

## **DRAFT STANDARD CHILD CARE FACILITIES BY-LAW**

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### **Draft Standard Child Care Facilities By-Law**

The Municipal Manager of Fetakgomo Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Standard Child Care Facilities By-Law for the Fetakgomo Local Municipality, to be approved by the Council, as set out hereunder.

### **CHAPTER 1 DEFINITIONS AND APPLICATION OF BY-LAW**

#### **1. Definitions**

For the purposes of this By-Law, unless the context indicates otherwise -

**"Adequate"** means adequate in the opinion of the Municipality;

**"Approved"** means approved by the relevant authority, regard being had to the reasonable environmental health requirements that may apply to each particular case;

**"Authorised Officer"** means any employee, official or metropolitan police officer of the Municipality who is duly authorised to exercise any power or perform any function in terms of this By-Law;

**"Certificate Of Acceptability"** means a certificate of acceptability issued by the Municipality in terms of the regulations made under the Health Act, 1977 (Act 63 of 1977), and published by Government Notice R. 918 of 30 July 1999;

**"Child Care Service"** means any building or premises maintained or used, whether for profit or otherwise, for the temporary or partial care of children under 18 years of age apart from their parents, but does not include any boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State.

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"**Environmental Health Practitioner**" means the Environmental Health Practitioner appointed as the Municipality's representative or any official authorised to act on his or her behalf;

"**Health Certificate**" means a health certificate issued in terms of section 4;

"**Health Certificate Holder**" means a person to whom a health certificate has been issued in terms of section 4, and includes a legal person or a partnership or association of persons to whom a health certificate has been issued or a person acting for such health certificate holder;

"**Municipality**" means the Municipality established by General Notice 6770 in *Provincial Gazette Extraordinary* 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"**Police Officer**" means an officer referred to in section 64G of the South African Police Service Act, 1995 (Act 68 of 1995);

"**Premises**" means any land or building or part of any land or building in or on which a child care service is operated;

"**Registration Certificate**" means a registration certificate issued by the relevant authority; and

"**Suitable**" means suitable in the opinion of the Municipality.

### **2. Application of by-law**

This By-Law applies to all child care services operated within the area of jurisdiction of the Municipality.

### **3. Application of by-law to existing child care services**

(1) Notwithstanding the provisions of section 4, the Environmental Health Practitioner may grant an extension of time to a person who was operating a child care service before the date of commencement of this By-Law so that such person may comply with the provisions of this By-Law within 12 months or such shorter period as may be determined by the Environmental Health Practitioner.

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(2) The Municipality may, in any case where reasons to its satisfaction are given, extend the period stated in subsection (1) by not more than 12 months.

**CHAPTER 2  
HEALTH CERTIFICATES**

**4. Health certificates**

(1) No person may operate a child care service on any premises unless he or she is in possession of a health certificate to the effect that the premises and the general Health facilities comply with this By-Law. Such health certificate must state -

- (a) the number of children permitted to be cared for on the premises;
- (b) the minimum and the maximum ages of the children permitted to be cared for on the premises; and
- (c) the hours during which the child-care service may operate.

(2) A health certificate must be displayed -

- (a) on the premises to which it relates; and
- (b) in such manner as to be clearly visible at all times to any member of the public entering the premises.

(3) The Environmental Health Practitioner may issue a health certificate if he or she is satisfied that this By-Law are being complied with in respect of the child care service and premises in question, provided that if the Environmental Health Practitioner is of the opinion that such compliance is not reasonably practicable owing to the physical features and facilities of the premises, he or she may issue a health certificate subject to compliance with such other reasonable requirements as he or she may deem necessary.

(4) If a health certificate holder dies or ceases to operate the child care service to which his or her health certificate relates, the health certificate becomes invalid and is not transferable to any other person or to any heir of or successor in title to the health certificate holder.

(5) If a health certificate holder proposes transferring a child care service operated on certain premises to other premises, he or she must obtain a health certificate in respect of such other premises before the child care service may be operated on those premises.

(6) No person may operate a child care service unless he or she is in possession of a certificate of acceptability in respect of the child care service.

**CHAPTER 3  
REQUIREMENTS FOR THE PREMISES OF CHILD CARE SERVICES FOR CHILDREN  
UNDER COMPULSORY SCHOOL-GOING AGE**

**5. (1) Compliance with National Building Regulations**

All structures on the premises of any child care service for children under compulsory school-going age must comply with the requirements the regulations.

**6. Indoor play area**

An indoor play area must be set aside on every premise on which a child care service for children under compulsory school-going age is operated. Such indoor play area must meet the following requirements:

- (a) The indoor play area must consist of 1, 5 m<sup>2</sup> of free floor area per child and may be used for playing, eating and sleeping purposes only.
- (b) The indoor play area for children from the age of three years to compulsory school-going age must be separate from the indoor play area for children under the age of three years. Divisions or moveable partitions may be used to create such separation.
- (c) Any structure used as an indoor play area must have -
  - (i) exterior walls and a roof so constructed as to prevent the permeation of wind and rain;
  - (ii) windows which open to provide sufficient natural light and cross-ventilation; and
  - (iii) a floor which has a smooth surface that is easy to wash and that prevents the permeation of dampness.

**7. Outdoor play area**

An outdoor play area must be provided on the premises of every child care service for children under compulsory school-going age. Such outdoor play area must meet the following requirements:

- (a) The outdoor play area must consist of not less than 3 m<sup>2</sup> of outdoor area per child, provided that if no outdoor play area is available on the premises, an approved additional indoor play area of 1,5 m<sup>2</sup> additional space per child is substituted for the outdoor play area.
- (b) The outdoor play area must be free of any excavations, steps, projections, levels or surfaces

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### **8. Toilet and wash facilities for children**

On any premises on which a child care service for children under compulsory school-going age is operated, toilet and wash facilities must be provided for the children. Such facilities must meet the following requirements:

(a) Toilet and wash facilities for children from the age of three years to compulsory school-going age must be in an approved separate screened-off area of the premises and must include -

(i) where no sewer system is available in respect of the premises -

(aa) an approved toilet on the premises or immediately adjacent to the premises;

(bb) one bucket for every eight children, which bucket must be of a size suitable for use as a toilet; and

(cc) a container with a tight-fitting lid for the disposal of the contents of the bucket or buckets, as the case may be, provided that the contents of the container are disposed of regularly during the day into the approved toilet and that the bucket or buckets and the container and any chamber-pot, pot or "potty" is kept in a clean and sanitary condition at all times;

(ii) where a sewer system is available in respect of the premises, one approved toilet for every 20 children;

(iii) where washbasins are available, one washbasin for every 20 children, which washbasin must -

(aa) be at such height as to be conveniently used by children; and

(bb) be supplied with running water, provided that if no running water is available, a minimum of 25 litres of potable water is supplied on a daily basis in a container capable of being closed, which container must be accessible to the washbasins; and

(iv) where no washbasins are available, one suitable container for every 20 children, provided that -

(aa) such container is capable of being filled from a potable water container that can be closed;

(bb) such container is placed at a height convenient for children; and

(cc) a minimum of 25 litres of potable water is supplied on a daily basis from the potable water container.

(b) Toilet and wash facilities for children who are under three years of age or still in nappies must include an approved separate nappy changing area in which is provided -

(i) a nappy changing unit with a surface that can be cleaned easily, which unit must -

(aa) have one bath or sink for every 20 children who are in nappies; and

(bb) be supplied with water, provided that if no running water is available on the premises, an approved source of potable water is available and accessible to the nappy changing area on a daily basis;

(ii) disposable material for the cleaning of children who are in nappies;

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- (iii) approved separate containers for the storage of clean nappies and soiled nappies; and
- (iv) approved facilities for the cleaning of cloth nappies.

### **9. General requirements for toilet and wash facilities for all children**

The toilet and wash facilities contemplated in section 8 must meet the following general requirements:

- (a) In the toilet and wash facilities, an adequate supply of toilet paper, soap and tissues must be available and accessible to the children.
- (b) In the toilet and wash facilities, an approved towel and/or facecloth must be provided for each child for his or her individual use, and each child must use the towel and/or facecloth allocated to him or her.
- (c) Suitable pegs or hooks must be affixed in the toilet and wash facilities for the hanging of the children's towels and facecloths, and such pegs or hooks must be individually marked.
- (d) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials must be provided in the toilet and wash facilities.

### **10. Laundry**

If laundry is done on premises on which a child care service for children under compulsory school-going age is operated, the laundry must be done in an area of the premises that is separate from any area used by the children, and the children may not have access to the area in which laundry is done. No laundry may be done in a kitchen on the premises.

### **11. Sickbay**

- (1) On any premises on which a child care service for children under compulsory school-going age is operated, an area must be set aside as a sickbay for the treatment and care of any child who becomes ill or is injured, which area may only be used as a sickbay. Such sickbay must be equipped with -
  - (a) an approved fully-lockable and fully-equipped first-aid unit, which unit must be kept out of the children's reach; and
  - (b) a bed or mattress.
- (2) An approved method for washing hands must be used in the sickbay referred to in subsection (1).

### **12. Kitchen**

On any premises on which a child care service for children under compulsory school-going age is operated, an approved area must be set aside as a kitchen for the preparation of food and the washing

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up and rinsing of crockery, cutlery, pots, pans and other kitchen utensils. Such kitchen must meet the following requirements:

- (a) The kitchen may not be less than 12 m<sup>2</sup> in size.
- (b) The floor covering of the kitchen must be of an approved impermeable material which can be cleaned easily.
- (c) For the purposes of cross-ventilation, the kitchen must have an adequate number of windows that can be opened easily.
- (d) The kitchen may not be used as a thoroughfare by children or adults and must not be accessible to the children.
- (e) Approved hand-washing facilities must be provided in the kitchen, and soap, a nailbrush and towels must be available at all times for the purpose of washing hands.
- (f) Washing-up and rinsing facilities must be provided in the kitchen for washing up and rinsing crockery, cutlery, pots, pans and other kitchen utensils, and such washing-up and rinsing facilities must be separate from the food preparation area of the kitchen.
- (g) Running water must be supplied to the hand-washing facilities referred to in paragraph (e) and the washing-up and rinsing facilities referred to in paragraph
- (f). If no running water is available, a minimum of 25 litres of potable water must be made available and be accessible in the kitchen on a daily basis, provided that the container used for the water is capable of being closed.
- (h) Suitable means for the supply of adequate hot water to the kitchen must be available.
- (i) If any child who is bottle-fed is accommodated in the child care service, the child's bottles must be suitably rinsed and sterilised in the kitchen. Any filled bottles brought from home must be suitably stored in the kitchen in such manner as to prevent contamination and spoilage. Bottles must be clearly marked with the name of the child.
- (j) Perishable foods must be kept in the kitchen at a temperature below 10° C.
- (k) All food must be stored and kept in the kitchen in the best practical manner to prevent contamination and spoilage.
- (l) An approved source of power must be provided for cooking purposes in the kitchen.
- (m) All working areas in the kitchen must have an approved surface that can be cleaned easily.
- (n) An adequate number of suitable refuse bins with lids must be provided in the kitchen.
- (o) If cutlery and crockery are required for use by the children, an adequate supply of cutlery and crockery must be available in the kitchen for the use of each child.

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### **13. Storage**

(1) Any premises on which a child care service for children under compulsory school-going age is operated must have adequate and suitable storage space and storage facilities for

- (a) food, crockery, cutlery and kitchen utensils;
- (b) indoor play materials and play equipment and outdoor play materials and play equipment;
- (c) stretchers, sleeping mats, bedding and linen;
- (d) the personal belongings of each child; and
- (e) the personal belongings of the staff of the child care service.

(2) The children may not have access to any storage space or storage facility contemplated in subsection (1).

### **14. Seating and resting and play equipment**

On any premises on which a child care service for children under compulsory school-going age is operated -

- (a) suitable seating must be provided for each child;
- (b) suitable and safe tables of the correct size to ensure that each child sits comfortably must be provided;
- (c) an approved resting or sleeping mat or mattress must be supplied for each child if full-day care is provided on the premises, provided that -
  - (i) each mat is marked with the name or symbol of the child to whom the mat is allocated; and
  - (ii) each mattress is covered with a removable washable cover which is marked with the name or symbol of the child to whom the mattress is allocated;
- (d) a clean blanket must be provided for each child, which blanket must be marked with the name or symbol of the child to whom the blanket is allocated; and
- (e) suitable and safe indoor play equipment and outdoor play equipment must be provided for the children's use.

### **15. Enclosure**

Any premises on which a child care service for children under compulsory school-going age is operated must have an approved means of enclosure so as to -

- (a) prevent a child from leaving the premises of his or her own accord;



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- (b) prevent the entrance of domestic animals onto the premises; and
- (c) prevent unauthorised access or entry.

### **16. Separate facilities for after-school centre**

If a child care service cares for children of compulsory school-going age (in an after-school centre) and children under compulsory school-going age on the same premises, the facilities available for the children of compulsory school-going age must be separate from the facilities available for the children under compulsory school-going age.

## **CHAPTER 4**

### **REQUIREMENTS FOR THE PREMISES OF CHILD CARE SERVICES FOR CHILDREN OF COMPULSORY SCHOOL-GOING AGE (AFTER-SCHOOL CENTRES)**

#### **17. Compliance with National Building Regulations**

All structures on the premises of any child care service for children of compulsory school-going age must comply with the requirements of the National Building Regulations made under the National Building Regulations and Building Standards Act, 1977, unless the premises are situated in an unproclaimed area.

#### **18. Indoor study area**

An indoor study area consisting of 1.5 m<sup>2</sup> of free floor area per child must be provided on any premises on which a child care service for children of compulsory school-going age is operated. Any structure used as an indoor study area must have -

- (a) exterior walls and a roof so constructed as to prevent the permeation of wind and rain;
- (b) windows which open to provide sufficient natural light and cross-ventilation; and
- (c) a floor which has a smooth surface that is easy to wash and that prevents the permeation of dampness.

#### **19. Outdoor play area**

An outdoor play area must be provided on any premises on which a child care service for children of compulsory school-going age is operated. Such outdoor play area must consist of not less than 3 m<sup>2</sup> of outdoor area per child and must be free of any excavations, steps, projections, levels or surfaces that, in the opinion of the Municipality, may be dangerous or may constitute a hazard.

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### **20. Toilet and wash facilities for children**

On any premises on which a child care service for children of compulsory school-going age is operated, toilet and wash facilities must be provided for the children. Such facilities must meet the following requirements:

(a) The toilet and wash facilities for the children must be in an approved separate screened-off area of the premises and must include -

(i) where no sewer system is available in respect of the premises -

(aa) an approved toilet on the premises or immediately adjacent to the premises;

(bb) one bucket for every eight children, which bucket must be of a size suitable for use as a toilet; and

(cc) a container with a tight-fitting lid for the disposal of the contents of the bucket or buckets, as the case may be, provided that the contents of the container are disposed of regularly during the day into the approved toilet and that the bucket or buckets and the container are kept in a clean and sanitary condition at all times;

(ii) where a sewer system is available in respect of the premises, one approved toilet for every 20 children;

(iii) where washbasins are available, one washbasin for every 20 children, which washbasin must -

(aa) be at such height as to be conveniently used by children; and

(bb) be supplied with running water, provided that if no running water is available, a minimum of 25 litres of potable water is supplied on a daily basis in a container capable of being closed, which container must be accessible to the washbasins; and

(iv) where no washbasins are available, one suitable container for every 20 children, provided that -

(aa) such container is capable of being filled from a potable water container that can be closed;

(bb) such container is placed at a height convenient for children; and

(cc) a minimum of 25 litres of potable water is supplied on a daily basis from the potable water container.

(b) The toilet and wash facilities for the boys must be separate from those for the girls.

### **21. General requirements for toilet and wash facilities for children**

The toilet and wash facilities contemplated in section 20 must meet the following general requirements:

(a) In the toilet and wash facilities, an adequate supply of toilet paper, soap and tissues must be available and accessible to the children.

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(b) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials must be provided in the toilet and wash facilities.

### **22. Sickbay**

(1) On any premises on which a child care service for children of compulsory school-going age is operated, an area must be set aside as a sickbay for the treatment and care of any child who becomes ill or is injured, which area may only be used as a sickbay. Such sickbay must be equipped with -

(a) an approved fully-lockable and fully-equipped first-aid unit, which unit must be kept out of the children's reach; and

(b) a bed or mattress.

(2) An approved method for washing hands must be used in the sickbay referred to in subsection (1).

### **23. Kitchen**

On any premises on which a child care service for children of compulsory school-going age is operated, an approved area must be set aside as a kitchen for the preparation of food and the washing up and rinsing of crockery, cutlery, pots, pans and other kitchen utensils. Such kitchen must meet the following requirements:

(a) The kitchen may not be less than 12 m<sup>2</sup> in size.

(b) The floor covering of the kitchen must be of an approved impermeable material which can be cleaned easily.

(c) For the purposes of cross-ventilation, the kitchen must have an adequate number of windows that can be opened easily.

(d) The kitchen may not be used as a thoroughfare by children or adults and must not be accessible to the children.

(e) Approved hand-washing facilities must be provided in the kitchen, and soap, a nailbrush and towels must be available at all times for the purposes of washing hands.

(f) Washing-up and rinsing facilities must be provided in the kitchen for washing up and rinsing crockery, cutlery, pots, pans and other kitchen utensils, and such washing-up and rinsing facilities must be separate from the food preparation area of the kitchen.

(g) Running water must be supplied to the hand-washing facilities referred to in paragraph

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- (e) and the washing-up and rinsing facilities referred to in paragraph (f). If no running water is available, a minimum of 25 litres of potable water must be made available and be accessible in the kitchen on a daily basis, provided that the container used for the water is capable of being closed.
- (h) Suitable means for the supply of adequate hot water to the kitchen must be available.
- (i) Perishable foods must be kept in the kitchen at a temperature below 10° C.
- (j) All food must be stored and kept in the kitchen in the best practical manner to prevent contamination and spoilage.
- (k) An approved source of power must be provided for cooking purposes in the kitchen.
- (l) All working areas in the kitchen must have an approved surface that can be cleaned easily.
- (m) An adequate number of suitable refuse bins with lids must be provided in the kitchen.
- (n) If cutlery and crockery are required for use by the children, an adequate supply of cutlery and crockery must be available in the kitchen for the use of each child.

### **24. Storage**

- (1) Any premises on which a child care service for children of compulsory school-going age is operated must have adequate and suitable storage space and storage facilities for -
  - (a) food, crockery, cutlery and kitchen utensils;
  - (b) the personal belongings of each child; and
  - (c) the personal belongings of the staff of the child care service.
- (2) The children may not have access to any storage space or storage facility contemplated in subsection (1).

### **25. Seating**

- On any premises on which a child care service for children of compulsory school-going age is operated -
- (a) suitable seating must be provided for each child; and
  - (b) suitable and safe tables of the correct size to ensure that each child sits comfortably must be provided.

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### **CHAPTER 5 FACILITIES FOR STAFF**

#### **26. Staff toilet and hand-washing facilities**

Any premises on which a child care service is operated must have toilet and hand-washing facilities for the staff of the child care service. Such toilet and hand-washing facilities must meet the following requirements:

- (a) The staff's toilet and hand-washing facilities must be easily accessible to the staff and be separate from the toilet and wash facilities used by the children.
- (b) Soap and towels must be available in the staff's toilet and hand-washing facilities at all times.

#### **27. Bathroom facilities of staff resident on the premises**

If the staff of a child-care service resides on the premises on which the child care service is operated, the toilet and bathroom facilities for the staff must be easily accessible from the living quarters of the staff.

### **CHAPTER 6 SAFETY AND MEDICAL CARE OF CHILDREN IN ALL CHILD CARE SERVICES**

#### **28. Medical care of children**

(1) Any person who operates a child care service must - A health certificate holder must - The person in charge of a child care service must -

(a) in respect of any child who becomes ill or has suffered an injury requiring medical attention -

(i) notify the child's parent or guardian immediately;

(ii) summon medical assistance; and

(b) in respect of any child who becomes ill or has suffered any injury, but does not require medical assistance, provide the necessary care and treatment in the sickbay on the premises of the child care service;

(c) in the event of any child having a notifiable disease, notify the relevant authority immediately; and

(d) in respect of children under compulsory school-going age, ensure that all the children have completed the basic immunisation schedules as deemed necessary by the Municipality, provided that if the children are too young for the immunisation, the health certificate holder / person operating the

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child care service ensures that the immunisation schedule is completed as soon as the children are old enough.

(2) A telephone must be available to notify a parent or guardian and summon medical assistance in accordance with subsection (1).

### **29. Safety measures**

Any person who operates a child care service must take the following safety measures on the premises on which the child care service is operated:

(a) The children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other object or thing which may be dangerous or cause injury to any child.

(b) Any slats or rails forming part of an enclosure, security gate, playpen, bed, cot or any other object or structure whatsoever for children under compulsory school-going age must meet the following requirements:

(i) The slats or rails may not be more than 75 mm apart.

(ii) The slats or rails must be suitably installed and be maintained in a good state of repair.

(iii) If the slats or rails are painted, only non-toxic paint may be used.

(c) All medicines, pesticides, detergents and other substances that may be harmful to children must be stored so as not to be accessible to any child.

(d) No noxious or poisonous plant or shrub is permitted on the premises, and no animal may be kept on the premises without the approval of the Environmental Health Practitioner.

(e) No person known or suspected to be suffering from an infectious or contagious disease and no person who has been in contact with a person so suffering is allowed on the premises while such person is in the opinion of the Environmental Health Practitioner capable of communicating the infectious or contagious disease.

(f) No paddling pool, swimming pool, sand pit or other structure is permitted on the premises of a child care service for children under compulsory school-going age unless the approval of the Environmental Health Practitioner has been obtained.

(g) The provisions of the regulations relating to the exclusion of children from school on account of an infectious disease, which regulations are made under the Health Act, 1977, must be complied with.

(h) Any reasonable measures that may in the opinion of the Environmental Health Practitioner be necessary to protect the children from any physical danger must be taken.

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### **30. General obligations**

(1) The health certificate holder must, in respect of the child care service to which his or her health certificate relates -

(a) ensure that, while the children are in the care of the child care service, the children are at all times properly cared for and under the direct supervision of an adequate number of adults;

(b) maintain every part of the premises on which the child care service is operated, including any outdoor area and all structures and equipment, in good repair and in a clean and tidy condition;

(c) ensure that all persons on the premises on which the child care service is operated are physically clean and in a state of good health;

(d) ensure that no person on the premises on which the child care service is operated uses tobacco or any tobacco product in the presence of any child;

(e) ensure that no person on the premises on which the child care service is operated is under the influence of alcohol, any drug or any other harmful substance; and

(f) ensure that, if meals are provided for children -

(i) the meals meet the requirements of the relevant authority;

(ii) all menus for the meals are approved by the relevant authority and are adhered to; and

(iii) the menus for the meals are so displayed as to be visible to the parents of the children.

(2) If any child care service for children under compulsory school-going age transports children to and/or from the premises of the child care service, must ensure that -

(a) while being transported, the children are supervised by at least one adult apart from the driver of the vehicle until the children are handed over to their parents or guardians;

(b) the doors of the vehicle in which any child is transported are lockable such that they cannot be opened from inside the vehicle by a child;

(c) no child is transported in the front seat of a vehicle;

(d) a baby in a carry cot is not placed under a seat of a vehicle;

(e) the vehicle in which any child is transported is not overloaded in terms of any applicable law;

(f) the driver of the vehicle in which any child is transported is licensed to transport passengers in accordance with the applicable law; and

(g) the vehicle in which any child is transported is licensed and is roadworthy in accordance with the applicable laws.

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**CHAPTER 7**

**CONDITIONS AND REQUIREMENTS APPLICABLE TO THE OPERATION OF ALL CHILD CARE SERVICES**

**31. Application for admission**

(1) A health certificate holder must ensure that an application form requesting the following information is completed in full by the parent or guardian of a child on the admission of the child to the child care service to which the health certificate relates:

- (a) The child's name and date of birth;
- (b) the name, address and telephone number of the parent or guardian;
- (c) the place of employment and work telephone number of the parent or guardian;
- (d) the name, address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies; and
- (e) the name, address and telephone number of the child's medical practitioner.

(2) A health certificate holder must ensure that, on the application form referred to in subsection (1), the parent or guardian gives permission for the child's medical practitioner to be consulted.

(3) A health certificate holder must, in respect of a child care service for children under school-going age, ensure that any application form contemplated in subsection (1) is retained for a minimum of two years, and the date of the child's admission to the child care service and the date of the termination of the child's care in the child care service must be recorded on the application form.

**32. Registers**

(a) a register in which is recorded the particulars and dates in respect of -

- (i) all children who have been admitted to the child care service; and
- (ii) all children who are no longer in the care of the child care service; and

(b) a register of attendance in which -

- (i) the presence or absence of each child is noted daily; and
- (ii) each child's date of birth is recorded.

**33. Medical reports**

Any person who operates a child care service must obtain from the parent or guardian of each child admitted to the child care service a report which contains the following health information and which must be retained:

- (a) Information concerning the child's general state of health and physical condition;



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- (b) information about and the dates of any operations that the child has undergone and any illnesses and communicable diseases that the child has suffered from;
- (c) if the child is under compulsory school-going age, details of any immunisation that the child has received; and
- (d) details of allergies that the child suffers from, and information about medical treatment that the child is undergoing or has undergone.

### **34. Journal**

Any person who operates a child care service must keep a journal, diary, logbook or other similar book in which important or significant events relating to the child care service and the children, including accidents, are recorded.

### **35. Suspension or termination of operation**

A health certificate holder must notify the Municipality of the suspension or termination of the operation of the child care service to which his or her health certificate relates.

### **36. Right of entry and inspection of premises and records**

A duly authorised officer of the Municipality may, for any purpose connected with the enforcement of this By-Law, at all reasonable times and without prior notice -

- (a) enter any premises on which a child care service is operated; or
- (b) enter any premises if he or she has reasonable grounds to suspect that a child care service is operated on the premises, in order to carry out such examination, inquiry or inspection on the premises as he or she may deem necessary.

## **CHAPTER 8**

### **OFFENCES, PRESUMPTIONS, AND WITHDRAWAL OF CERTIFICATES**

#### **37. Offences**

- (1) A person is guilty of an offence under this By-Law if he or she, in respect of an official of the Municipality duly authorised under this By-Law or by the Municipality to enter and inspect any premises -
  - (a) denies the official entry to the premises or causes or permits any other person to deny the official entry;

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- (b) obstructs or hinders the official in the performance of the official's duties or causes or permits any other person to so obstruct or hinder the official;
  - (c) fails or refuses to give the official information that he or she is lawfully required to give or causes or permits any other person to refuse to give the official such information; or
  - (d) knowingly gives the official false or misleading information or causes or permits any other person to give the official such information.
- (2) A person is guilty of an offence under this By-Law if he or she unlawfully prevents any other person from entering any premises on which a child care service is operated.
- (3) A person is guilty of an offence under this By-Law if he or she fails or refuses to comply with any provision of this By-Law or any requirement imposed by the Environmental Health Practitioner in terms of section 4.
- (4) A health certificate holder is guilty of an offence under this By-Law if, in respect of the child care service to which his or her health certificate relates, he or she allows -
- (a) a greater number of children than the number stated on the health certificate to be enrolled in the child care service or to be present on the premises of the child care service;
  - (b) a child to be enrolled in the child care service or to be present on the premises of the child care service if such child is older than the maximum age or younger than the minimum age for children who may be cared for on the premises in terms of the health certificate;
  - (c) the child care service to be operated during hours not stated in the health certificate.
- (5) A person who is guilty of an offence under this By-Law is liable on conviction to a fine not exceeding R20 000,00\*, to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment. In the case of a continuing offence, such person is guilty of a separate offence and liable on conviction to a fine not exceeding R20 000, 00\*, to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment in respect of every day or part of a day during which the offence continues.

### **38. Withdrawal of health certificates**

The Municipality may at its discretion withdraw a health certificate and/or certificate of acceptability issued in terms of this By-Law if the health certificate holder is convicted of a breach of any of the provisions of this By-Law.

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**39. Presumptions**

If, in any prosecution under this By-Law, it is alleged -

- (a) that the owner, lessee or occupier of any premises operates a child care service on those premises, he or she will be deemed to have operated a child care service on those premises unless the contrary is proved; and
- (b) that a child was of a certain age, such child will be deemed to have been that age unless the contrary is proved.