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# <title>CHAPTER D1 - DAY CARE CENTRE (REGISTRATION AND OTHER MISCELLANEOUS PROVISIONS) LAW </title>

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**DAY CARE CENTRE (REGISTRATION AND OTHER MISCELLANEOUS PROVISIONS) LAW**

**<lawdescription> A Law to register and regulate the operations of day care centres in the State. </lawdescription>**

<lawnumber> [KWS 7A of 1985, No. 4 of 2006.] </lawnumber>

<lawdate> [Date of commencement: 20th May, 1985] </lawdate>

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**<heading> 1. Short title </heading>**

<body> This Law may be cited as the Day Care Centre (Registration and Other Miscellaneous Provisions) Law. </body>

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**<heading> 2. Interpretation </heading>**

<body> In this Law, unless the context otherwise requires—

**"Commissioner"** means the State Commissioner charged with responsibility for Social Welfare matters;

**"Day Care Centre"** means a premises or place approved by the Commissioner for use for the day to day care of children in accordance with the provisions of this Law;

**"Governor"** means the Governor of the State;

**"proprietor"** means the person who is or who holds himself out to be the owner of a Day Care Centre, or the person using premises for the purpose of a Day Care Centre, or any person who derives or is entitled to any profits or similar benefits from the business of any such Day Care Centre; and includes the person recognised as proprietor immediately before the coming into force of this Law; and references to persons herein include, where applicable, references to bodies corporate, firms, trustees or any other association of individuals;

**"Ministry"** means the Ministry charged with the responsibility for Social Welfare;

[No. 4 of 2006.]

**"State"** means the Kwara State of Nigeria. </body>

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**<heading> 3. Day Care Centre to register </heading>**

<body>(1) If any person is desirous of establishing a Day Care Centre of which he is or proposes to be the proprietor he, the proprietor concerned, shall apply for registration of the Day Care Centre in accordance with the provisions of this Law.

(2) Where on the coming into operation of this Law any Day Care Centre is being run, the proprietor thereof may apply within three months thereafter to be registered but shall cease to carry on such business in the State after the expiration of six months from the coming into force of this Law, unless prior to the expiration of the said period, such Day Care Centre is registered to continue its business in accordance with the provisions of this Law. </body>

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**<heading> 4. Procedure for registration </heading>**

<body>(1) Every proprietor of a Day Care Centre shall apply in writing to the Commissioner for registration and shall set out in the prescribed form—

(a) the name and place of business or the proposed name and place of business of the Day Care Centre;

(b) the name and address of the proprietor, where this is an individual; and in other cases, of each director, partner, trustee or other principal officer of the body (where corporate or unincorporate), as the case may require;

(c) the nature of services offered or to be offered;

(d) if the business of the Day Care Centre was commenced before the coming into operation of this Law, the date of the commencement of such business; and

(e) such other particulars as may be prescribed by the Commissioner.

(2) Upon the receipt of an application under this section, the Commissioner shall cause such inquiries to be made as may assist him in coming to a decision in the particular case.

(3) If after receipt of particulars in compliance with the foregoing provisions of this section the Commissioner is of the opinion—

(a) that a Day Care Centre be registered, he shall issue it with a certificate in the prescribed form to that effect with or without conditions;

(b) that it would be undesirable in the public interest that a registration be effected, he may refuse such registration, and no appeal shall lie from any decision of the Commissioner in any such case.

(4) Where a certificate is issued subject to conditions, the Day Care Centre shall comply with these conditions.

(5) Any Day Care Centre which fails to comply with any of the conditions of its certificate of registration shall be guilty of an offence and shall be liable upon conviction to a fine of five thousand naira or to a term of imprisonment not exceeding six months and further fine of five hundred naira for each day during which the condition is not complied with. </body>

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[No. 4 of 2006.]

**<heading> 5. Name of Day Care Centre to be published </heading>**

<body> (1) In every case where the Commissioner issues a certificate of registration to a Day Care Centre, a designated officer shall cause a publication to be made to that effect in the State Gazette.

(2) The Commissioner shall cause to be prepared and maintained by a designated officer a register of the names and addresses and of such other particulars as may be specified of all Day Care Centres certified in accordance with the provisions of this Law. </body>

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**<heading> 6. Power to vary or revoke registration or impose conditions thereon </heading>**

<body> (1) The Commissioner may at any time by order vary or revoke any of the conditions of a certificate of registration or impose such conditions or additional conditions as he may deem necessary.

(2) Where the Commissioner proposes to vary, revoke or impose conditions in accordance with subsection (1) of this section, he shall before exercising such power give notice of his intention to the proprietor of the Day Care Centre concerned and shall afford him an opportunity of making representations to him and to submit reasons why the order should not be given.

(3) Any proprietor of a Day Care Centre who fails to comply with any order given under subsection (1) of this section shall be guilty of an offence and be liable upon conviction to a fine of five thousand naira or imprisonment for a term not exceeding six months and to a fine of five hundred naira for each day during which the conditions are, or any of them is, not further complied with. </body>

[No. 4 of 2006.] </section>

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**<heading> 7. Opening and closing of branches </heading>**

<body> Every proprietor of a Day Centre shall inform the Commissioner of—

(a) any proposal to open or close branches thereof anywhere in the State;

(b) any proposed agreement or arrangement for any sale or disposal of its business by amalgamation or otherwise;

(c) any proposal for re-organisation,

and the Commissioner may take such decision as he thinks appropriate in the circumstances. </body> </section>

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**<heading> 8. Cancellation of certificates </heading>**

<body> (1) The Commissioner may by order published in the State *Gazette* cancel any certificate of registration—

(a) if the holder thereof ceases to carry on in the State the kind of business for which the certificate was issued or if the Day Care Centre goes into liquidation or is wound up or otherwise ceases to function as a Day Care Centre;

(b) if the holder thereof fails to fulfil any conditions prescribed under this Law.

(2) Where the Commissioner proposes to cancel any certificate of registration pursuant to subsection (1) of this section, he shall before such cancellation give notice of his intention to the proprietor of the Day Care Centre concerned and shall give him an opportunity to make representations and to submit reasons why the certificate of registration should not be cancelled. </body> </section>

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**<heading> 9. Penalties for setting up illegal Day Care Centre, etc. </heading>**

<body> Any person who sets up any Day Care Centre or, as the case may be, runs any Day Care Centre in the State otherwise than in compliance with the provisions of this Law shall be guilty of an offence and shall be liable on conviction to a fine of fifty thousand naira or to imprisonment for two years or to both such fine and imprisonment. </body>

[No. 4 of 2006.] </section>

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**<heading> 10. Power of designated officer to enter premises and obtain information </heading>**

<body> (1) For the purpose of this Law, a designated officer—

(a) shall have a right of access at any time during normal working hours to a Day Care Centre and to any building or other premises of such Day Care Centre;

(a) may, by notice in writing serve on any proprietor of a Day Care Centre, require that person to furnish in such form as he may direct information on such matters as may be specified by him.

(1) Any person required to furnish returns pursuant to subsection (1) (b) of this section shall within one month from the date of the notice comply with the notice. </body> </section>

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**<heading> 11. Offences and penalties </heading>**

<body> (1) If any person required to furnish returns pursuant to section 10 (1) (b) of this Law fails to furnish those returns as required under this Law, he shall be guilty of an offence and liable on conviction to a fine of five thousand naira or to imprisonment for 6 months or to both such fine and imprisonment.

[No. 4 of 2006.]

(2) Any person who for the purpose of obtaining a certificate of registration for a Day Care Centre or of complying with any of the provisions of this Law (including purported compliance with a requirement to furnish returns as aforesaid) presents any instrument or makes any statement whether or not in the returns which is false in a material particular, shall be guilty of an offence and liable on conviction to a fine of twenty thousand naira or to imprisonment for two years or to both such fine and imprisonment.

[No. 4 of 2006.]

(3) Any person who wilfully obstructs, interferes with, assaults or resists any designated officer in the execution of his duties under this Law or who aids, invites, induces or abets any other person to obstruct, interfere with, assault or resist any such officer in the execution of his duties shall be guilty of an offence and liable on conviction to a fine of five thousand naira or to imprisonment for six months or to both such fine and imprisonment. </body> </section>

[No. 4 of 2006.]

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**<heading> 12. Offences by bodies corporate </heading>**

<body> Where an offence under this Law is committed by a body corporate, firm or other association of individuals—

(a) every director, manager, secretary or other similar officer of the body corporate;

(a) every trustee of the body concerned;

(a) every person concerned in the management of the affairs of the association; or

(a) every person who was purporting to act in any such capacity as aforesaid,

shall severally be guilty of that offence and liable to be proceeded against and punished for that offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance. </body> </section>

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**<heading> 13. Regulations </heading>**

<body> The Commissioner may, with the approval of the Governor, make regulations generally for the purposes of this Law and, without prejudice to the generality of the power hereby conferred, such regulations may—

(a) prescribe the forms to be used for the purposes of this Law;

(a) prescribe the fees to be paid for application and registration under this Law;

(a) prescribe or contain such administrative or procedural provisions as appear to him necessary or expedient in order to facilitate the operation of this Law. </body>

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CHAPTER D1

**DAY CARE CENTRE (REGISTRATION AND OTHER MISCELLANEOUS PROVISIONS) LAW**

SUBSIDIARY LEGISLATION

No Subsidiary Legislation

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