

TOWNSHIPS ACT  
(Cap. 40:02)

**LOBATSE TOWN COUNCIL (DAY CARE CENTRE) BYE-LAWS, 2010**  
(Published on 9th July, 2010)

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BYE-LAW

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## PART I – Preliminary

IN EXERCISE of the powers conferred by section 6 of the Townships Act, and with the approval of the Minister of Local Government, the Lobatse Town Council hereby makes the following Bye-Laws –

Citation

1. These Bye-Laws may be cited as the Lobatse Town Council (Day Care Centre) Bye-Laws, 2010.

Interpretation

2. In these Bye-Laws, unless the context otherwise requires –

“baby care centre” means a place for the care, education and supervision of children below the age of 2½ years;

“Council” means the Lobatse Town Council;

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

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

## PART II – Licensing/Registration of Day Care Centres

Registration of day care centres

3. (1) A person shall not operate a day care centre without the prior approval of, and registration, by the Council.

(2) An application to operate a day care centre shall be made to the Council in Form 1 as set out in the Schedule and shall provide such information as the Council may require and, in particular –

(a) details of the premises intended to be used; and

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

(3) Where the Council is satisfied that the proposed day care centre meets all the requirements of these Bye-Laws, it may, on payment of a fee of P300, register a profit making day care centre, and on payment of a fee of P150, register a non profit making day care centre and issue the applicant a registration licence as set out in Form 2 of the Schedule.

Duration and renewal of registration licence

4. (1) A registration licence shall be valid for a period of 12 months from the date of issue.

(2) A registration licence may be renewed by an application made to the Council in Form 3 as set out in the Schedule.

(3) The Council may renew a registration licence upon payment of a fee of P300 by a profit making day care centre and on payment of a fee of P150 by a non profit making day care centre.

Registration licence to be displayed

5. A registration licence shall be displayed in a conspicuous place in the principal’s office in the premises of the day care centre.

Closure of day care centres

6. The Council may cancel the registration of, and require the closure of any day care centre that contravenes or fails to comply with any of the provisions of these Bye-Laws.

### PART III — Operation of Day Care Centres

7. A day care centre shall operate between 0700 hours and 1900 hours on weekdays unless otherwise authorised in writing by the Council. Hours of operation
8. (1) Subject to sub-bye-law (2), a day care centre shall admit children below the age of six years. Age of admission
- (2) A child who is above six years old shall not be enrolled at a day care centre without the written permission of the Council.
9. (1) Subject to sub-bye-law (2), an occupied residential house or garage shall not be used as a day care centre. Premises of day care centres
- (2) An occupied residential house may, with the written approval of the Council, be used as a day care centre where the residential part of the house can be adequately and satisfactorily partitioned or separated from the part used to operate a day care centre.
- (3) Premises used for operating a day care centre shall be constructed in accordance with and from material permitted by the appropriate building regulations, floors should be smooth and tiled or carpeted, and classrooms or restrooms 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 one time, so that for each child there shall be an equivalent of 1.5 square metres space to occupy.
- (5) Premises used for a day care centre shall be adequately and securely fenced in, and shall be adequately set back from busy roads.
10. A day care centre shall have a room, equipped with a bed which has a mattress and clean linen, in which a sick child can rest and be isolated for a day. Sick rooms
11. A person shall not relocate a day care centre without prior approval by the Council. Relocation of day care centres
12. (1) A day care centre shall provide separate toilets for staff and for children, which shall be well lit, well ventilated and have adequate running water. Toilets
- (2) Toilets for children shall be —
- (a) provided with standard junior toilets and handwash basins, so that there shall be one toilet and one handwash basin for every 15 children; and
- (b) separated according to gender.
- (3) Storage facilities for towels, face cloths and personal belongings of staff shall be kept separate from those of the children.
13. (1) In a day care centre there shall be maintained, and made readily accessible a first aid box or cupboard containing an adequate supply of dressings, bandages, sterilised cotton wool, adhesive plasters, disinfectant, safety pins and a tourniquet. First aid requirements
- (2) A day care centre shall establish a fire assembly point and keep well maintained portable fire extinguishers within the day care centre.
14. (1) A day care centre shall, considering the number of children attending the day care centre, provide an adequate supply of equipment suitable for use in the day care centre, such as reading material, picture books, chalk boards, toys, paints, crayons, moulding clay, puzzles and beads. Classroom equipment
- (2) The Council may require and approve additional equipment not referred to in sub-bye-law (1).
15. The curriculum followed at a day care centre shall adhere to the standards set by the Ministry responsible for education. Curriculum

Outdoor play areas

**16. (1)** Outdoor play areas shall be adequate in size, providing a minimum area equivalent to not less than 1.5 square metres for each child attending the day care centre.

**(2)** Outdoor play areas shall have a flat, generally dry surface, with adequate shade, and shall be provided with play equipment such as sand pits, swings, slides and climbing frames, which are to the satisfaction of the Council, and adequate for the number of children attending the day care centre.

Kitchens

**17. (1)** Where food is provided by a day care centre, there shall be available in the kitchen —

- (a)** adequate hot and cold water;
- (b)** adequate storage space for food;
- (c)** adequate cutlery and crockery of a suitably hygienic type; and
- (d)** a detailed menu of food and provision of a detailed balanced diet.

**(2)** Where food is brought into the day care centre by the children, there shall be provided suitable facilities for the storage and refrigeration of the food.

Staff

**18. (1)** A day care centre shall have a minimum of two qualified teachers at all material times and there shall be at least one such teacher on duty for every 30 children, and a ratio of five babies per caregiver as a minimum with ten babies being a maximum in a baby care centre.

**(2)** Assistants may be employed to assist qualified teachers to supervise and look after the children.

**(3)** Staff employed at a day care centre shall —

- (a)** be medically examined, including be X-rayed, before taking up employment, and thereafter at six months intervals; and
- (b)** at all times wear clean uniforms or clothing.

Animals and pets

**19.** Animals, whether pets or otherwise, shall not be permitted within the day care centre without the written permission of the Council.

Smoking prohibited

**20.** Smoking is prohibited within the premises of a day care centre and a notice to that effect shall be displayed in a conspicuous place at the entrance of the day care centre.

Responsibilities of owner

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

**(2)** The owner of a day care centre shall ensure that high standards of maintenance and cleanliness are established within the day care centre.

**(3)** The owner of a day care centre shall ensure that the day care centre provides for a resting period of not less than an hour each afternoon.

#### PART IV — *General*

Powers of entry

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

Offences and penalties

**23.** Any person who contravenes or fails to comply with any of the provisions of these Bye-Laws commits an offence and is liable to a fine not exceeding P500, or to imprisonment for a term not exceeding six months, or to both.

SCHEDULE

Form I

APPLICATION TO OPERATE A DAY CARE CENTRE  
(bye-law 3 (2))

(Attach two passport size photographs)

**(A) PARTICULARS OF THE APPLICANT**

1. Name of the Applicant: .....  
(Surname first)
2. Postal Address: .....
3. Residential Address: .....  
.....
4. Nationality: .....  
Identity Number: .....
5. Where Applicant is a non-citizen, residence permit number and date of expiry of the residence permit:.....
6. Where the Applicant is a company, the registration number of the company:  
.....

**(B) PROPOSED DAY CARE CENTRE**

1. Type of day care centre: .....
2. Location of the day care centre:  
.....  
.....  
(Please attach a copy of the sketch map showing the location of the school in relation to main roads or busy roads)

3. Premises:

- (a) Area of the school (m<sup>2</sup>): .....
- (b) Number of classrooms: .....
- (c) Number of children per classroom: .....
- (d) Number of toilets for children: .....
- (e) Number of toilets for staff: .....

(Attach a list of all equipment at the school)

4. Staff:

- (a) Number of experienced teachers: .....
- (b) Number of assistant teachers: .....
- (c) Number of support staff: .....

(Please attach the following documents to the application):

- (a) Zoning approval or land use permit
- (b) Fire inspection report
- (c) Environmental health report
- (d) Qualifications and experience of teachers

Date: ..... Applicant's signature:.....

**FOR OFFICIAL USE ONLY**

Date on which the application was received by Licencing Officer: .....

Date of hearing: .....

Date of approval/rejection of application: .....

.....  
*Date*

.....  
*Council Secretary*

Form 2

REGISTRATION LICENCE

*(bye-law 3 (3))*

(Not Transferable)

Licence No.: .....

(Name) ..... is hereby licensed in accordance with the  
Lobatse Town Council (Day Care Centre) Bye-Laws to operate a day care centre/baby care  
centre (tick where applicable) known as.....at the following  
area.....

Conditions (if any) applicable:.....

This licence expires on the: .....

Date of issue: ..... Fee paid.....

.....  
*Licensing officer.*

Form 3

APPLICATION FOR RENEWAL OF A LICENCE  
(bye-law 3 (5))

1. Name of the Applicant: .....  
(Surname first)
2. Postal Address:.....
3. Residential Address: .....  
.....
4. Nationality: .....  
Identity Number: .....
5. Where Applicant is a non-citizen, residence permit number and date of expiry of the residence permit:  
.....
6. Where the Applicant is a company, the registration number of the company:  
.....
7. Licence Number: .....
8. Fee paid: .....

.....  
*Applicant's signature* *Date*

MADE this 4th day of June, 2010.

GAOLATHE S. DIPHOLO,  
*Town Clerk,*  
*Lobatse Town Council.*

APPROVED this 17th day of June, 2010.

LEBONAAMANG T. MOKALAKE,  
*Minister of Local Government.*