

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT  
(CAP. 40:01)

**KGALAGADI DISTRICT COUNCIL  
(DAY-CARE CENTRE) BYE-LAWS, 2010**  
(Published on 26th March, 2010)

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SCHEDULE

PART I – Preliminary

IN EXERCISE of the powers conferred by section 33 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the Kgalagadi District Council hereby makes the following Bye-Laws –

1. These Bye-Laws may be cited as the Kgalagadi District Council (Day-Care Centre) Bye-Laws, 2010. Citation

2. In these Bye-Laws, unless the context otherwise requires – Interpretation  
“authorised officer” means the Council Secretary or any employee of the Council duly authorised, in writing, by the Council to perform duties under these Bye-Laws;

“care giver” means a person trained to teach, train, and care for babies and children below the age of six, and registered as such with the Kgalagadi District Council;

“Council” means the Kgalagadi District Council;

“day-care centre” means a place for the care, education and supervision of children below the age of six;

“infectious disease” includes diphtheria, cerebrospinal meningitis, whooping cough, measles, mumps, German measles (rubella), chicken pox, scabies, ringworm of scalp or body, and typhoid fever;

“licence” means a licence issued under Bye-law 3;

“qualified teacher” means a teacher qualified to the satisfaction of the Ministry responsible for Education, to teach children below the age of six.

3. (1) A person shall not operate a day-care centre (hereinafter referred to as a “centre”) without a licence issued by the Council. Licensing of day-care centres

(2) A person under the age of 18 years may not operate a centre.

(3) Any person who wishes to operate a centre shall make an application for a licence to the Council, in Form 1 set out in the Schedule to these Bye-laws, giving details of –

(a) the premises intended to be used for the centre;

(b) the names and qualifications of all the teachers and assistants to be employed at the centre; and

(c) any other information with regard to the proposed centre as the Council may require.

(4) Upon receipt of the application, the Council shall cause to be conducted such inspections as it may consider appropriate to ensure that the premises of the centre comply with the relevant health and building control standards.

4. (1) If the Council is satisfied that the proposed centre meets all the requirements of these Bye-laws and any other relevant legislation, it may, on payment of a fee of P100, issue to the applicant a licence in Form 2 set out in the Schedule hereto. Issue of a day care licence

(2) A licence issued under sub bye-law (1) may be subject to such conditions as the Council considers necessary, which conditions shall be endorsed on the licence.

(3) Subject to sub bye-law (2), the Council may impose further conditions on the licence where it considers it necessary to do so.

5. (1) A licence issued under Bye-law 4 shall be valid until the 31st December of the year of issue. Duration and renewal of day care licence

(2) A licence shall be renewable from year to year, on payment of the annual fee of P100.

(3) An application for the renewal of a licence shall be made in Form 3 set out in the Schedule hereto.

Suspension and  
revocation of  
day care licence

6. (1) The Council may —

(a) suspend a licence issued under Bye-law 4 where —

- (i) any conditions of the licence are not being adhered to,
- (ii) a centre has failed to comply with these Bye-Laws, or
- (iii) an authorised officer, after conducting an inspection, has recommended a suspension of the licence due to failure of the centre to comply with the relevant health standards;

(b) revoke a licence issued under Bye-law 4 where —

- (i) a centre has failed to comply with any of the conditions of the licence,
- (ii) a centre has contravened or failed to comply with any of the provisions of these Bye-laws or
- (iii) an authorised officer, after conducting an inspection, has recommended a revocation of the licence.

(2) Any suspension or revocation of a licence done under this Bye-law shall be published by Notice in the Gazette, and two newspapers in circulation in Botswana.

Licence to be  
displayed

7. The licence shall be conspicuously displayed in the premises of the centre.

Transfer of  
licence

8. A person, to whom a licence has been issued under these Bye-laws shall not cede, transfer or lease the licence to any person.

Closure of  
day-care  
centres

9. The Council may require the closure of any centre which contravenes or does not comply with any of the provisions of these Bye-Laws.

## PART II — *Premises*

Type of  
premises used

10. (1) An occupied residential house shall not be used as a centre unless the portion to be used for the centre can be separated, to the satisfaction of the Council, from the portion used for residential purposes.

(2) A garage or verandah shall not be used as a classroom for a centre.

(3) Premises used for a centre shall be constructed in accordance with, and from material permitted by the appropriate building regulations, and the floors shall be smooth and tiled or carpeted, and every classroom or rest room shall be adequately lit and ventilated.

(4) The size of rooms to be used as classrooms shall directly relate to the number of children permitted to use them at any one time, so that for each child there shall be the equivalent of 1,5 square metres.

(5) In every centre there shall be a room, equipped with a bed with mattress and clean linen, in which a sick child can rest and be isolated.

(6) Premises used for a centre shall be adequately and securely fenced in, and shall be adequately set back from busy roads or roads regularly used by heavy traffic.

Outdoor play  
areas

11. (1) The outdoor play areas shall provide a minimum area of not less than 2 cubic metres for each child attending the centre, and shall have a flat, generally dry surface, with adequate shade.

(2) The outdoor play areas shall be provided, to the satisfaction of the Council, with play equipment such as sand pits, swings, slides and climbing frames adequate for the number of children attending at the centre.

(3) The outdoor play areas shall be free from sharp objects or any discarded material, equipment, or any other objects which may pose a danger to children.

12. (1) Every centre shall be provided with separate toilets for members of staff and for children, which shall be well lit, well ventilated, and have adequate running water.

Toilets

(2) Toilets for children shall be —

(a) separated according to gender; and

(b) installed with standard junior toilets and hand wash basins, so that there shall be one toilet and one hand wash basin for every 15 children.

(3) The toilets and hand wash basins shall be kept clean, sterile and in a state of good repair.

(4) Storage facilities for towels, face cloths and personal belongings of the members of staff shall be separate from similar facilities for children.

13. At every centre there shall be maintained on the premises, a facility for washing clothes, towels, blankets and any other linen used at the centre.

Washing facilities

14. (1) A centre which operates for more than five and a half hours shall have a kitchen with adequate hot and cold water.

Kitchen

(2) A centre which operates for more than five and a half hours shall provide each child with at least one cooked meal.

(3) Where food or formula is brought into a centre by the children, there shall be provided adequate and hygienic facilities for the storage and refrigeration of the food or formula.

(4) There shall be available for inspection a detailed menu of the food provided, with a suitably balanced diet, stating —

(a) the time for serving the meal; and

(b) the quantities to be served.

(5) Where a centre operates for less than five and a half hours, each child shall be provided with at least one snack.

(6) The utensils, cutlery and crockery used in the kitchen shall be of a shape and size suitable for the children admitted at the centre.

15. (1) At every centre there shall be provided, to the satisfaction of the Council, an adequate supply of furniture and other equipment suitable for use in a centre, such as reading material, picture books, blackboards, toys, paints, crayons, moulding clay, puzzles and beads.

Furniture and classroom equipment

(2) The Council may require or approve additional or alternative equipment to that referred to in sub Bye-law (1).

16. At every centre there shall be maintained, and made readily accessible at all times, a portable fire extinguisher.

Fire extinguisher

17. (1) At every centre there shall be maintained, and made readily accessible at all times, a first aid box or cupboard containing an adequate supply of dressings, bandages, sterilized cotton wool, adhesive plasters, disinfectant, safety pins, and a tourniquet.

First aid requirements

(2) A member of staff shall not administer any medication to a child without the consent of the child's parent or guardian.

18. (1) At every centre there shall be, at all times, a high standard of maintenance and cleanliness in the centre.

Cleanliness

(2) The owner of a centre shall ensure that any member of staff or a child under the care of the centre, suffering from, or suspected to be suffering from an infectious disease, is immediately isolated from contact with other children or members of staff.

Smoking	<b>19.</b> A person shall not smoke anywhere within the premises of a centre, and a notice to this effect shall be displayed prominently at the entrance to the centre.
Pets	<b>20.</b> Animals, whether pets or otherwise, shall not be permitted within any area used as a centre, without the written permission of the Council.
Transportation	<b>21.</b> (1) Where a centre provides for the transportation of children, the vehicle used shall be enclosed and with adequate and comfortable sitting space for each child carried in it. (2) The owner of a centre shall ensure that a vehicle used to transport the children is insured at all times.
Use of premises for other activities	<b>22.</b> Except with the written permission of the Council, the premises of the centre shall not be used for any activity which is not in the ordinary course of operating a centre.

### *PART III — Operation and staff of the centre*

Hours of operation	<b>23.</b> A centre shall not, except with the approval of the Council, operate — (a) on Saturdays, Sundays or public holidays, or (b) outside the hours between 7.00 a.m. and 5.00 p.m.
Resting period	<b>24.</b> The owner of a centre shall ensure that all children at the centre shall have a common resting period of not less than one hour each afternoon.
Age of admission	<b>25.</b> A child shall not be admitted to, or be allowed to remain at a centre, without written permission of the Council, if the child is over the age of six years.
Staff	<b>26.</b> (1) Subject to the provisions of Bye-law 23, a centre shall have a minimum of two qualified teachers, and at all times there shall be at least one such teacher on duty. (2) A centre may employ assistants to assist the qualified teachers to supervise and look after children at the centre. (3) All members of staff employed at the centre shall undergo a medical exam, including an x-ray, before being employed, and thereafter at six monthly intervals. (4) A person shall not be employed, or continue to be employed at a centre if he or she —
Cap. 63:02	(a) is certified under the Mental Disorders Act, to be suffering from a mental disorder;
Cap. 28:04	(b) has been convicted of a sexual offence, or (c) has been convicted of an offence under the Children's Act.
Staff-child ratio	(5) All members of staff employed at a centre shall at all times wear clean uniforms or clothing. <b>27.</b> (1) A centre shall have a maximum of — (a) 25 children aged between two and a half and four years old per classroom; (b) 30 children aged between four and six years old per classroom; and (c) 10 babies aged between six weeks and two and a half years per classroom. (2) A centre shall have a minimum of — (a) one qualified teacher per classroom; and (b) one care giver per 10 babies.
Curriculum	<b>28.</b> The curriculum followed at a centre shall adhere to the standards set by the Ministry responsible for education.
Register to be kept	<b>29.</b> The owner of a centre shall open and maintain, or cause to be kept and maintained a register in which shall be recorded —

- (a) in relation to each child admitted at a centre —
  - (i) the name and date of birth, and
  - (ii) the names, addresses and telephone numbers of his or her parent or guardian; and
- (b) the names and qualifications of all the members of staff employed at the centre.

**PART IV — Miscellaneous**

**30.** A person who is aggrieved by a decision of the Council may, within 30 days of notification of that decision, appeal to the Minister in writing. Appeals

**31.** An officer of the Council so authorised in writing by the Council may, at any reasonable time, enter at a centre for the purpose of inspection, and to ensure compliance with these Bye-Laws. Powers of Entry

**32.** Any person who contravenes the provisions of these Bye-Laws commits an offence and is liable to a fine not exceeding P100, or to imprisonment for a term not exceeding one month, or to both, and upon conviction, for a second or subsequent offence, to a fine not exceeding P200, or to imprisonment for a term not exceeding three months, or to both. Offences and Penalties

**33.** The Kgalagadi District Council (Day-Care Centre) Bye-Laws, 2009 are hereby revoked. Revocation of S.I. No. 47 of 2009

**SCHEDULE**

*(FORMS)*

**FORM 1**

*(Bye-Law 3 (3))*

**KGALAGADI DISTRICT (DAY CARE CENTRE) BYE-LAWS**

**APPLICATION TO OPERATE A DAY-CARE CENTRE**

**Applicant's Particulars**

1. Name .....
2. Postal address .....
3. Residential address of applicant .....
4. Location of the premises of the day-care centre .....
5. Nationality of the Applicant .....
6. Where the Applicant is a non-citizen, resident permit number and date of expiry of the resident permit of the Applicant .....
7. Where the Applicant is a company, the registration number of the company.....

Staff of the centre (attach extra pages if necessary)

8. Persons to be employed at the centre:

- (a) Name .....  
Position to be held .....  
Qualification(s).....
- (b) Name .....  
Position to be held .....  
Qualification(s).....
- (c) Name .....  
Position to be held .....  
Qualification(s).....
- (d) Name .....  
Position to be held .....  
Qualification(s).....
- (e) Name .....  
Position to be held .....  
Qualification(s).....
- (f) Name .....  
Position to be held .....  
Qualification(s).....
- (g) Name .....  
Position to be held .....  
Qualification(s).....

\* Please attach certified copies of the licences of the persons to be employed by the centre.

Premises and structure

9. What is the material used for building the premises? (e.g. wood, brick, or any other material)

.....

10. Room types and sizes:

Type of room (E.g. Kitchen)	Room size in square metres	Number
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

.....  
.....  
.....  
.....  
.....

11. Toilets and washing facilities:

Number of children's toilets .....  
Number of toilets for staff .....  
Number of baths .....  
General washing facilities .....  
Is there a laundry room? \*(1) Yes/No

12. Kitchen:

Does the Kitchen have washable walls? .....  
Is there any storage space? .....  
Type of storage (shelves, pantry, cold room/refrigeration, cupboards)  
.....  
.....  
.....

13. Outdoor area:

Size in square metres .....  
Type of fencing .....  
Is there a secure gate? \*(2) Yes ..... No .....  
Is there any shade? \*(3) Yes ..... No .....

Numbers of children to be admitted at the centre

- 14. (a) 6 weeks - 2 1/2 years .....
- (b) 2 1/2 - 4 years .....
- (c) 4 - 6 years .....

I ..... (name of applicant) declare that the above information is true and correct.

.....  
Signature of applicant

.....  
Date

**FOR OFFICIAL USE ONLY**

Date of receipt of application .....  
Received by .....  
Signature .....

**FORM 2**  
*(Bye-Law 4 (1))*

**KGALAGADI DISTRICT (DAY-CARE CENTRE) BYE-LAWS**

**LICENCE TO OPERATE A DAY-CARE CENTRE**

**NOT TRANSFERABLE**

Licence No. ....

To .....

Having considered your application to operate a Day-Care Centre, the Kgalagadi District Council is satisfied that you have fulfilled the necessary requirements of the Kgalagadi District (Day-Care Centre) Bye-Laws, you are hereby granted a licence to operate a day-care centre in the following area

.....  
.....  
.....

This licence is subject to the following conditions:

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

This licence is valid until ....., 20 .....

.....  
Council Secretary

Date of issue .....

FORM 3  
(Bye-Law 5 (3))

RENEWAL APPLICATION

(KGALAGADI DISTRICT COUNCIL)

(A) Particulars of the Applicant:

1. Name of the Applicant .....
2. Address of the Applicant .....
3. Nationality of the Applicant .....
4. Where the Applicant is a non-citizen, resident permit number and date of expiry of the resident permit of the Applicant .....
5. Where the Applicant is a company, the registration number of the company.....
6. Location of the premises of the daycare centre .....

I, the undersigned state that the information given in this application is to the best of my knowledge true and accurate.

Applicant's signature: .....

Date: .....

**FOR OFFICIAL USE ONLY**

Having considered the application for the renewal of a day-care/nursery/baby care centre licence of.....  
dated..... licence No. .... is hereby renewed in accordance  
with bye-law 5 (3) of these Bye-Laws.

Conditions (if any) applicable .....

This permit expires on the .....

Date of renewal ..... Fee paid .....

.....  
Council Secretary.

MADE this 22nd day of January, 2010.

MERAPELO M. TSHWENEAGAE,  
*Council Secretary,*  
*Kgalagadi District Council.*

APPROVED this 4th day of March, 2010.

L.T. MOKALAKE,  
*Minister for Local Government.*