



ZOMBA DISTRICT COUNCIL

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (EARLYCHILDHOOD DEVELOPMENT) BYLAWS, 2018

NOVEMBER, 2018

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (EARLY CHILDHOOD
DEVELOPMENT)
BYLAWS, 2018

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GOVERNMENT NOTICE NO. ...

LOCAL GOVERNMENT ACT

(CAP 22:01)

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL)
(EARLY CHILDHOOD DEVELOPMENT) BY—LAWS, 2018

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Zomba District Council has made the following Bylaws—

PART I—PRELIMINARY

Citation 1. These Bylaws may be cited as Local Government (Zomba District Council) (Early Childhood Development) Bylaws.

Interpretation 2. In these Bylaws unless the context otherwise requires;—

“Authorised person” includes a person authorised by the District Commissioner in the Social Welfare Office to inspect premises, examine persons or do any other act under its statutory powers;

“Child” for the purposes of an ECD centre a child includes a person who is under or appears to be 8 (eight) years of age;

“Guardian” includes any person who has, by reason of the death, illness, absence or incapacity of a parent or any other cause, the custody of a child;

“Early Childhood Development” includes any premises where children under the age of 8 (eight) years are received to be looked after at a fee for the day or a substantial part of the day or for any longer period for the purpose of early learning and simulation;

“ECD” means Early Childhood Development Centre

“Guardian” includes any person who has, by reason of the death, illness, absence or incapacity of a parent or any other cause, the custody of a child;

“occupier” means any person in actual occupation of premises without regard to the title under which he occupies such premises and, in case of premises subdivided and let to tenants, means each of the tenants individually or collectively, whether on their own account or as agent for any person entitled thereto or interested therein;

“Owner” means any person receiving the rent or profits of any premises from any tenant or occupier thereof, and the term includes any lessee;

“Parent” means the father or mother of a child;

“Premises” means any building or structure together with the land on which it is situated and the adjoining land or other land or building used in connection with an ECD centre;

“proprietor” means any person in whom is vested the ownership, custody or control of the premises at which the ECD Centre is carried on, and of the buildings, equipment and other things provided for the children attending the ECD centre, and where such ownership, custody or control is vested in more than one person, includes both or all of them; and

“Relative” means a grandparent, brother, sister, uncle or aunt, whether by consanguinity, affinity or in consequence of adoption.

Application.

3. These Bylaws shall apply within the area of jurisdiction of the Zomba District Council.

PART II-GENERAL PROVISIONS

ECD Centre
Licence

4. - (1) A person shall not establish an ECD centre, unless he has a licence issued by the Council under these Bylaws

(2) An application for a licence to establish an ECD centre under these Bylaws shall be in the Form specified in Part I of the First Schedule hereto.

(3) An application for a licence shall be accompanied by appropriate non-refundable fees set out in Part II of the First Schedule hereto.

(4) The Council shall not grant a licence to a person who is not a citizen of Malawi, unless he has a valid Business Residence Permit issued under the Immigration Act.

Refusal
register

5. - The Council may refuse to register any premises or proprietor where it is satisfied that—

(a) the premises concerned are not fit to be used for the purposes of an ECD centre; or

(b) the proprietor, volunteer or any other person employed or proposed to be employed by him to provide any services at the ECD centre, is not a fit and proper person to control or provide care and support to children.

Power to
impose
conditions on
proprietor

6. - (1) The Council may, subject to paragraphs (2) and (3) of this Bylaw, determine that a licence to operate an ECD centre or a premises licence shall be issued or renewed subject to any or all of the following conditions—

(a) that no greater number of children shall be received in the premises than specified in the licence;

(b) that the number of children received under the foregoing paragraph together with any other children resident on the premises shall not at any time exceed such number as may be specified in the licence;

(c) that the children in any specified age group or age groups shall not be received in the premises or exceed such as specified in the licence;

(d) that a person with such qualifications as specified in the licence shall be in-charge of the premises and the persons employed thereat;

(e) that the ECD centre shall be adequately staffed in terms of the calibre, qualifications or experience of the persons employed thereat;

(f) that any repairs to be carried out on the premises or such alterations thereof or additions thereto shall be made as specified in the licence;

(g) that the premises shall be equipped in accordance with the equipment specified in the Fifth Schedule and that such equipment shall be adequately maintained;

(h) that there shall be adequate arrangements for feeding the children received in the premises and that an adequate and suitable diet shall be provided for them;

(i) that the children received in the premises shall be under medical supervision;

(j) that the persons employed in the premises shall undergo medical examination at the time of granting a new licence or renewing a licence and any other time the Council may deem fit; and

(k) any other condition as the Council deems it necessary to impose.

(2) Where the Council determines to impose any condition, it shall give notice to the applicant of its intention and the proposed conditions and shall not proceed with the issuance of the licence until the requirement of paragraph (3) is satisfied.

(3) An applicant who receives a notice under the foregoing paragraph shall, within fourteen days of the receipt thereof, inform the Council in writing that-

- (a) he agrees to such conditions;
- (b) he has abandoned his application; or
- (c) he intends to appeal under bylaw 11 of these Bylaws:

Provided that if any applicant who has informed the Council of his intention to appeal does not enter such appeal within the time limited by Bylaw 11, his application shall be deemed to have been abandoned.

(4) The Council may, by notice to the proprietor, vary, add to or revoke any condition imposed either on registration or at any subsequent time.

(5) Any condition imposed under this bylaw shall be in addition to the minimum standard requirements under Bylaw 14.

Register of ECD
Centre

7. The Council shall keep and maintain a register in the form specified in the Third Schedule hereto, containing all licenced ECD centre in Zomba District and such register shall be open to inspection at all reasonable times.

Licence
conditions

8. - (1) Where any premises are licensed as an ECD centre or a licence is renewed after its expiry, the Council shall issue a licence in the form specified in the Fourth Schedule hereto and the applicant shall pay a fee as specified in Part II of First Schedule.

(2) A licence issued under paragraph (1) shall not be transferable to any other person or premises.

(3) A licence issued under paragraph (1) shall be displayed at a conspicuous place in a prominent part of a building on the premises to which it relates, and shall be

available for inspection by any authorised person, parent or guardian at any reasonable time, including when there are children on the premises.

(4) Where the Council is satisfied that any licence under this Bylaw has been lost, destroyed or mutilated, the Council may, subject to such licence remaining valid at the time of the application or re-issue, whichever is later, and subject further to the payment of the appropriate fee set out in Part II of the First Schedule to these Bylaws, issue a replacement licence.

(5) A licence issued under these Bylaws shall expire on the last day of the financial year immediately after its issue.

Record of
children

9. A proprietor of an ECD centre shall be licenced under Bylaw 8, shall keep or cause to be kept a daily attendance register for the school in the form specified in the Fifth Schedule hereto.

Power of entry
and
inspection

10. - (1) An authorised person may, at all reasonable times, enter any premises which are used as an ECD Centre for the purposes of inspecting the premises and the children as received therein, the arrangements for their welfare and any records relating to them kept in pursuance of Bylaw 9.

(2) An authorised person who proposes to exercise any power of entry or inspection conferred by or under this Bylaw shall, if so required, produce a duly authenticated document showing his authority to exercise such power.

(3) Where an authorised person has reasonable cause to believe children are being received in a person's home or in any other premises in contravention of these Bylaws, such authorised person shall have powers to enter such home or other premises and carry out any such inspection as prescribed under paragraph (1) of this Bylaw.

(4) A person who refuses admission to an authorised person or who obstructs the exercise of any power conferred by, or under, this Bylaw commits an offence.

11. - (1) Subject to subsection (2) and (3) of this Bylaw where;

Cancellation
of registration
and licence

- (a) a person contravenes any condition imposed under these Bylaws;
- (b) it appears to the Council, with respect to any premises or person licenced under Bylaw 8, that circumstances exist which would have justified a refusal to register the premises or person under Bylaw 5;
- (c) a licence issued under Bylaw 8 has been transferred to any other person or premises;
- (d) a proprietor, volunteer or any other person employed to provide any services at an ECD Centre has been convicted of an offence against these Bylaws; or
- (e) the Council is of the opinion that it is in the best interest or welfare of children attending an ECD Centre that it be closed, the Council may revoke the licence, impose new or additional condition or vary any such condition imposed under Bylaw 6.

(2) The Council shall give at least fourteen days' notice to a licenced proprietor or occupier of licenced premises of its intention to make such revocation, impose new or additional condition or vary any such condition imposed under Bylaw 6 before revoking the licence under paragraph (1) or imposing or varying the condition.

(3) A notice provided in paragraph (2) shall state the ground on which the Council intends to make the revocation or impose the condition and shall call upon the person to whom the notice is given to show cause, within fourteen days after receipt of the notice, why the licence should not be revoked or the condition not be imposed.

(4) Where the Council after giving the said notice and affording the proprietor or occupier the opportunity to show cause as aforesaid decides to revoke the licence or impose any condition, it shall do so and, by a notice in writing, inform the proprietor or occupier of its decision.

(5) Notwithstanding paragraphs 1, 2, 3 and 4 of this Bylaw, where in the opinion of the Council it is necessary on medical or other emergency grounds to immediately suspend the operations of an ECD Centre, the Council may immediately suspend the operation of such ECD Centre until such a time when the medical or other emergency has been addressed.

Appeal

12.- (1) A person aggrieved by a decision of the Council under these Bylaws may, within thirty days of receipt by him of the notification of such decision, appeal to the Minister.

(2) The decision of the Minister under this Bylaw shall be subject to review by the High Court.

(3) An appeal or review lodged under this Bylaw shall not operate as a stay of execution of the decision of the Council.

Exemption of
certain institutions

13. Nothing in these Bylaws shall apply to the reception of children;

- (a) Any school registered under the Education Act;
- (b) In any ECD or play centre established, maintained or assisted by the Council;
- (c) by a relative.

Minimum standard
requirements

14. - (1) Notwithstanding any condition imposed by the Council under Bylaw 6, the minimum standard requirements for premises, staffing, health, medical care and control of an ECD shall be as set out in the Second Schedule to these Bylaws.

Existing ECD
Centres

15. - (1) A person who, before the commencement of these Bylaws had established an ECD Centre or had received children into any premises in such circumstances that he would be required to comply with the provisions of these Bylaws commits an offence, if after three months of the commencement of these Bylaws, he continues to receive children in similar circumstances without obtaining proprietor's and premises licences as prescribed under these Bylaws.

(2) For the purpose of this Bylaw, the words "person" shall include the proprietor, occupier and any person connected with the day to day affairs of such ECD Centre.

PART III----OFFENCES AND PENALTIES

Penalties

16. A person who contravenes or fails to comply with the provisions of these Bylaws or who fails to comply with any of the conditions imposed by the Council under these Bylaws shall be liable to the following penalties—

- (a) A fine of K2,000.00, payable to the Council, upon being notified of the contravention for the first time by an official of the Council;
- (b) Where the contravention continues, to a further penalty of K1,500.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment; and
- (c) Notwithstanding the penalties provided under paragraph (a) and (b), the Council may suspend the proprietor's or premises licence on such conditions as the Council may consider appropriate or revoke the licence and close the ECD Centre instantly.

FIRST SCHEDULE

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL)
(ECD CENTRES) BYLAWS
(Bylaw 4)

ZOMBA DISTRICT COUNCIL

PART I

APPLICATION FOR A LICENCE TO OPERATE AN ECD CENTRE

TO: The District Commissioner,
Zomba District Council,
P.O Box ,
Zomba.

I/we apply for a licence to establish and operate an ECD Centre under Bylaw 4 of the Local Government (Zomba District Council) (ECD Centre) Bylaws.

1. (a) Name of Applicant /Proprietor (1)
(in block letter)
(b) Postal Address.....
Nationality.....
(c) Telephone Number
(d) E-mail.....
2. (a) Name of an ECD Centre (if any)
(b) Plot NumberRoad/Street
(c) Postal address
(d) Telephone Number
3. (a) Age of Applicant /Proprietor
(b) Other occupation of Applicant/Proprietor
.....

- (c) Full names of Applicant /Proprietor Spouse.....
.....
- (d) Occupation of Spouse.....
- (e) Names and ages of applicant's /Proprietor children (if any).....
.....
.....
4. (a) Is Applicant's /Proprietor's residence different or the same as premises of the ECD Centre?
- a) Other occupants of the premises of the ECD Centre.....
.....
.....
5. (a) Details of any special qualification held by applicant /proprietor¹
.....
- (b) Brief details of applicant's /proprietor experience in the field of the ECD Centre management (including number of children, place and year)
.....
.....
.....
6. (a) Number of children for which proposed ECD Centre is to cater:
(i) Babies (0-2 year).....
(ii) Children (2-4 years).....
(iii) Children (4-8 years)
7. Normal hours of business
Is Saturday included?.....
Is Sunday included?.....
8. (a) Size of classrooms to be used by children (each room to be numbered and measured separately)

¹ In the case of a legal person, insert the details of the owner(s) of the entity.

.....

- (b) Available rooms to be used for other purposes: (if available tick)
 (i) Office
 (ii) Isolation of sick children
 (iii) Resting, eating, playing.....

- (c) Description of outdoor play facilities:
 (i) Babies (0-2 year).....
 (ii) Children (2-4years)
 (iii) Children (4-6years)

9. (a) Arrangement for regular examination of children.....
 (b) Name of Medical Practitioner
 (c) Address.....
 (d) Telephone Numbers
 (e) E-mail.....

10. Details of staff to be employed in running the ECD Centre:

NAME	ADDRESS	AGE	SEX	QUALIFICATION	EXPERIENCE

1. Where the applicant/proprietor or any of the proposed members of staff has previously been convicted of any criminal offence or contravention of these Bylaws, give details

 2. Any additional information in support of the application.....

Dated this.....day of.....20.....

Signed
 Applicant/Proprietor

PART II

FEES PAYABLE FOR LICENSING

1.	Application Fee	K5, 000.00
2.	Inspection fee	K 30,000.00
3.	(a) Fee payable on the issue of a licence to establish a Class A ECD Centres (International school)	K300, 000.00
	(b) Fee payable on the issue of a licence to establish a Class B ECD Centre (Low and Medium Density areas)	K150, 000.00
	b) Fee payable on the issue of a licence to establish a Class C ECD Centres (High Density Areas)	K 50,000.00
4	Licence Replacement fee	K 10,000.00

SECOND SCHEDULE

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (ECD CENTRES) BYLAWS (Bylaws 6(1) (g) & (14))

ZOMBA DISTRICT COUNCIL

STANDARD REQUIREMENTS

Premises	1. The building shall preferably be single storied, but where space on the site is limited, service rooms, such as resting and feeding rooms etc., may be provided on an upper floor.
Minimum floor	2. In any room, the minimum floor space per child shall be 1.12 square metres and each room shall be measured separately for the purpose of calculating the number of children to be accommodated in the building.
Maximum number of children	3. The maximum number of children to be received in any ECD centre shall be determined by the amount of floor space in the rooms and the number of toilet facilities in the building. <ul style="list-style-type: none">➤ Number of students per teacher should be assessed to the population size➤ Number of toilets➤ Number of rooms
Position of rooms	4. (a) Any room to be used by children shall have direct access to outdoor playing space or to an open and unobstructed veranda which shall have direct access to outdoor playing space. 5. (b) Rooms shall be arranged in such a way as to enable children of the same age group to be accommodated together. (c) At least one room shall be for infants and, if possible, older children's room shall be placed next to one another.

(d) It is an advantage to arrange the rooms so that various age groups can join on occasion and so that it is possible to receive a wider range in any unit should its demand for admission vary.

(e) Rooms can be separated by moveable and stable partitions but no room used by children shall serve as a passage.

(f) All rooms shall have doors opening outwards.

(g) Provision of a First Aid kit and at any point in time of operation there must be one person knowledgeable in first aid.

Height of rooms **3.** No room shall have a mean height of less than 3 metres and, where ceiling follow the line of rafters, the minimum height at plate level shall be not less than 2.6 metres.

Lighting **4.** Every room shall be exposed to sufficient lighting and natural light through or cross ventilation either by openings into the external air or into an open and unobstructed veranda.

Floors Office **5.** The windows provided for any room shall be equal to or not less than one-fifth of the floor area of such room and shall be made to open.

Floors
Office **6.** Floors shall be made of permanent material, safe for children and easy to clean.

7. (a) There shall be an office for use by the proprietor or any person employed by him to have the care of the children received or proposed to be received.

(b) The office shall have a welcoming appearance and be large enough for several parents or guardians and children to be received in it at a time.

(c) The office shall, where reasonably possible, have a connecting door to a room which shall be used for the medical examination or isolation of children.

Children's
cloakrooms and
Toilets

8- (1) For each unit of a minimum of 10 children of 0-2 year old—

- (a) 1 Bathing sink;
- (b) 1 Low level hand wash basin;
- (c) 1 Low level water closet;
- (d) 1 Fixture for towels and flannels; and
- (e) 1 hand wash basin and towel master fitment for staff.

(2) For each unit of a maximum of 20 children of 2 to 4 year old-

- (a) 1 Bathing sink;
- (b) 2 Low level hand wash basins;
- (c) 2 Low level water closets;
- (d) 2 Fixtures for towels and flannels; and
- (e) 1 Hand wash basin and towel master fitment for staff.

(3) For each unit of a maximum of 12 children of 4 to 6 years old—

- (a) 1 water closet;
- (b) 2 Hand wash basins of varying heights;
- (c) 1 Fixture for towels and flannels; and
- (d) 1 Hand wash basin and towel master fitment for staff.

(4) The purpose of paragraphs (1), (2) and (3) above is that children of varying ages should have different cloakroom and toilet facilities suitable to their height and requirements but, where it will not be convenient or advantageous to separate them according to age groups, the Council may, on the recommendation of a Health Officer,

approve provision of facilities either of options (1) (2) or (3) above or a combination of them.

Staff cloakroom
and toilet

9- (1) The staff cloakroom shall contain individual Lockers with suitable hanging space and toilet facilities and it shall be large enough to be used for changing. The requirement for up to eight members of staff is—

(a) 1 Water closet; and

(b) 1 Hand wash basin.

(2) Staff toilet facilities must be separate from those of children and on no account must staff and children use the same toilet facilities.

Kitchen

10- (1) The minimum size of kitchen is to be 25 square metres per place of staff, of which 3.75 square metres is for shelf and 3.75 square metres for lockable store.

(2) The kitchen may be equipped with—

(a) 1 refrigerator;

(b) 1 oven/cooker;

(c) 1,450mm x 300 mm sink for vegetable preparations;

(d) 1,600 mm x 300 mm sink for washing cooking pans;

(e) 1 table covered with laminated plastic;

(f) cupboards for cookery and cooking utensils;

(g) cupboards for stores;

(h) locked shelves for storage of pre-packed food;

(i) satisfactory and adequate un-chipped crockery; and

(j) clean eating and cooking utensils.

11- (1) The furniture shall be light, easy to move and easy to keep clean.

(2) Moveable fitments may be used both for storing toys and smaller play things and for dividing the rooms in varied ways.

(3) Soft equipment or furnishings, including rugs shall be of a type that can be easily washed.

Playground

- 12-** (1) The open space for use as playground shall be 18.50 square metres minimum of which a minimum of 3.75 square metres shall be paved and the Remainder planted with grass or partly shaded by trees or other means from the sun.
- (2) The playground must be enclosed by a strong fence with gate and high latches particularly when located close to the road.

THIRD SCHEDULE

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (ECD CENTRES) BYLAWS (Bylaw 7)

ZOMBA DISTRICT COUNCIL

REGISTER TO BE KEPT BY THE COUNCIL

Date of issuance of licence	Licence No.	Name of ECD Centres	Name and address of a person to whom licence was issued	Contact details (Tel. No, E-mail and physical address)	ECD Centre location (Street /Road name, plot no.)	Name and particulars of person in charge of the ECD Centre (Tel. No, and E-mail)	Conditions (if any)

FOURTH SCHEDULE

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (ECD Centre) BYLAWS (Bylaw 8)

ZOMBA DISTRICT COUNCIL

ECD CENTRE LICENCE

Mr/Mrs/Miss/Dr/Prof of
..... is hereby licensed as Proprietor and
is/are permitted to establish/ continue to run an ECD Centre under the name
and title of
at Plot Number/Vg/TA
in the Zomba District Council until the 30th June, 20.....

This licence is issued /renewed/replaced subject to the following conditions:

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

Fee Paid Receipt No

Previous licence No (if any)Year.....

Issued thisday of 20.....

Signed

LICENSING OFFICER

FIFTH SCHEDULE

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (ECD CENTRES) BYLAWS (Bylaw 9)

ZOMBA DISTRICT COUNCIL

RECORD OF CHILD ADMITTED OR TO BE ADMITTED AT AN ECD CENTRES

Name

Address

Age

Date of Admission.....
 Parent/Guardian
 Name.....
 Address.....
 Telephone Number
 E-mail
 Date of medical Examination.....
 Name of Medical Practitioner
 Result of Medical Examination.....

HISTORY OF IMMUNIZATION

BCG Date	DPT-HepB-HiB Date	Polio Date	Measles Date	Others Date

Any medical
 condition.....

Any special remark.....

Made this..... day of 20.....

.....
COUNCILLOR

Approved by the Minister of Local Government and Rural Development

This.....day of 20.....

.....
KONDWANI NANKHUMWA
Minister of Local Government
and Rural Development

(FILE NO:)