

Tanzania

Day Care Centres Act

Day Care Centres Regulations, 1982

Government Notice 108 of 1982

Legislation as at 31 July 2002

FRBR URI: /akn/tz/act/gn/1982/108/eng@2002-07-31

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PDF created on 20 April 2024 at 14:03.

Collection last checked for updates: 31 July 2002.

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Day Care Centres Regulations, 1982

Contents

| | |
|---|---|
| 1. Citation | 1 |
| 2. Interpretation | 1 |
| 3. Application for registration of ownership | 1 |
| 4. Application for registration of ownership | 2 |
| 5. Application for registration of premises | 2 |
| 6. Premises to be kept clean | 2 |
| 7. Layout and construction of day care centres and facilities | 2 |
| 8. Sanitary facilities | 3 |
| 9. Requirement for suitable site | 3 |
| 10. Toys and equipment | 3 |
| 11. Day care assistants | 3 |
| 12. Qualifications of day care assistants | 4 |
| 13. Exemption from requirement of certificate | 4 |
| 14. Parents Committee | 4 |
| 15. Fees | 4 |
| 16. Minister to review fees | 4 |
| 17. Annual or monthly report to be submitted to the Registrar | 5 |
| 18. Offences | 5 |
| Fourth Schedule (Regulation 14) | 6 |

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Day Care Centres Regulations, 1982

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Published in Tanzania Government Gazette

Commenced on 1 January 1983

[This is the version of this document at 31 July 2002.]

[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Section 17; G.N. No. 108 of 1982]

1. Citation

These Regulations may be cited as the Day Care Centres Regulations.

2. Interpretation

In these Regulations, unless the context requires otherwise—

"**the Act**" means the Day Care Centres Act¹;

"**Authorized Officer**" means the Registrar, Assistant Registrar or health officer;

"**Commissioner**" means the Commissioner for social welfare;

"**Day Care Assistant**" means a person employed in pursuance to the Act and these Regulations to instruct and take care of the children at a day care centre and includes Day Care Centre Assistant; Day Care Centre Leader, and Day Care Centre Supervisor;

"**the department**" means the department of social welfare;

"**person**" includes a proper organisation;

"**premises**" means a day care centre.

3. Application for registration of ownership

- (1) No person shall use any premises or being the owner or occupier thereof permit or allow the premises to be used for the purpose of a day care centre unless such person is in possession of a valid certificate of registration issued under these Regulations.
- (2) No certificate of registration shall be issued under these Regulations unless the authorized officer of the area in which the premises for which the certificate of registration is to be issued has inspected and certified the premises to be suitable for day care services.

4. Application for registration of ownership

Every person desiring a certificate of ownership in respect of any premises used or to be used for the purposes of a day care centre shall make an application in Form "A" set out in the First Schedule to these Regulations to the authorized officer of the area in which the premises to be registered is situated, and shall, on request, supply any information which may be required by an authorized officer for the purpose of these Regulations.

5. Application for registration of premises

- (1) Every person desiring a registration in respect of any premises used or to be used for the purpose of a day care centre shall make an application in Form "B" set out in the First Schedule to these Regulations to the Registrar and shall, on request, supply any information which may be required by the Registrar for the purpose of these Regulations.
- (2) Every certificate issued under these Regulations shall be in Form "C" and in Form "D" set out in the First Schedule to these Regulations.
- (3) No person to whom a certificate has been issued under these Regulations shall lend, hire, sell, transfer or otherwise dispose of such certificate to any person without the approval of the Registrar which approval shall be endorsed on the certificate.
- (4) No certificate shall be transferred from the premises in respect of which it was issued to any other premises.
- (5) Premises shall not be used for purposes other than those stated in the certificate.

6. Premises to be kept clean

- (1) Every person who owns, operates, or is in charge of a day care centre shall keep the grounds surrounding the premises clean and safe for children's activities and more particularly he shall keep such grounds free from—
 - (a) improperly stored toys, and equipment, litter, waste and refuse which may attract, harbour or constitute breeding places for rodents, insects and other pests;
 - (b) inadequately drained areas that may contribute to the contamination of food through sewerage or foot-borne filth and provide breeding places for insects and micro-organisms.
- (2) Where the grounds adjacent to the premises are not under the control of the owner or the operator of the day care centre, the owner or the operator or the person in charge shall exercise care in the premises to effect the seclusion of pests, dirt and other filth that may be hazardous to the health of the children and employees at the centre.

7. Layout and construction of day care centres and facilities

- (1) All day care centres shall be of suitable design, layout and construction to facilitate easy maintenance.
- (2) The day care centre and the facilities installed therein shall have—
 - (a) sufficient space for such placement and storage of materials, utensils and toys as is necessary for the sanitary operation of the centre;
 - (b) adequate lighting to handwashing areas, classrooms, toilets and areas where food is prepared or stored and where equipment and utensils are cleaned;
 - (c) the floors, walls and ceilings of the premises shall be of such construction as to be adequately cleanable and maintained in a good state of repair.

8. Sanitary facilities

- (1) No person shall use any premises as a day care centre unless—
 - (a) adequate sanitary conveniences are provided for use by the children and employees;
 - (b) the water supply to the premises is derived from an adequate source, sufficient for the intended use and potable;
 - (c) the plumbing is of adequate size and design so installed and maintained as to carry sufficient quantities of water to areas where it is required and properly conveys sewage and liquid disposal waste;
 - (d) properly conveys sewage and liquid disposal waste.
- (2) The sanitary conveniences provided under these Regulations shall conform to the following conditions:
 - (i) separate conveniences shall be provided for members of each sex; and each shall be maintained in a sanitary condition and kept in condition of good repair at all times;
 - (ii) toilets shall be furnished with sufficient toilet tissue, clean towels and soap;
 - (iii) doors to toilet rooms shall be of a shape which affords privacy to users and convenient for use by children.

9. Requirement for suitable site

Every person who owns or operates a day care centre shall ensure—

- (a) that the centre is situated at a suitable site and is secure from motorists and other distractions likely to be dangerous to the children attending the centre;
- (b) that there is available at the centre adequate play ground for the number of children attending the centre; and
- (c) that the premises are properly fenced.

10. Toys and equipment

- (1) Every owner or operator of a day care centre shall ensure that there are available at the centre adequate toys, materials and equipment to facilitate creative play and preparation of children for primary education.
- (2) Notwithstanding the provisions of subregulation (1) of this regulation every owner or operator of a day care centre shall ensure that there are available at the centre such number of toys, materials and equipment as are prescribed in the Third Schedule.

11. Day care assistants

- (1) Every day care centre shall be manned by such number of staff known as day care assistants as the owner may consider adequate to carry out the functions at the centre.
- (2) Notwithstanding the provisions of subregulation (1) each one day care assistant shall be responsible for such number of children as does not exceed twenty-five.

12. Qualifications of day care assistants

No day care centre owner shall employ any person as a day care assistant unless he has the following qualifications—

- (a) he has attained the age of 18;
- (b) he has attained at least primary standard seven education;
- (c) he is able to follow such instructions as may be given by the department;
- (d) he is a well-mannered person who has genuine love for and interest in working with the children;
- (e) he has a Day Care Assistant's certificate issued by the Commissioner.

13. Exemption from requirement of certificate

- (1) The Commissioner may, on sufficient grounds, exempt any person or group of persons from the requirement of holding a certificate authorizing him or them to work as day care assistants.
- (2) Any person aggrieved by a decision of the Commissioner relating to the exemption may appeal to the Minister against that decision and the Minister's decision in the matter shall be final.

14. Parents Committee

- (1) Each day care centre shall have a parents committee whose composition is set out in the Fourth Schedule.
- (2) The functions of the parents committee shall be—
 - (a) to organize and supervise the implementation of projects and programmes of the day care centre;
 - (b) to initiate schemes and projects aimed at raising the income of the centre;
 - (c) to prescribe fees to be paid by the children attending the centre; and
 - (d) to advise on such other matters as may be required of them by the Registrar, Assistant Registrar or owner of the day care centre.

15. Fees

A day care centre may charge such fees or other payments for service rendered or facilities provided to the children or to any child by or at the day care centre as the parent's committee for the centre may prescribe.

16. Minister to review fees

- (1) The Minister may, from time to time, review the fees paid to day care centres and may by writing under his hand issue such recommendations as he deems necessary to regulate the fees payable to day care centres, and his recommendations shall be final.
- (2) In reviewing the fees the Minister may have regard to—
 - (a) the types of day care services to the children available within that particular community;
 - (b) the need to prevent unduly rapid or frequent variation in fees;
 - (c) the need to maintain reasonable standards of services rendered by the centre;
 - (d) the need to ensure the availability of adequate day care services in both rural and urban areas;
 - (e) the need to ensure the availability of adequate qualified staff for service in day care centres;

- (f) the need to promote the continued ability of the day care centre to maintain efficiency and expand their services to accomodate more children.

17. Annual or monthly report to be submitted to the Registrar

Every day care centre shall submit its monthly or annual report to the Registrar in the Form prescribed in the Second Schedule to these Regulations.

18. Offences

- (1) Any person who contravenes any provisions of these Regulations shall be guilty of an offence and shall be liable on conviction in the case of a first offence to a fine not exceeding one thousand shillings and in the case of a second offence to a fine not exceeding three thousand shillings.
- (2) Where the court is of the opinion in the case of a second or subsequent offence that a fine will not meet the circumstances of the case and that the offence was committed through the personal act, default or culpable negligence of the accused person, it may, in lieu of or in addition to any fine, impose a sentence of imprisonment for a term not exceeding twelve months.

First Schedule (Regulation 4)

Forms

[Editorial note: The forms have not been reproduced.]

Second Schedule (Regulation 17)

Annual/monthly report of day care centers

[Editorial note: The forms have not been reproduced.]

Third Schedule (Regulation 10)

Toys, equipment and material to provided at day centre

A. Day care centre equipment:

Tables and chairs for employees, small tables and chairs for the children.

Mats.

Blackboard.

Cupboard or shelves for storage of equipment.

Bed/bedding for children at the centre.

First-aid box.

B. Kitchen utensils:

Cooking and eating utensils.

Water carrying and storing utensils.

Kitchen clothes.

Cupboards for storage of utensils.

C. Outdoor games and gardening equipment

D. **Indoor games**

Fourth Schedule (Regulation 14)

Composition of the Parents Committee

The Chairman: To be elected from among the parents.

Secretary: A day care assistant (the leader if there is more than one).

Four members: To be elected from among the parents.

One member representing each of the following departments:

Health.

Agriculture.

Community Development.

Education.

One member representing each of the Party mass organizations.