the person is a teacher whose registration under the Education Act has been cancelled;

(f) the person was prohibited under the repealed Act from being employed at a child care centre;

20 (g) the person has, under this Act, been refused approval to be deployed at an early childhood development centre or has had his or her approval cancelled (except where the cancellation is due to the centre ceasing to exist); or

(h) the person does not satisfy any of the prescribed criteria for a key appointment holder of a licensee.

25 (2) Where the Chief Licensing Officer's consent under this section is sought, the Chief Licensing Officer or an authorised officer may —

(a) carry out such inquiries and investigations into the person who is to act or continue to act as a key appointment holder, as necessary for a proper consideration by the Chief Licensing Officer of the matter; and

30 (b) request that the person provide, within a specified time, any additional information that the Chief Licensing Officer requires for a proper consideration of the matter.

(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.

(4) Any licensee who knowingly allows a person to act or continue to act as a key appointment holder of the licensee in contravention of 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.

Use of premises for other purpose

20.—(1) Subject to subsection (2), the licensee of an early childhood development centre must not, during that centre's operating hours as specified in the licensee's licence, use that centre for any purpose other than for the ordinary conduct and business of an early childhood development centre.

(2) The Chief Licensing Officer may, subject to such conditions as the Chief Licensing Officer may impose, permit the licensee of an early childhood development centre to receive children who are 7 years of age or older but below 14 years of age at that centre for the purpose of providing them with care or education, or care and education, during that centre's operating hours.

Register of licensees

21. The Chief Licensing Officer must cause to be kept and maintained a register of licensees, in the form and manner and containing the information the Chief Licensing Officer thinks fit.

PART 3

APPROVAL FOR PERSONS PERFORMING DUTIES AT EARLY CHILDHOOD DEVELOPMENT CENTRES

Prescribed duties or classes of duties

22. For the purposes of this Part, the Minister may prescribe the duties or classes of duties that require approval under section 23.

Approval for performance of, and deployment of individuals to perform, prescribed duties

23. A licensee of an early childhood development centre must not perform, and must not deploy an individual to perform, at that centre
5 any prescribed duty or prescribed class of duties relating to —

(a) the provision of care or education to children at that centre;
or

(b) the operation of that centre,

10 unless the performance by that licensee of, or deployment of that individual to perform (as the case may be), the prescribed duty or prescribed class of duties at that centre is with the approval of the Chief Licensing Officer.

Application for approval

24.—(1) An application for approval to perform, or to deploy an
15 individual to perform, any prescribed duty or prescribed class of duties at an early childhood development centre must be made by the licensee of that centre to the Chief Licensing Officer in accordance with this section.

(2) An application under subsection (1) must state the prescribed
20 duty or duties, or the prescribed class or classes of duties, for which approval is sought and —

(a) be in the form and manner required by the Chief Licensing Officer;

(b) be accompanied by a non-refundable application fee (if
25 prescribed) paid in the manner required by the Chief Licensing Officer; and

(c) be accompanied by any information the Chief Licensing Officer requires to determine the application.

(3) The Chief Licensing Officer or an authorised officer may —

30 (a) carry out such inquiries and investigations in relation to an application under subsection (1) as are necessary for a proper consideration by the Chief Licensing Officer of the application; and

- (b) request that the applicant provide, within a specified time, any additional information that the Chief Licensing Officer requires for a proper consideration of the application.
- (4) The Chief Licensing Officer may refuse an application —
 - (a) that is incomplete or otherwise not made in accordance with this section; or
 - (b) if the applicant fails to provide the additional information requested under subsection (3)(b).

Grant of approval

25.—(1) In determining whether to grant approval for a licensee to perform, or for an individual to be deployed to perform, any prescribed duty or prescribed class of duties at an early childhood development centre, the Chief Licensing Officer must have regard to, and give such weight as the Chief Licensing Officer considers appropriate to, all of the following matters:

- (a) whether the licensee or individual has the requisite professional expertise and qualifications to perform the prescribed duty or duties or prescribed class or classes of duties for which approval is sought;
- (b) whether the licensee or individual has the appropriate character and fitness;
- (c) whether the licensee or individual has been —
 - (i) convicted of an offence under this Act;
 - (ii) convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the licensee or individual (as the case may be) had acted dishonestly; or
 - (iii) convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed;
- (d) whether there is any other relevant matter that makes it contrary to the public interest to grant approval.

(2) For the purpose of determining whether a licensee or an individual has the requisite professional expertise and qualifications under subsection (1)(a), the Chief Licensing Officer must have regard to, and give such weight as the Chief Licensing Officer considers appropriate to, all of the following matters:

(a) whether the licensee or individual possesses such academic and language qualifications as may be specified by the Chief Licensing Officer;

(b) whether the licensee or individual has completed such training, or passed such course or courses, as may be specified by the Chief Licensing Officer;

(c) whether the licensee or individual has such working experience as may be specified by the Chief Licensing Officer.

(3) For the purpose of determining whether a licensee or an individual has the appropriate character and fitness under subsection (1)(b), the Chief Licensing Officer must take into account the prescribed considerations (if prescribed).

(4) To avoid doubt, the Chief Licensing Officer is not confined to consideration of the matters in subsection (1) or prescribed under subsection (3) and may take into account such other matters and evidence as may be relevant.

(5) An approval granted under this section for a licensee to perform, or for an individual to be deployed to perform, any prescribed duty or prescribed class of duties at an early childhood development centre —

(a) is for the prescribed duty or duties or the prescribed class or classes of duties for which the approval is sought; and

(b) ceases when the licensee or individual (as the case may be) ceases to perform at that centre the prescribed duty or duties or the prescribed class or classes of duties for which the approval is granted.

(6) To avoid doubt, if —

(a) the licensee intends to perform a duty or a class of duties; or

- (b) the licensee intends to deploy an individual to perform a duty or a class of duties,

that is different from that for which approval is granted, a fresh application for approval must be made to the Chief Licensing Officer.

Conditions of approval

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26.—(1) In granting any approval under section 25 to any licensee, the Chief Licensing Officer may impose such conditions as the Chief Licensing Officer considers requisite or expedient having regard to the purpose of this Act.

(2) The Chief Licensing Officer may impose —

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(a) conditions generally applicable in relation to all prescribed duties;

(b) conditions specifically applicable in relation to a class of prescribed duties; or

(c) conditions specifically applicable in relation to a particular prescribed duty.

15

(3) In particular, an approval granted under section 25 may include conditions —

(a) relating to the training of, and the passing of examinations or tests and obtaining of qualifications by, the licensee or individual (as the case may be) for whom the approval is granted; and

20

(b) relating to the updating of the particulars of the licensee or individual (as the case may be) for whom the approval is granted.

25

(4) Subject to subsections (5), (6) and (7), it is lawful for the Chief Licensing Officer to modify the conditions of an approval without compensating the licensee to whom and the individual for whom the approval is granted.

(5) Before modifying any conditions of an approval, the Chief Licensing Officer must give notice to the licensee to whom the approval is granted —

30

(a) stating that the Chief Licensing Officer proposes to make the modification in the manner as specified in the notice; and

(b) specifying the time (being not less than 14 days after the date of service of the notice on the licensee) within which the licensee may make written representations to the Chief Licensing Officer with respect to the proposed modification.

(6) Upon receiving any written representation mentioned in subsection (5), the Chief Licensing Officer must consider that representation and may —

(a) reject the representation;

(b) amend the proposed modification in such manner as the Chief Licensing Officer thinks fit having regard to the representation; or

(c) withdraw the proposed modification.

(7) Where —

(a) the Chief Licensing Officer rejects any written representation under subsection (6)(a);

(b) the Chief Licensing Officer amends any proposed modification to the conditions of the approval under subsection (6)(b); or

(c) no written representation is received by the Chief Licensing Officer within the time specified in subsection (5)(b), or any written representation made under that subsection is subsequently withdrawn, and the licensee has not given immediate effect to the modification,

the Chief Licensing Officer must issue a direction in writing to the licensee in question requiring the licensee, within the time specified by the Chief Licensing Officer, to give effect to the modification as specified in the notice under subsection (5) or as amended by the Chief Licensing Officer, as the case may be.

Cancellation and suspension of approval

27.—(1) Subject to subsection (3), the Chief Licensing Officer may (without compensation) cancel any approval granted under section 25, in respect of one or more or all of the prescribed duties or prescribed classes of duties on any of the following grounds: 5

- (a) any ground that would have entitled the Chief Licensing Officer to refuse an application for approval in respect of the licensee or individual;
- (b) the Chief Licensing Officer is not satisfied as to the character or fitness of the licensee or individual; 10
- (c) the licensee has, in connection with the application for approval, made a statement or furnished any information or document which is false or misleading in a material particular;
- (d) the licensee or individual has contravened any of the provisions of this Act, or has been — 15
 - (i) convicted of an offence under this Act;
 - (ii) convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the licensee or individual (as the case may be) had acted dishonestly; or 20
 - (iii) convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed; 25
- (e) the licensee fails to comply with any direction under subsection (4);
- (f) the early childhood development centre where the licensee or individual (as the case may be) performs the prescribed duty or duties or prescribed class or classes of duties ceases operations. 30

(2) Subject to subsection (3), where —

(a) the Chief Licensing Officer considers that one or more events mentioned in subsection (1) have occurred, but the event or events are not of sufficient gravity to cancel the approval; or

(b) the licensee or individual (as the case may be), for whom the approval relates, has been charged with an offence under this Act or a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed,

the Chief Licensing Officer may (without compensation) suspend the approval, in respect of one or more or all of the prescribed duties or prescribed classes of duties, for such period as the Chief Licensing Officer thinks fit.

(3) If the Chief Licensing Officer cancels or suspends the approval under subsection (1) or (2), the Chief Licensing Officer must, without delay, serve on the licensee a notice of the cancellation or suspension, as the case may be.

(4) In the case of the suspension of any approval, the Chief Licensing Officer may (without compensation), in addition to the notice under subsection (3), issue such directions to the licensee as the Chief Licensing Officer thinks fit, including but not limited to the following:

(a) the licensee must attend, or ensure the individual who is the subject of the approval attends, such training during the period of suspension as the Chief Licensing Officer may specify;

(b) the licensee must attend, or ensure the individual who is the subject of the approval attends, such medical or health assessment or treatment during the period of suspension as the Chief Licensing Officer may specify.

Notification of cessation of performance of, or deployment to perform, duty

28.—(1) A licensee must notify the Chief Licensing Officer of the cessation of the performance by the licensee of any prescribed duty or prescribed class of duties, and of the deployment of any individual to perform any prescribed duty or prescribed class of duties, at the licensee’s early childhood development centre. 5

(2) A notification under subsection (1) must be made to the Chief Licensing Officer not later than the prescribed time after the cessation of the performance or deployment (as the case may be). 10

PART 4

**THIRD-PARTY EDUCATION SERVICE PROVIDERS AT
EARLY CHILDHOOD DEVELOPMENT CENTRES**

Approval to engage individuals to provide educational service

29. A licensee of an early childhood development centre must not engage any individual to provide, for a fee or reward, any educational service for children at that centre, unless the provision of such service by the individual is with the approval of the Chief Licensing Officer. 15

Application for approval

30.—(1) An application for approval to engage an individual to provide, for a fee or reward, any educational service for children at an early childhood development centre must be made by the licensee of that centre to the Chief Licensing Officer in accordance with this section. 20

(2) An application under subsection (1) must — 25

(a) be in the form and manner required by the Chief Licensing Officer;

(b) be accompanied by a non-refundable application fee (if prescribed) paid in the manner required by the Chief Licensing Officer; and 30

(c) be accompanied by any information the Chief Licensing Officer requires to determine the application.

- (3) The Chief Licensing Officer or an authorised officer may —
- (a) carry out such inquiries and investigations in relation to an application under subsection (1) as are necessary for a proper consideration by the Chief Licensing Officer of the application; and
 - (b) request that the applicant provide, within a specified time, any additional information that the Chief Licensing Officer requires for a proper consideration of the application.
- (4) The Chief Licensing Officer may refuse an application —
- (a) that is incomplete or otherwise not made in accordance with this section; or
 - (b) if the applicant fails to provide the additional information requested under subsection (3)(b).

Grant of approval

31.—(1) In determining whether to grant approval in relation to an application under section 30, the Chief Licensing Officer must have regard to, and give such weight as the Chief Licensing Officer considers appropriate to, all of the following matters:

- (a) whether the individual has the appropriate character and fitness;
- (b) whether the individual has been —
 - (i) convicted of an offence under this Act;
 - (ii) convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the individual had acted dishonestly; or
 - (iii) convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed;
- (c) whether there is any other relevant matter that makes it contrary to the public interest to grant approval.

(2) For the purpose of determining whether an individual has the appropriate character and fitness under subsection (1)(a), the Chief Licensing Officer must take into account the prescribed considerations (if prescribed).

(3) To avoid doubt, the Chief Licensing Officer is not confined to consideration of the matters in subsection (1) or prescribed under subsection (2) and may take into account such other matters and evidence as may be relevant.

(4) An approval granted under this section for an individual to provide an educational service at an early childhood development centre operated by a licensee ceases when the individual ceases to be engaged by the licensee to provide the educational service.

Conditions of approval

32.—(1) In granting any approval under section 31 to any licensee, the Chief Licensing Officer may impose such conditions as the Chief Licensing Officer considers requisite or expedient having regard to the purpose of this Act.

(2) In particular, an approval granted under section 31 may include conditions —

- (a) relating to the training of, and the passing of examinations or tests and obtaining of qualifications by, the individual for whom the approval is granted; and
- (b) relating to the updating of the particulars of the individual for whom the approval is granted.

(3) Subject to subsections (4), (5) and (6), it is lawful for the Chief Licensing Officer to modify the conditions of an approval without compensating the licensee to whom and the individual for whom the approval is granted.

(4) Before modifying any conditions of an approval, the Chief Licensing Officer must give notice to the licensee to whom the approval is granted —

- (a) stating that the Chief Licensing Officer proposes to make the modification in the manner as specified in the notice; and

(b) specifying the time (being not less than 14 days after the date of service of the notice on the licensee) within which the licensee may make written representations to the Chief Licensing Officer with respect to the proposed modification.

(5) Upon receiving any written representation mentioned in subsection (4), the Chief Licensing Officer must consider that representation and may —

(a) reject the representation;

(b) amend the proposed modification in such manner as the Chief Licensing Officer thinks fit having regard to the representation; or

(c) withdraw the proposed modification.

(6) Where —

(a) the Chief Licensing Officer rejects any written representation under subsection (5)(a);

(b) the Chief Licensing Officer amends any proposed modification to the conditions of the approval under subsection (5)(b); or

(c) no written representation is received by the Chief Licensing Officer within the time specified in subsection (4)(b), or any written representation made under that subsection is subsequently withdrawn, and the licensee has not given immediate effect to the modification,

the Chief Licensing Officer must issue a direction in writing to the licensee in question requiring the licensee, within the time specified by the Chief Licensing Officer, to give effect to the modification as specified in the notice under subsection (4) or as amended by the Chief Licensing Officer, as the case may be.

Cancellation of approval

33.—(1) Subject to subsection (2), the Chief Licensing Officer may (without compensation) cancel any approval granted under section 31 on any of the following grounds:

- (a) any ground that would have entitled the Chief Licensing Officer to refuse an application for approval;
- (b) the Chief Licensing Officer is not satisfied as to the character or fitness of the individual for whom approval is granted to provide the educational service for children; 5
- (c) the licensee has, in connection with the application for approval, made a statement or furnished any information or document which is false or misleading in a material particular;
- (d) the individual for whom approval is granted has contravened any of the provisions of this Act, or has been — 10
 - (i) convicted of an offence under this Act;
 - (ii) convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the individual had acted dishonestly; or 15
 - (iii) convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed; 20
- (e) the early childhood development centre for which the approval is granted ceases operations.

(2) If the Chief Licensing Officer cancels the approval under subsection (1), the Chief Licensing Officer must, without delay, serve on the licensee a notice of the cancellation. 25

Notice of cessation of engagement

34.—(1) A licensee must notify the Chief Licensing Officer of the cessation of the engagement of any individual to provide any educational service at the licensee's early childhood development centre. 30

(2) A notification under subsection (1) must be made to the Chief Licensing Officer not later than the prescribed time after the cessation of the engagement of the individual.

PART 5

ENFORCEMENT AND MONITORING COMPLIANCE

Record-keeping and giving information on quality of service

35.—(1) A licensee must —

5 (a) keep and retain, for such period as may be prescribed, such records that are relevant for monitoring or evaluating under this Part the quality of an aspect of early childhood development services as may be prescribed; and

10 (b) give to the Chief Licensing Officer, within such period and in such manner as may be prescribed, such information that is relevant for monitoring or evaluating under this Part the quality of an aspect of early childhood development services as may be prescribed.

15 (2) A licensee must not in purported compliance with a requirement under subsection (1) make a record of any matter or thing in such a way that it does not correctly record the matter or thing.

(3) Any licensee who —

 (a) contravenes subsection (1)(a) or (2); or

 (b) without reasonable excuse, contravenes subsection (1)(b),

20 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Codes of practice

36.—(1) The Chief Licensing Officer may, from time to time —

25 (a) issue one or more codes of practice applicable to all licensees or the licensees of specified classes of licences;

30 (b) approve as a code of practice applicable to all licensees or the licensees of specified classes of licences any document prepared by a person other than the Chief Licensing Officer, as in force at a particular time or as amended from time to time, if the Chief Licensing Officer considers the document as suitable for this purpose; or

(c) amend or revoke any code of practice issued under paragraph (a) or approved under paragraph (b),
with respect to all or any of the matters in subsection (2).

(2) The matters for the purposes of subsection (1) are —

(a) the conduct of licensees; 5

(b) the measures necessary for licensees to deal with any outbreak of infectious diseases, plague, epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any other public emergency; and

(c) for licensees — 10

(i) the management, administration and operations of early childhood development centres;

(ii) the provision of early childhood development services; and

(iii) the quality of any aspect of early childhood development services provided at early childhood development centres. 15

(3) A code of practice may, in particular, specify the duties and obligations of any licensee in relation to the operation of any early childhood development centre to which the licence relates. 20

(4) If any provision in any code of practice is inconsistent with any provision of this Act, such provision, to the extent of the inconsistency —

(a) is to have effect subject to this Act; or

(b) having regard to this Act, is not to have effect. 25

(5) Where any code of practice is issued, approved, amended or revoked by the Chief Licensing Officer under subsection (1), the Chief Licensing Officer must —

(a) publish a notice of the issue, approval, amendment or revocation (as the case may be) of the code of practice to every licensee to whom the code of practice applies; 30

(b) specify in the notice mentioned in paragraph (a), the date of issue, approval, amendment or revocation (as the case may be); and

5 (c) ensure that, so long as the code of practice remains in force, copies of that code of practice are available for inspection, free of charge, by licensees to whom the code of practice applies.

(6) No code of practice, no amendment to any issued or approved code of practice, and no revocation of any issued or approved code of practice, has any force or effect until the notice mentioned in subsection (5) is published in accordance with that subsection.

(7) A code of practice issued or approved under this section does not have any legislative effect.

15 (8) Subject to subsection (9), every licensee must comply with the relevant codes of practice applicable to the licensee.

(9) The Chief Licensing Officer may, either generally or for such time as the Chief Licensing Officer may specify, waive the application of any code of practice or any part of a code of practice issued or approved under this section to any licensee.

20 (10) Any contravention or failure to comply by a licensee with any code of practice applicable to the licensee does not of itself render the licensee liable to criminal proceedings, but any such contravention may, in any proceedings (criminal or otherwise under this Act) in connection with an offence under this Act, be relied on by any party to those proceedings as tending to establish or negate any liability which is in question in those proceedings.

Powers of entry, etc., for enforcement purpose

30 **37.—**(1) The Chief Licensing Officer or an authorised officer may, for an enforcement purpose, do all or any of the following in relation to an early childhood development centre (whether or not it is the subject of a licence):

(a) enter and inspect the centre, and inspect any equipment or other thing at the centre;

- (b) enter and search the centre, if the Chief Licensing Officer or authorised officer reasonably believes that evidence of the commission of an offence under this Act can be found at the centre;
- (c) inspect and make copies of, or take extracts from, any document or material kept at the centre; 5
- (d) take any document or other thing at the centre, if the Chief Licensing Officer or authorised officer considers it necessary to do so for the purpose of obtaining evidence of an offence under this Act, and for this purpose may ask an individual who is able to operate any equipment at the centre to do so for the purpose of enabling the Chief Licensing Officer or authorised officer to ascertain whether the equipment, or a disk, tape or storage device that can be used or associated with the equipment, contains information that is relevant to the enforcement purpose; 10 15
- (e) require any person whom the Chief Licensing Officer or authorised officer reasonably believes has committed an offence under this Act to furnish evidence of that person's identity; 20
- (f) require any person whom the Chief Licensing Officer or authorised officer reasonably believes is in possession of a document or information relevant to the enforcement purpose to take reasonable steps to produce the document or provide the information; 25
- (g) require any person whom the Chief Licensing Officer or authorised officer reasonably believes is acquainted with any facts or circumstances relevant to the enforcement purpose —
- (i) to answer any question to the best of the person's knowledge, information and belief, immediately or at such place and time specified in writing; or 30
- (ii) to take reasonable steps to provide information or produce a document, immediately or at such place and time specified in writing; 35

(h) photograph or film, or make audio recordings or make sketches, of any part of the centre or anything at the centre or of any person whom the Chief Licensing Officer or authorised officer reasonably believes is acquainted with any facts or circumstances relevant to the enforcement purpose.

(2) In this section, “enforcement purpose” means —

(a) ensuring that the provisions of this Act, the conditions imposed on a licence or for an approval granted under this Act, the provisions of any code of practice and any direction issued by the Chief Licensing Officer under this Act are being complied with; or

(b) investigating an offence under this Act or a contravention of a provision under this Act.

Offence of obstructing, etc., Chief Licensing Officer or authorised officer in exercise of powers, etc.

38. A person who, without reasonable excuse —

(a) obstructs, hinders or delays the Chief Licensing Officer or an authorised officer in the exercise of any power under section 37;

(b) neglects or refuses to produce a document, material or thing or to furnish any information as required under section 37; or

(c) neglects or refuses to attend before the Chief Licensing Officer or authorised officer as required under section 37,

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.

Furnishing false information

39. A person who makes a statement or furnishes any information to the Chief Licensing Officer or an authorised officer under this Act which the person knows or ought reasonably to know to be false in a material particular or misleading by reason of the omission of a

material particular 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.

Offences by corporations

40.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that — 5

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and 10

(b) the officer, employee or agent had that state of mind, is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

(a) who is — 15

(i) an officer of the corporation, or a member of a corporation (in the case where the affairs of the corporation are managed by its members); or

(ii) an individual who is involved in the management of the corporation and is in a position to influence the conduct of the corporation in relation to the commission of the offence; and 20

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence; 25

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

(iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to 30

take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

5 (3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

- 10 (a) Chapters V and VA of the Penal Code (Cap. 224); or
 (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or
 15 not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

20 “officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
 25 (b) for a corporation whose affairs are managed by its members, any of those members as if the member was a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
 30 (b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

41.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and 5
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind. 10

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

- (a) who is —
 - (i) an officer of the unincorporated association or a member of its governing body; 15
 - (ii) a partner in the partnership; or
 - (iii) an individual who is involved in the management of the unincorporated association or partnership and who is in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; 20
and
- (b) who —
 - (i) consented or connived, or conspired with others, to effect the commission of the offence; 25
 - (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
 - (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all 30

reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, 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, and includes —

- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and
- (b) any person purporting to act in any such capacity;

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

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and

- (b) the person's reasons for the intention, opinion, belief or purpose.

Composition of offences

42.—(1) The Chief Licensing Officer, or any authorised officer authorised in writing by the Chief Licensing Officer for the purpose of this provision, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following: 5

- (a) one half of the amount of the maximum fine that is prescribed for the offence; 10
- (b) \$5,000.

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

PART 6

15

APPEALS

Appeal to Minister

43.—(1) The former holder of a licence revoked under section 16 (called the appellant) may appeal to the Minister against the decision of the Chief Licensing Officer under that section to revoke the licence. 20

(2) A licensee (called the appellant) who is aggrieved by any of the following decisions of the Chief Licensing Officer may appeal to the Minister against the decision:

- (a) any refusal by the Chief Licensing Officer under section 8 to renew the licensee's licence; 25
- (b) any condition imposed by the Chief Licensing Officer on the licensee's licence under section 10;
- (c) any modification of any condition of the licensee's licence under section 11;

- (d) any provision contained in a code of practice applicable to the licensee that is issued, approved or amended by the Chief Licensing Officer under section 36;
- 5 (e) any refusal by the Chief Licensing Officer to transfer the licensee's licence under section 13;
- (f) any regulatory action taken against the licensee under section 16;
- (g) any direction given by the Chief Licensing Officer under section 17 or 18;
- 10 (h) any refusal by the Chief Licensing Officer under section 25 to grant approval for the licensee to perform, or for the deployment of an individual to perform, any of the prescribed duties or prescribed classes of duties at the licensee's early childhood development centre;
- 15 (i) any cancellation or suspension of the Chief Licensing Officer's approval under section 27 for the licensee to perform, or for the deployment of an individual to perform, any of the prescribed duties or prescribed classes of duties at the licensee's early childhood development centre;
- 20 (j) any refusal by the Chief Licensing Officer under section 31 to grant approval for the licensee to engage an individual to provide any educational service at the licensee's early childhood development centre;
- 25 (k) any cancellation of the Chief Licensing Officer's approval under section 33 for the licensee to engage an individual to provide any educational service at the licensee's early childhood development centre.

30 (3) An applicant for a licence (called the appellant) may appeal to the Minister against any refusal by the Chief Licensing Officer under section 8 to grant the applicant the licence.

(4) A person (called the appellant) who is aggrieved by any refusal by the Chief Licensing Officer under section 19 to give written consent for that person to act or continue to act as a key appointment

holder for any licensee of an early childhood development centre may appeal to the Minister against the refusal.

(5) An appeal under this section must be in writing and specify the grounds on which it is made, and be made within a prescribed period after the date of receipt of the decision that is appealed against. 5

(6) The Minister may reject the appeal of an appellant who fails to comply with subsection (5).

(7) The Minister may require —

(a) a party to the appeal; or

(b) a person who is not a party to the appeal but appears to the Minister to have any information or document that is relevant to the appeal, 10

to provide the Minister with the information or document the Minister requires for the purpose of considering and determining the appeal.

(8) A person who is required to provide any information or document under subsection (7) must provide it in such manner and within such period as may be specified by the Minister. 15

(9) After consideration of an appeal, the Minister may —

(a) reject the appeal and confirm the Chief Licensing Officer's decision; or 20

(b) allow the appeal and substitute or vary the Chief Licensing Officer's decision.

(10) The Minister's decision on an appeal is final.

(11) Every appellant must be notified of the Minister's decision under subsection (9). 25

(12) An appeal against the Chief Licensing Officer's decision does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision, and unless otherwise directed by the Minister, the decision appealed against must be complied with until the determination of the appeal. 30

Designation of others to hear appeals

44. The Minister may designate the following persons to hear and determine in the Minister's place, any appeal under section 43:

- (a) any Minister of State or Senior Minister of State, for his or her Ministry;
- (b) any Parliamentary Secretary or Senior Parliamentary Secretary, for his or her Ministry,

and any reference in section 43 to the Minister includes a reference to the Minister of State or Senior Minister of State, or Parliamentary Secretary or Senior Parliamentary Secretary, so designated for that appeal.

PART 7

MISCELLANEOUS

Preservation of secrecy

45.—(1) An individual who is or has been the Chief Licensing Officer, an Assistant Chief Licensing Officer or an authorised officer must not disclose any information relating to any early childhood development centre which has been obtained by the individual in the performance of his or her duties, or in the exercise of his or her functions, under this Act, except —

- (a) with the consent of the person to whom the information relates, and if the person is a child below 7 years of age, the consent of a parent or guardian of the child;
- (b) for the purpose of the performance of his or her duties or the exercise of his or her functions under this Act;
- (c) for the purpose of assisting a law enforcement agency in the investigation of any offence under any written law;
- (d) when lawfully required to do so by any court or under the provisions of any written law;
- (e) where the disclosure is made to a public agency for the purpose of policy formulation or review; or

(f) where the disclosure is made to a public agency and is necessary in the public interest.

(2) For the purposes of this section, a reference to an individual disclosing any information includes the giving of permission by that individual for another individual to have any access to a record, document or other thing which is in that individual's possession or under that individual's control by virtue of that individual being or having been involved in the administration or enforcement of this Act.

(3) An individual 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.

(4) In this section —

“law enforcement agency” means any authority or person charged with the duty of investigating offences or charging offenders under any written law;

“public agency” means the Government, including any ministry, department, agency or Organ of State.

Protection from personal liability

46. No liability shall lie personally against the Chief Licensing Officer, any Assistant Chief Licensing Officer or any authorised officer acting under the direction of the Chief Licensing Officer who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

Service of documents

47.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

(a) by giving it to the individual personally;

(b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or,

if no address is so specified, the individual's residential address or business address;

- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other like officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- (a) by giving it to the secretary or other like officer of the body corporate or unincorporated association or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's or unincorporated association's registered office or principal office in Singapore;

- (c) by sending it by fax to the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore; or
- (d) by sending it by email to the body corporate's or unincorporated association's last email address. 5
- (5) Service of a document under this section takes effect —
- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
- (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and 10
- (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).
- (6) A document may be served on a person under this Act by email only with that person's prior written consent. 15
- (7) This section does not apply to documents to be served in proceedings in court.
- (8) In this section —
- “business address” means — 20
- (a) in the case of an individual, the individual's usual or last known place of business in Singapore; or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore; 25
- “document” includes a notice permitted or required by this Act to be served;
- “last email address” means —
- (a) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; or 30

(b) the last email address of the addressee concerned known to the person giving or serving the document;

“residential address” means an individual’s usual or last known place of residence in Singapore.

5 **Jurisdiction of courts**

48. Despite the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate’s Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

General exemption

10 **49.**—(1) The Minister may, by order in the *Gazette*, exempt any person or any class of persons from all or any of the provisions of this Act, subject to such terms or conditions as may be specified in the order.

15 (2) An order under subsection (1) may provide for the exemption of any person in respect of any early childhood development centre or any class of early childhood development centres.

Amendment of Schedule

50.—(1) The Minister may, by order in the *Gazette*, amend the Schedule.

20 (2) The Minister may, in an order under subsection (1), make such provisions of a saving or transitional nature consequent on the enactment of the order as the Minister may consider necessary or expedient.

25 (3) All orders made under subsection (1) are to be presented to Parliament as soon as possible after publication in the *Gazette*.

Regulations

51.—(1) The Minister may make regulations for carrying out or giving effect to this Act.

30 (2) In particular, the Minister may make regulations for any of the following:

- (a) the classes of licences and early childhood development centres;
- (b) the form and manner in which, and the time within which, an application for or in relation to a licence may be made, and the information and evidence required to be provided in connection with such an application; 5
- (c) the form and manner in which, and the time within which, an application for the Chief Licensing Officer's approval under this Act may be made, and the information and evidence required to be provided in connection with such an application; 10
- (d) the carrying out of inquiries and investigations of applicants;
- (e) for early childhood development centres —
 - (i) the duties and responsibilities of licensees; 15
 - (ii) the qualifications, experience, appointment, duties, responsibilities, training and discipline of persons for the purposes of the operation, management and supervision of the centres;
 - (iii) the admission of children to the centres, enrolment capacity, and the minimum or maximum age of children who may be admitted to any class or type of centres; 20
 - (iv) the medical examination of children cared for or receiving education, and employees and other persons approved to perform duties or provide educational services at the centres; 25
 - (v) the exclusion from the centres of any child, employee or other person, and measures to preserve the health and wellbeing of children, employees or other persons; 30
 - (vi) the control and supervision of activities in the centres;
 - (vii) the types and content of the curriculum and programme carried out in the centres;

- (viii) the adequacy, suitability and use of equipment, facilities and space in the centres;
- (ix) the food to be provided in the centres;
- 5 (x) the keeping and maintenance of registers, records, timetables, menus and books of account, and the periods of retention;
- 10 (xi) the returns, reports and other information to be submitted to the Chief Licensing Officer, the publication of such returns, reports or other information by the Chief Licensing Officer, and the periods of publication;
- 15 (xii) the publication, by licensees in the form and manner determined by the Chief Licensing Officer, of information relating to the provision of care or education at the centres, including but not limited to fees, schedules, programmes, premises, and employees and persons approved to perform duties or provide educational services at the centres;
- 20 (xiii) the building structure, layout, hygiene and sanitation of the centres;
- (xiv) the precautions to be taken against fire or other peril likely to endanger the lives or health of children cared for in the centres;
- 25 (xv) service standards or other requirements, restrictions or conditions which are to apply in the provision of care or education by a licensee, employees and persons approved to perform duties or provide educational services at the centres;
- 30 (xvi) the fees and other charges to be paid in respect of the services provided in the centres or otherwise on account of the attendance of children at the centres and the restriction or prohibition of any further fees and charges or of any specified fees and charges;

- (xvii) the methods of payment or collection of fees and charges and the restriction or prohibition of collections or subscriptions of moneys by the centres; and
 - (xviii) the administration and computation of any Government subsidy for eligible parents of children attending the centres, the submission of applications for subsidy and the refund or recovery of any subsidy that is wrongly given; 5
 - (f) the fees to be paid in respect of applications for and the grant, renewal or late renewal and transfer of any licence, and applications for approval, and otherwise in connection with the administration of this Act, and the waiver, reduction or refund of such fees; 10
 - (g) the procedure for appeals under this Act; 15
 - (h) all matters and things required or permitted to be prescribed under or for the purposes of this Act.
- (3) The regulations made under this section may —
- (a) allow the Chief Licensing Officer to waive any requirement of the regulations in respect of any licensee or early childhood development centre, subject to such conditions as the Chief Licensing Officer may determine; 20
 - (b) prescribe the offences under this Act that may be compounded; and
 - (c) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction. 25 30

Repeal of Child Care Centres Act

52. The Child Care Centres Act (Cap. 37A) is repealed.

Consequential and related amendments to other Acts

53.—(1) Item 5 of the Third Schedule to the Central Provident Fund Act (Cap. 36, 2013 Ed.) is deleted and the following item substituted therefor:

5 “5. Early Childhood Development Centres Act 2017.”.

(2) Section 52P(1) of the Children and Young Persons Act (Cap. 38, 2001 Ed.) is amended by deleting paragraph (b) and substituting the following paragraph:

10 “(b) any early childhood development centre licensed under the Early Childhood Development Centres Act 2017;”.

(3) Section 4 of the Education Act (Cap. 87, 1985 Ed.) is amended —

(a) by deleting the word “and” at the end of paragraph (a); and

15 (b) by deleting the full-stop at the end of paragraph (b) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

20 “(c) to or in relation to any early childhood development centre licensed under the Early Childhood Development Centres Act 2017.”.

(4) Section 13(1) of the Income Tax Act (Cap. 134, 2014 Ed.) is amended by deleting the words “a child care centre licensed under the Child Care Centres Act (Cap. 37A)” in paragraph (zb) and substituting the words “an early childhood development centre licensed under the

25 Early Childhood Development Centres Act 2017”.

(5) The Private Education Act (Cap. 247A, 2011 Ed.) is amended by renumbering section 72 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

30 “(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.”.

Saving and transitional provisions

54.—(1) Every licence under the repealed Act that, immediately before the appointed day, is in force for a child care centre (called in this section an existing regulated child care centre) is deemed to be a licence granted under this Act subject to the same conditions (if applicable) of the licence under the repealed Act, and continues in force as if this Act had not been enacted until the earlier of the following: 5

(a) expiry of the licence under the repealed Act;

(b) 24 months after the appointed day. 10

(2) Section 6 of this Act does not apply to a kindergarten that, immediately before the appointed day, is registered under the Education Act (Cap. 87) (called in this section an existing regulated kindergarten) and its registration under that Act continues to be in force in respect of that kindergarten as if that section had not been enacted, until the earlier of the following: 15

(a) the day that the kindergarten is granted a licence under this Act;

(b) 12 months after the appointed day.

(3) Every individual (whether or not he or she is an employee of an operator of an existing regulated child care centre or existing regulated kindergarten) who, immediately before the appointed day, is deployed by that operator to undertake any duty which is a prescribed duty under Part 3 of this Act at that centre or kindergarten, is deemed to be an individual whose deployment at that centre or kindergarten to perform that duty is approved by the Chief Licensing Officer under this Act for a period of 24 months after the appointed day. 20 25

(4) Subsection (5) applies if, before the appointed day, an application for a licence was made under the repealed Act but the application has not been decided immediately before that day. 30

(5) The application must be considered and decided under this Act as if the application were made under section 7.

(6) An application for registration of a kindergarten as a school made under the Education Act before the appointed day but not decided immediately before that day lapses on that day.

(7) Where —

- 5 (a) an appeal has been made to the Minister under the repealed Act in relation to an existing regulated child care centre; or
- (b) an appeal has been made to the Minister or the Appeals Board under the Education Act in relation to an existing regulated kindergarten,

10 and the appeal has not been dealt with or disposed of immediately before the appointed day, the appeal may be dealt with under the repealed Act or the Education Act (as the case may be) as if this Act had not been enacted.

(8) This Act does not affect —

- 15 (a) any investigation commenced under the repealed Act before the appointed day, and every such investigation may be continued and everything in relation to such investigation may be done in all respects after that day as if this Act had not been enacted;
- 20 (b) the continued operation or force of any order or decision of the Director of Social Welfare made under the repealed Act before the appointed day; and
- (c) any right of appeal accrued before the appointed day in respect of any order or decision mentioned in paragraph (b).

25 (9) Every subsidiary legislation made under the repealed Act and in force immediately before the appointed day continues in force as if made under this Act, so far as the subsidiary legislation is not inconsistent with the provisions of this Act and until the subsidiary legislation is revoked or repealed under this Act.

30 (10) For a period of 2 years after the commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

(11) In this section, “appointed day” means the day this Act comes into operation.

THE SCHEDULE

Section 3(a)

EXCLUDED EARLY CHILDHOOD DEVELOPMENT CENTRES

5

1. Any enrichment centre which solely provides for children any, or any combination, of the following enrichment activities:

(a) instruction in a particular arts or sporting activity (such as but not limited to art, dance, music, a sport or children’s gym);

(b) a recreational activity (such as but not limited to a camp or an excursion); 10

(c) tuition or coaching in a particular subject or topic (such as but not limited to a language, science or mathematics).

2. Any centre which solely provides therapy or other related services for children with special needs. 15

3. Any playgroup centre which sole purpose is the care or education of children who are younger than 4 years of age for a period of 2 hours or shorter each time, through play and activities encouraging socialisation amongst those children.

4. Any institution registered under the Private Education Act (Cap. 247A) which provides a foreign or an international educational curriculum covering both pre-primary and full-time primary levels. 20

5. Any home for children and young persons which is licensed under the Children and Young Persons Act (Cap. 38).

6. Any place of temporary care and protection appointed or declared under the Children and Young Persons Act. 25

7. Any place of safety appointed or established under the Children and Young Persons Act.

8. Any place of safety established under the Women’s Charter (Cap. 353).

9. Any premises used to facilitate a care arrangement pursuant to a voluntary care agreement or a court order for committal to the care of a fit person under the Children and Young Persons Act. 30

EXPLANATORY STATEMENT

This Bill seeks to regulate the operation of early childhood development centres, and to provide for other connected or incidental matters.

Part 1 introduces the fundamental concepts used in the Bill and provides for the appointment of officers for the purposes of the Bill.

Part 2 contains the regulatory framework for operators of early childhood development centres.

Part 3 contains the approval framework for persons performing duties at early childhood development centres.

Part 4 contains the approval framework for third-party education providers at early childhood development centres.

Part 5 confers powers of enforcement for the proper administration of the Bill.

Part 6 provides for appeals against certain decisions of the Chief Licensing Officer (CLO).

Part 7 contains a variety of general provisions, including saving and transitional arrangements for existing child care centres and kindergartens.

The Bill also repeals the Child Care Centres Act (Cap. 37A), and makes consequential and related amendments to certain other Acts.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general definition provision. It contains definitions of terms used in the provisions of the Bill.

An “early childhood development centre” refers to any premises where any early childhood development service is provided or to be provided.

An “early childhood development service” is defined to mean the provision of care or education, or care and education, habitually of 5 or more children who are below 7 years of age, for a fee, reward or profit by a person who is not a relative or guardian of all the children.

Clause 3 provides for the non-application of the Bill to, or in relation to, any early childhood development centre operated by or on behalf of the Government and any early childhood development centre specified in the Schedule to the Bill (called in the Bill an excluded early childhood development centre). The Bill also does not apply to, or in relation to, any person deployed, engaged or permitted by

the Government or the operator of an excluded early childhood development centre (as the case may be) to perform any duty or provide any service at the centre.

Clause 4 sets out the purpose of the Bill, which is to regulate the operation of early childhood development centres, so as to —

- (a) protect the safety, wellbeing and welfare of children at early childhood development centres; and
- (b) promote the quality, and continuous improvement in the quality, of early childhood development services at early childhood development centres.

Clause 5 provides for the appointment of the CLO and Assistant Chief Licensing Officers by the Minister. The clause also empowers the CLO to appoint public officers as authorised officers.

PART 2

LICENSING OF EARLY CHILDHOOD DEVELOPMENT CENTRES

Part 2 sets out the framework for the licensing of operators of early childhood development centres.

Clause 6 creates an offence for the unlawful operation of early childhood development centres. A person must not operate (whether solely or jointly with any other person) an early childhood development centre unless the person is authorised to do so by a licence for that centre, the person is exempt from the requirement to have a licence in relation to that centre, or the person is directed by the CLO under clause 18 to operate that centre despite the expiry or revocation of the licence for that centre.

Clause 6 also creates an offence for a person to advertise or otherwise hold out that the person is operating an early childhood development centre under a licence, unless the person holds a valid licence under the Bill.

Clause 7 provides for applications for or to renew a licence. These must be made to the CLO. The CLO may refuse to consider an application that is incomplete or not made in accordance with the clause, or if the applicant fails to provide any additional information requested by the CLO or an authorised officer.

Clause 8 deals with the granting and renewing of a licence by the CLO, and the factors that are to be taken into account when doing so. A fee may be prescribed by regulations for the grant or renewal of a licence.

Clause 9 deals with the class and validity of licences. The classes of licences will be prescribed by regulations under clause 51. Every licence granted or renewed is valid for such period as may be specified in the licence unless,

following regulatory action under clause 16, the licence is earlier revoked or has its term shortened.

Clause 10 empowers the CLO, in granting a licence to any person, to impose such conditions as the CLO considers requisite or expedient having regard to the purpose of the Bill. In particular, the CLO may impose conditions relating to —

- (a) the operation, operating hours and maintenance of the centre;
- (b) the care, education, safety and security of the children attending the centre;
- (c) the conduct of employees, agents and contractors of the licensee;
- (d) the safety and security of persons performing duties or engaged in work at the centre; and
- (e) a requirement for the licensee to undergo and pass such audit as may be determined by the CLO to ascertain the licensee's compliance with the Bill, licence conditions, codes of practice or directions under clause 17.

Clause 11 empowers the CLO to add to, delete or modify the conditions of a licence after observing the process prescribed in the clause.

Clause 12 empowers the CLO to require the provision of a security deposit before granting or renewing a licence. In determining whether to require a security deposit and the amount of the security deposit, the CLO has to have regard to, and give such weight as the CLO considers appropriate to, the matters provided in clause 12(4).

Clause 13 requires the approval of the CLO to be obtained before a licence is to be transferred. The CLO's approval may be given with or without conditions. The transfer of a licence takes effect on the date on which the conditions (if any) are met, or such other date as the CLO may specify. A licence that is transferred is to continue in force for the remaining term of the licence unless, following regulatory action under clause 16, it is earlier revoked or has its term shortened.

Clause 14 requires a licensee to give prior notice to the CLO before wholly and permanently ceasing the operation of the early childhood development centre or surrendering the licence.

Clause 15 sets out the circumstances in which a licence lapses (other than the expiry of the licence or revocation of the licence under clause 16).

Clause 16 sets out the various regulatory actions that the CLO can take against a licensee if the CLO is satisfied that the licensee is contravening or not complying with, or has contravened or failed to comply with, any of the conditions of the licence or any code of practice applicable to the licensee, or any provision of the Bill, contravention of or non-compliance with which is not an offence. The clause

also sets out other grounds on which the CLO may take regulatory action against licensees.

The CLO may in serious cases, after observing the process prescribed in the clause, revoke a licence. In lieu of revoking the licence, the CLO can impose one or more of the following:

- (a) issue a letter of censure, which may be published in such manner and made accessible to such persons as the CLO thinks fit;
- (b) add, delete or modify a condition of a licence;
- (c) require the furnishing of a performance bond, guarantee or other form of security, or an additional performance bond, guarantee or other form of security;
- (d) forfeit the whole or part of any performance bond, guarantee or other form of security provided;
- (e) direct the licensee to do, or refrain from doing, such things as are specified in a direction;
- (f) shorten (for not longer than such period for a licence of such term as may be prescribed by regulations) the term of the licence;
- (g) direct the licensee to pay a financial penalty.

Clause 17 empowers the CLO, after observing the process prescribed in the clause, to issue directions to a licensee if the CLO has reasonable grounds to believe that there are circumstances that may endanger, or are likely to endanger, the safety, wellbeing and welfare of children and other individuals at an early childhood development centre. A direction may require the licensee to do, or refrain from doing, such things as are specified in the direction or of a description as specified in the direction. To avoid doubt, a direction may require the licensee to cease the operation of the early childhood development centre, or any part of the centre, until the CLO is satisfied that those circumstances no longer exist. Non-compliance with a direction is an offence.

Clause 18 empowers the CLO to issue, on the occurrence of any of the following events, directions to secure the orderly cessation by a licensee of the operation of an early childhood development centre with minimal disruption to the children attending the centre:

- (a) where a licence expires, or is expiring but no application to renew the licence is made before the renewal deadline;
- (b) where a licence is transferred under clause 13;
- (c) where a licensee ceases to operate the early childhood development centre specified in the licence or surrenders the licence, or gives notice

under clause 14 of the cessation of the operation of the centre or surrender of the licence;

- (d) where a licence lapses under clause 15(1)(b) or (c);
- (e) where a licensee is given notice under clause 16 of the revocation, or shortening of the term, of the licence;
- (f) where a licensee is given a direction under clause 17 to cease the operation of an early childhood development centre, or any part of an early childhood development centre.

The CLO may give directions under the clause to one or more of the following persons:

- (a) the licensee (who is defined in paragraph (7) of the clause to include a person who has ceased to hold a licence);
- (b) a key appointment holder of the licensee;
- (c) if there is no key appointment holder who is able to comply with the directions, any person who was a key appointment holder of the licensee in the period of 6 months immediately preceding the date of the relevant event in clause 18(1).

Non-compliance with a direction, or non-compliance with a direction within the period specified by the CLO, is an offence.

Clause 19 disqualifies a person from acting or continuing to act as a key appointment holder of a licensee, without the consent of the CLO, in the circumstances specified in the clause. Contravention of the clause is an offence. It is also an offence for a licensee to knowingly allow a person to act or continue to act as a key appointment holder of the licensee in contravention of the clause.

Clause 20 prohibits the use of an early childhood development centre during its operating hours as specified in the licence for any purpose other than for the ordinary conduct and business of an early childhood development centre. However, the CLO may, subject to such conditions as the CLO may impose, permit the licensee to receive children who are 7 years of age or older but below 14 years of age at the early childhood development centre for the purpose of providing them with care or education, or care and education, during the centre's operating hours.

Clause 21 provides for the keeping and maintenance of a register of licensees by the CLO.

PART 3

APPROVAL FOR PERSONS PERFORMING DUTIES AT
EARLY CHILDHOOD DEVELOPMENT CENTRES

Clause 22 empowers the Minister to prescribe by regulations the duties or classes of duties that require approval under clause 23.

Clause 23 provides that a licensee of an early childhood development centre must not perform, or deploy an individual to perform, at that centre any prescribed duty or prescribed class of duties relating to the provision of care or education to children at that centre, or the operation of that centre, unless the performance by that licensee or deployment of that individual to perform at that centre the prescribed duty or prescribed class of duties is with the approval of the CLO.

Clause 24 provides for applications for the CLO's approval to perform or deploy an individual to perform any prescribed duty or prescribed class of duties at an early childhood development centre.

Clause 25 deals with the matters that the CLO considers when granting approval.

Clause 26 empowers the CLO, in granting approval to a licensee, to impose such conditions as the CLO considers requisite or expedient having regard to the purpose of the Bill.

Clause 27 empowers the CLO to cancel or suspend any approval on any of the grounds specified in the clause, in respect of one or more or all the prescribed duties or prescribed classes of duties to which the approval relates.

Clause 28 requires a licensee to notify the CLO of the cessation of the performance by the licensee of any prescribed duty or prescribed class of duties, and the cessation of the deployment of any individual to perform any prescribed duty or prescribed class of duties.

PART 4

THIRD-PARTY EDUCATION SERVICE PROVIDERS AT
EARLY CHILDHOOD DEVELOPMENT CENTRES

Clause 29 provides that a licensee of an early childhood development centre must not engage any individual to provide, for a fee or reward, any educational service for children at the centre, unless the provision of such service by the individual is with the approval of the CLO.

Clause 30 provides for applications for the CLO's approval to engage an individual to provide, for a fee or reward, any educational service for children at an early childhood development centre.

Clause 31 deals with the matters that the CLO considers when granting approval.

Clause 32 empowers the CLO, in granting approval to a licensee, to impose such conditions as the CLO considers requisite or expedient having regard to the purpose of the Bill.

Clause 33 empowers the CLO to cancel any approval on any of the grounds specified in the clause.

Clause 34 requires a licensee to notify the CLO of the cessation of the engagement of any individual to provide any educational service at the licensee's early childhood development centre.

PART 5

ENFORCEMENT AND MONITORING COMPLIANCE

Clause 35 imposes certain duties on licensees to keep and retain records that are relevant to monitoring or evaluating the quality of an aspect of early childhood development services.

Clause 36 empowers the CLO to issue one or more codes of practice applicable to all licensees or the licensees of specified classes of licences, or approve as a code of practice applicable to all licensees or the licensees of specified classes of licences any document prepared by a person other than the CLO if the CLO considers the document as suitable for this purpose. The CLO is also empowered to amend or revoke any code of practice issued or approved. Codes of practice are not subsidiary legislation but non-compliance can give rise to regulatory action under clause 16.

Clause 37 confers various powers of inspection on the CLO and authorised officers for the purposes of monitoring compliance or investigating any offence under the Bill or any contravention of a provision of the Bill.

Clause 38 sets out the offences of obstructing the CLO or an authorised officer in exercise of the powers under clause 37, of neglecting or refusing to produce a document, material or thing or to furnish any information as required under clause 37, and of neglecting or refusing to attend before the CLO or an authorised officer under clause 37.

Clause 39 sets out the offence of giving false information.

Clauses 40 and 41 are standard provisions for the liability of officers of offenders which are corporations or unincorporated bodies like partnerships and associations.

Clause 42 provides powers of composition that may be exercised by the CLO or any authorised officer authorised in writing by the CLO for the purpose of the clause.

PART 6

APPEALS

Clause 43 provides an avenue of appeal to the Minister against certain decisions of the CLO under the Bill.

Clause 44 allows the Minister to delegate the hearing of appeals to a Minister of State or Senior Minister of State, or a Parliamentary Secretary or Senior Parliamentary Secretary, in his or her Ministry.

PART 7

MISCELLANEOUS

Clause 45 is a confidentiality provision which provides that an individual who is or has been the CLO, an Assistant CLO or an authorised officer must not disclose any information relating to any early childhood development centre which has been obtained by the individual in the performance of his or her duties, or the exercise of his or her functions, under the Bill, except in the circumstances specified in the clause.

Clause 46 is a standard provision providing immunity from suits for acts or omissions of the CLO, an Assistant CLO or any authorised officer acting under the direction of the CLO, where this is done in good faith and with reasonable care in the execution or purported execution of the Bill.

Clause 47 deals with the service of documents permitted or required by the Bill to be served on a person. The clause does not deal with service of court documents like summonses, as these are regulated by the Rules of Court or other written laws.

Clause 48 confers jurisdiction on a Magistrate's Court and a District Court to try any offence under the Bill and to impose the full punishment for any such offence.

Clause 49 confers on the Minister power to exempt, by order in the *Gazette*, any person or any class of persons from all or any of the provisions of the Bill.

Clause 50 empowers the Minister to amend the Schedule by order in the *Gazette*, and to make saving and transitional provisions that are consequential to the enactment of the order.

Clause 51 confers on the Minister the power to make regulations to give effect to the Bill.

Clause 52 provides for the repeal of the Child Care Centres Act.

Clause 53 provides for consequential and related amendments to the Central Provident Fund Act (Cap. 36), the Children and Young Persons Act (Cap. 38), the Education Act (Cap. 87), the Income Tax Act (Cap. 134) and the Private Education Act (Cap. 247A).

The clause amends item 5 of the Third Schedule to the Central Provident Fund Act to replace the reference to the Child Care Centres Act with a reference to the Early Childhood Development Centres Act 2017.

The clause amends section 52P(1)(b) of the Children and Young Persons Act and section 13(1)(zb) of the Income Tax Act to replace the references to a child care centre licensed under the Child Care Centres Act with a reference to an early childhood development centre licensed under the Early Childhood Development Centres Act 2017.

The clause amends section 4 of the Education Act to provide for the non-application of that Act to or in relation to any early childhood development centre licensed under the Early Childhood Development Centres Act 2017.

The clause amends section 72 of the Private Education Act to provide for the non-application of that Act 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 the Early Childhood Development Centres Act 2017) of the licensee of the centre, and the teachers of the centre.

To avoid doubt, the Education Act continues to apply to kindergartens for which no licence is granted under the Bill, including kindergartens for which there is an exemption under clause 49 or which are excluded early childhood development centres specified in the Schedule to the Bill under clause 3(a)(ii).

Clause 54 contains saving and transitional provisions. The clause also confers on the Minister the power to make regulations of a saving or transitional nature, in the 2 years after the date of commencement of the Bill.

The Schedule lists the excluded early childhood development centres to which, or in relation to which, the Bill does not apply.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
