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PRIVATE EDUCATION ACT
(CHAPTER 247A)

PRIVATE EDUCATION
(DISPUTE RESOLUTION SCHEMES)
REGULATIONS 2016

ARRANGEMENT OF REGULATIONS

Regulation

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In exercise of the powers conferred by section 71 of the Private Education Act, the SkillsFuture Singapore Agency, with the approval of Mr Ong Ye Kung, Senior Minister of State, charged with the responsibility of the Minister for Education (Higher Education and Skills), makes the following Regulations:

Citation and commencement

1. These Regulations are the Private Education (Dispute Resolution Schemes) Regulations 2016 and come into operation on 3 October 2016.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “dispute resolution centre” means any entity prescribed under regulation 4;

“dispute resolution proceeding” means a dispute resolution proceeding carried out under a dispute resolution scheme;

“dispute resolution scheme” means any dispute resolution scheme prescribed under regulation 3;

“intending student” means a person who intends to become or has taken any steps towards becoming a student of a private education institution;

“party” means a party to a dispute resolution proceeding, and includes —

(a) a student in a registered private education institution;

(b) a former student of a registered private education institution;

(c) an intending student of a registered private education institution;

(d) a parent, guardian or any other person who has entered into a contract with a registered private education institution for the provision of education to a student, former student or intending student; and

(e) a registered private education institution;

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

“terms of reference” means the terms which define the scope, application, operations and procedures of a dispute resolution scheme.

Prescribed dispute resolution schemes

3. The list of dispute resolution schemes as prescribed by the Agency under section 64(1) of the Act for the resolution of disputes arising from or relating to the provision of services by registered private education institutions to students is set out in the First Schedule.

Prescribed dispute resolution centres

4. The list of approved dispute resolution centres as prescribed by the Agency under section 64(2)(b) of the Act under each dispute resolution scheme is set out in the Second Schedule.

Participation in prescribed dispute resolution schemes

5.—(1) Every registered private education institution must participate in the dispute resolution schemes.

(2) Every registered private education institution must comply with the terms and conditions of the dispute resolution schemes set out in the Third Schedule.

Terms of reference of prescribed dispute resolution schemes

6.—(1) A dispute resolution centre must administer a dispute resolution scheme in accordance with its terms of reference that have been approved by the Agency.

(2) The Agency may, in its discretion, amend the terms of reference of a dispute resolution scheme.

(3) The terms of reference include the following:

- (a) the types of disputes that may be referred by a party to a dispute resolution centre;
- (b) the procedure for referring a dispute to the dispute resolution centre;
- (c) the procedure for the receipt, processing and resolution of a dispute;
- (d) the fees payable by each party in respect of each dispute referred to the dispute resolution centre;
- (e) the circumstances in which a dispute may be dismissed by the dispute resolution centre without referring the parties for mediation under the dispute resolution scheme;
- (f) the circumstances in which a dispute would be referred for arbitration under the dispute resolution scheme;

- (g) the types of awards that may be made by an arbitrator under the dispute resolution scheme;
- (h) the procedure for the notification of the outcome of the arbitration of a dispute to the parties.
- (4) A dispute resolution centre must not amend any fee mentioned in paragraph (3)(d) except with the approval of the Agency.

Revocation

7. The Private Education (Dispute Resolution Schemes) Regulations 2010 (G.N. No. S 272/2010) are revoked.

FIRST SCHEDULE

Regulation 3

PRESCRIBED DISPUTE RESOLUTION SCHEME

1. The Private Education Mediation-Arbitration Scheme

SECOND SCHEDULE

Regulation 4

PRESCRIBED DISPUTE RESOLUTION CENTRES

Prescribed Dispute Resolution Scheme Prescribed Dispute Resolution Centres

1. The Private Education Mediation-Arbitration Scheme
 - (a) Singapore Mediation Centre
 - (b) Singapore Institute of Arbitrators

THIRD SCHEDULE

Regulation 5(2)

TERMS AND CONDITIONS OF THE PRIVATE EDUCATION MEDIATION-ARBITRATION SCHEME

1. In the Private Education Mediation-Arbitration Scheme, parties to a dispute will first be referred for mediation at the Singapore Mediation Centre, and if the dispute is not resolved through mediation, the dispute will be referred for arbitration by an arbitrator appointed by the Singapore Institute of Arbitrators.
2. A registered private education institution that is a party to a dispute resolution proceeding under the Private Education Mediation-Arbitration Scheme must comply with the rules governing the mediation and arbitration process and the timelines as set out by the respective dispute resolution centres.

THIRD SCHEDULE — *continued*

3. A registered private education institution that is a party to a dispute resolution proceeding under the Private Education Mediation-Arbitration Scheme must —

- (a) pay 80% of the total mediation fee set out by the Singapore Mediation Centre for that proceeding;
- (b) pay in whole such deposit required by the Singapore Institute of Arbitrators for that proceeding; and
- (c) pay such costs and expenses of that proceeding as may be ordered by the arbitrator conducting the arbitration, which must not be less than 90% of the total costs and expenses of the arbitration.

4. A student, former student or intending student (or a parent, guardian or other person who had entered into a contract with a registered private education institution for the provision of education to a student, former student or intending student) may choose whether to participate in a dispute resolution proceeding commenced by a registered private education institution.

5. A registered private education institution that is a party to a dispute resolution proceeding must be represented by a manager or any other person authorised to make decisions on behalf of the institution in the conduct of any dispute resolution proceedings under the Private Education Mediation-Arbitration Scheme.

Made on 3 October 2016.

TAN PHENG HOCK
Chairman,
SkillsFuture Singapore Agency.

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