

**STANDARD HEALTH BY-LAWS FOR  
PRE-SCHOOL INSTITUTIONS**

The Municipal Manager hereby publishes in terms of The Municipal Systems Act, Act No. 32 of 2000, the by-laws as set forth hereafter, which have been approved by the Council in terms of Section 13 of the said Act. -

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## DEFINITIONS

1. In these by-laws, unless the context otherwise indicates:-

“**adequate**” and “**suitable**” means adequate or suitable, as the case may be, in the opinion of Head of Health Services;

“**approved**” means approved by the Head of Health Services, regard being had to the reasonable public health requirements of the particular case, or to the physical and mental health of the children, as the case may be;

“**child**” means a child admitted to a pre-school institution in terms of these by-laws;

“**council**” means the city council, town council, village council or health committee established in terms of provisions of the Local Government Ordinance, 1939, of the Local Government Affairs Council established in terms of the Local Councils Act (House of Assembly), 1987, and includes the management committee of such council or any officer in the service of such council, acting by virtue of the power vested in such council in connection with these by-laws and delegated to him in terms of section 58 of the Local Government (Administration and Elections) Ordinance, 1960, or section 21A of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943;

“**domestic staff**” means staff employed in a pre-school institution for cleaning, cooking and other domestic purposes;

“**Head of Health Services**” means the Head of the council’s Health Services, or any person duly authorized by the council to act on his behalf;

“**health certificate**” means a certificate issued in terms of section 3;

“**health certificate holder**” means a natural or artificial person or partnership, or an association of persons, to whom a health certificate has been issued in terms of section 3;

“**pre-school institution**” means any undertaking or institution involving the custody, care or tuition or any combination of these functions, during the whole or part of the day on all or any of the days of the week of children under the age of seven years, for the building or the premises maintained or used for the purpose of conducting such undertaking or institution or building or premises has been registered or which required registration by the Department referred to in the definition of “registering body”;

“**registering body**” means the State Department or Local Authority authorized to issue a registration certificate;

“**registration certificate**” means a certificate issued by the authorized State Department or Local Authority.

## APPLICATION OF BY-LAWS

1. These by-laws shall apply to all pre-school institutions for children: Provided that if in the opinion of the Head of Health Services, compliance would not be reasonable practicable, the Head of Health Services may give notice in writing to the health certificate holder to comply with such other reasonable requirements, specified by him, as he may consider necessary in the circumstances, within such reasonable

period as stated in the notice, and such health certificate holder shall forthwith comply with such notice.

### HEALTH CERTIFICATE

3. (1) (a) No person or body of persons shall conduct a pre-school institution unless such person or body or persons is in possession of a health certificate to the effect that the premises, general health facilities and services to which such health certificate relates, comply with these by-laws, and such certificate shall state the number and both the minimum and maximum age of the children permitted to be kept on such premises, and the hours during which such pre-school institution may operate.  
  
(b) The Head of Health Services shall issue the health certificate contemplated in paragraph (a) if he is satisfied that the by-laws are being complied with.
2. (a) A health certificate issued in terms of this section, shall not be transferable.  
  
(b) If a health certificate holder proposes to transfer a pre-school institution conducted on certain premises to other premises, he shall obtain a health certificate in respect of the new premises before such pre-school institution may be conducted on such new premises.

***Accommodation and storage, sanitary, kitchen and other facilities in respect of pre-school institutions for children between the ages of three years and seven years.***

4. In respect of a pre-school institution for children between the ages of three years and seven years, the following accommodation and facilities shall be provided:-

(1) **GENERAL**

- (a) (i) A room adequate in size to be used as an office and staff room with an area allocated solely for isolation purposes: Provided that such room shall have a minimum floor area of 12m<sup>2</sup>.  
  
(ii) A wash-hand basin with a constant supply of hot and cold running water in the isolation area of such room.  
  
(iii) An approved first aid cupboard and a bed or stretcher in the isolation area.
- (b) If full-day care is provided and more than four members of staff are employed on a full-day basis, a separate room of a minimum size of 6m<sup>2</sup> for use as a meeting place or rest-room for staff.
- (c) Adequate storage facilities for food, stretchers, sleeping mats, bedding, linen, indoor and outdoor play equipment.
- (d) Separate storage facilities for the personal belongings of each child and staff member.
- (e) Sanitary and ablution facilities for children, which shall have: -
  - (i) ready access between such facilities and the room and outdoor play area referred to in paragraphs (h) and (i) respectively;

- (ii) one approved water closet for every 15 children or part of 15, which shall be of a reduced size (juvenile type);
- (iii) one wash-hand basin for every 15 children or part of 15; such wash-hand basin to be installed at such height as to be conveniently used by children;
- (iv) A sink made of stainless steel for the cleaning of play equipment;

Provided that in respect of the facilities referred to in (ii), (iii) and (iv), only fixed facilities shall be provided;

- (v) a constant supply of running water and thermostatically controlled hot water for the wash-hand basins referred to in (iii) and the sink referred to in (iv);
  - (vi) an adequate number of bins with self-closing lids for the disposal of paper towels, tissues and other waste articles;
  - (vii) at least one mirror installed at such height has to be conveniently used by the children;
  - (viii) a minimum of two towels and a face cloth for each child's individual use unless the Head of Health Services permits the use of disposable paper towels.
  - (ix) Individual pegs or hooks for each child's towel which shall be placed 225 mm apart and within the child's reach, and marked in such a manner as to be easily recognised by each child;
  - (x) Reasonable supplies of toilet paper, tissues and soap available and accessible to the children.
- (f) Sanitary and ablution facilities for the staff which:-
- (i) shall have one water closet and one wash-hand basin for every 15 persons or part of 15;
  - (ii) shall have a constant supply of hot and cold running water, soap, toilet paper and clean towels;
  - (iii) shall have a bin with self-closing lid or other approved disposal unit installed in each closet intended to be used by females.
- (g) Separate approved laundry facilities on the premises, unless laundering is done on other approved premises.
- (h) (i) A room for playing, eating and sleeping purposes where a minimum area of 2m<sup>2</sup> is available for every child. The indoor area may be reduced to a minimum of 1.5 m<sup>2</sup> per child, provided that a covered verandah of minimum of 0.5 m<sup>2</sup> per child is provided. Such covered verandah shall adjoin the playroom and be protected against wind, rain and other inclement weather conditions. Both playroom and covered verandah shall have a minimum width of 3m.

- (ii) Such room shall have ready access to the out-door play area referred to in paragraph (ii).
  - (iii) Adequate heating facilities to be provided to a room referred to in (i) above.
- (l) A minimum outdoor play area of 5 m<sup>2</sup> per child comprising lawns or other surfaces and shady areas, which are adequately drained, properly fenced off from any parking or other area which, in the opinion of the Head of Health Services, may constitute a danger to the children, and which shall be free of any excavation, step, projection, level or surface which, in the opinion of the Head of Health Services, is dangerous or may constitute a hazard: Provided that if the pre-school institution is in a high density area and is entirely enclosed within a building, the outdoor play area may be substituted by an additional indoor play area of 5.5 m<sup>2</sup> per child.

(2) **KITCHENS**

(a) If meals are provided:-

- (i) the kitchen shall have a minimum floor area of 12 m<sup>2</sup> for every 50 children or part of 50. The minimum floor area shall be increased by 0,1 m<sup>2</sup> per child in excess of 0;
- (ii) the kitchen shall be provided with an approved double compartment sink, and a wash-hand basin and, if the Head of Health Services deems it necessary, a pot-washing sink and vegetable washing sink and such sinks shall be made of stainless steel or other impervious material and shall have a constant supply of hot and cold running water.

(b) If only half-day care is provided and the Head of Health Services is satisfied, having regard to the type and quantity of food supplied to the children, a kitchen of 9 m<sup>2</sup> shall be provided with an approved double compartment sink of stainless steel and a wash-hand basin and shall have a constant supply of hot and cold running water.

The following general requirements shall apply to all kitchens referred to in this paragraph;

- (i) All cupboards, shelves and other storage space for kitchen utensils and equipment shall be so fitted as to be easily cleaned.
- (ii) All tables shall have an approved surface.
- (iii) The stove or other cooking unit shall be so installed so as to allow easy access between the stove or cooking unit and the adjoining wall surface to facilitate cleaning.
- (iv) Adequate storage facilities for vegetables shall be provided.
- (v) Refrigeration facilities for perishable foodstuffs shall be provided.
- (vi) An adequate number of refuse bins shall be provided.
- (vii) No laundering or laundry equipment shall be permitted in any kitchen.

***Accommodation and storage, sanitary, kitchen and other facilities in respect of pre-school institutions for children under three years of age***

5. In respect of pre-school institutions for children under the age of three years, the following accommodation and facilities shall be provide:
- (a) (i) A room adequate in size, to be used as an office and staff
  - (a) (i) A room with an area allocated solely for isolation purposes: Provided that such a room shall have a minimum floor area of 12 m<sup>2</sup>.
  - (ii) wash-hand basin with a constant supply of hot and cold running water in the isolation area of such room.
  - (iii) An approved first aid cupboard and a cot or stretcher in the isolation area.
  - (b) If full-day care is provided and more than four members of staff are employed on a full-day basis, a separate room of a minimum size of 6 m<sup>2</sup> as a meeting place or restroom for the staff.
  - (c) The facilities referred to in paragraphs (a), (b), (h) (l) of this section may be combined with the facilities provided in terms of section 4 (1) (a), (b), (c) and (d). If the Head of Health Services is satisfied that such facilities are adequate and suitable for combined use.
  - (d) (i) If children under two years of age are accommodated:-
    - (aa) A nursery for playing, eating and sleeping purposes where be a minimum area of 3,5 m<sup>2</sup> is available for every child. Cots shall be arranged so that there shall be a minimum of 750mm between the cots. The indoor area may be reduced to a minimum of 2 m<sup>2</sup> per child, provided that a covered verandah of a minimum of 0,5 m<sup>2</sup> per child is provided. Such covered verandah shall adjoin the playroom and be protected against wind, rain and other inclement weather conditions. Both playroom and covered verandah shall have a minimum width of 3 m and shall have ready access to the area referred to in paragraph (e) (i).
    - (bb) Adequate heating facilities to be provided in the room referred to in (aa) above.
    - (ii) If children aged two years and over are accommodated, a room as contemplated by section 4 (l) (h).
  - (e) (i) If children under two years of age are accommodated, a minimum outdoor area of 3 m<sup>2</sup> per child for the use of perambulators, play-pens and outdoor activities, as required by section 4 (1) (i): Provided that in high density areas where the pre-school institution is situated in a building, the outdoor play area may be substituted by an additional indoor play area of 3 m<sup>2</sup> per child.
  - (ii) If children aged two years and over are accommodated, an outdoor area complying with (i) above, save that the minimum area shall be increased to 5 m<sup>2</sup> per child: Provided that in high density areas where the pre-school institution is situated in a building, the outdoor play area may be substituted by an additional indoor play area of 5,5 m<sup>2</sup> per child.

- (iii) If a nursery school which has been registered is conducted on the same premises as such pre-school institution, the areas referred to in (i) and (ii) above, shall be separated from any outdoor area used by children attending such nursery school.
  - (iv) An after school care centre shall not be permitted on the same premises as a pre-school institution, unless in completely separate facilities, or unless conducted at different times.
- (f) A kitchen as contemplated in section 4 (2).
- (g) (i) If bottles and teats are used for feeding of children, the kitchen as contemplated in section 4 (2) shall be increased by a minimum of 3 m<sup>2</sup> to provide a separate area for milk kitchen purposes. Where the number of children is in excess of 50, the floor area shall be increased to the satisfaction of the Head of Health Services and if required by the Head of Health Services, the milk kitchen shall be partitioned off from the rest of the kitchen.
- (ii) Such milk kitchen shall have the following:-
- (aa) An approved double compartment sink of stainless steel with a constant supply of hot and cold running water.
  - (bb) A separate refrigerator for the sole storage of milk and milk bottles.
- (h) Adequate storage facilities for food, linen, cerambulators and other equipment.
- (i) Separate storage facilities for the personal belongings of each child and staff member.
- (j) Sanitary and ablution facilities for children under two years shall have the following:-
- (i) Ready access to the room referred to in paragraph (d) (i) (aa).
  - (ii) A separate sluice area with a minimum size of 6 m<sup>2</sup> and which shall have:-
    - (aa) an approved combined sluice sink and hopper. Such sink and hopper shall be fitted with an 150 mm splash screen and shall be installed 100 mm away from any wall surface and shall have a constant supply of hot and cold running water. Every part of the wall surface within 600 mm from the sink and hopper shall be tiled or have some other approved finish;
    - (bb) a wash-hand basin installed at a height which can be conveniently used by an adult and having a constant supply of hot and cold running water;
    - (cc) an approved water closet (juvenile type) seemed necessary by the Head of Health Services; the number of water closets shall be increased.
    - (iii) A separate bathing area of minimum size 6 m<sup>2</sup> shall be provided with an approved bathing unit for ten children or part of ten. Such units shall have a constant supply of cold and thermostatically controlled hot running water, if such bathing area is provided in the nursery, an

additional floor area of 6 m<sup>2</sup> shall be provided and shall have easy access to the sluice sink and hopper.

- (iv) Separate facilities for the storage of clean and soiled nappies.
- (iv) Disposable and approved material for the weaning of children wearing nappies.
- (vi) A minimum of two towels and one face cloth for each child's use.
- (vii) Individual pegs or hooks for each child's towels and face cloths mentioned in (vi) above, and such pegs or hooks shall be placed 225 mm apart, and individually marked: Provided that separate hooks shall be provided for towels and face cloths respectively.
- (viii) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste articles.
- (ix) If necessary in the opinion of the Head of Health Services, chamber pots (reduced size) shall be provided. Such chamber pots shall be suitable stored, kept in good repair and used only in the sluice area mentioned in paragraph (j) (ii), save where such equipment may be required for use in the isolation area referred to in paragraph (a).
- (k) If children aged two years and over are accommodated, sanitary and ablution facilities complying with the provisions of section 4 (1) (e) shall be provided.
- (l) Sanitary and ablution facilities for the staff comprising with the provisions of section 4-(1) (f).
- (m) Storage facilities for indoors and outdoors play equipment.
- (n) Approved laundry facilities on the premises, unless laundering is done on other approved premises.

#### **GENERAL REQUIREMENTS RELATING TO ALL BUILDINGS USED FOR PRE-SCHOOL INSTITUTIONS**

6. Notwithstanding the provisions of the National Building Regulations, every building or part thereof used for a pre-school institution shall comply with the following requirements: -
- (a) The windows of all playrooms and isolated areas shall be so designed and installed, as not to constitute a danger to the children when open and so that the lower level is not more than 750 mm from ground level.
  - (b) The internal walls throughout shall have a smooth surface and shall be covered with a light coloured durable and washable paint.
  - (c) Floors and skirting shall be finished with a smooth surface, free of sharp edges or other dangerous defects.
  - (d) All rooms shall have a ceiling and such ceilings shall have no open joints and shall be painted with a light coloured durable and washable paint.

#### **SANITARY AND ABLUTION FACILITIES FOR STAFF RESIDENT ON THE PREMISES**

7. (1) The following separate facilities for males and females shall be provided in

respect of staff living on the premises: -

- (a) One water closet and one wash-hand basin for every 15 persons or part of 15.
  - (b) One bath or shower for every eight persons or part of eight.
  - (c) A constant supply of hot and cold running water to the wash-hand basins, baths and showers referred to in paragraphs (a) and (b).
  - (d) An adequate supply of soap, toilet paper and clean towels.
- (2) The area occupied by staff living on the premises shall have no direct communication with any area used by the children and shall be inaccessible to the children and adequately screened from the rest of the premises.

### **RESTING, FEEDING AND PLAY EQUIPMENT**

8. (1) Equipment for children shall comply with the following: -
- (a) An adequate number of approved children's chairs shall be provided. For children less than 18 months of age, an adequate number of approved feeding chairs shall be provided.
  - (b) An adequate number of approved children's tables shall be provided.
  - (c) An adequate supply of approved individual resting or sleeping equipment shall be provided for each child. Such equipment shall be marked with the relevant child's name or symbol, and so arranged that there is a minimum of 450 mm between each child.
  - (d) An adequate supply of bedding shall be provided and correspondingly marked with the name of symbol referred to in paragraph (c).
  - (e) An adequate supply of approved indoor and outdoor play equipment shall be provided.
- (2) (a) If bottles and teats are required for any children, approved bottles and teats shall be provided for the individual use of such child, and such feeding bottles and teats shall be sterilised by an approved method before use.
- (b) If cutlery and crockery are required for any children, an adequate supply of cutlery and crockery shall be provided for the convenient use of such children.
- (3) No paddling pool, swimming pool, sand pit or other structure shall be permitted on the premises of any pre-school institution without the approval of the Head of Health Services, subject to such conditions concerning safety and coverage as he may lay down from time to time.

### **MEDICAL CARE OF CHILDREN**

9. (1) Every child shall be kept under observation for any signs of illness, indisposition or other abnormal condition.
- (2) The parent or guardian of the child concerned shall be notified immediately when any illness, indisposition or abnormal condition is observed.

- (3) Whenever a child becomes ill or has suffered an injury requiring medical attention, a medical practitioner shall be summoned. A telephone shall be available for this purpose.
- (4) Any child, who is ill or has suffered an injury, shall be isolated and shall receive the necessary care and comfort.
- (5) All instructions issued by the medical practitioner referred to in subsection (3) shall be carried out and in the event of a communicable disease, the Head of Health Services shall be notified immediately.
- (6) A record of all injuries and illnesses of every child shall be kept.

### **SAFETY MEASURES**

10. The following safety measures shall be taken:-

- (a) Children shall be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article or thing which may be dangerous or cause injury to any child.
- (b) Any slats or rails forming part of an enclosure, playpen, bed, cot or any other object or structure whatsoever, shall not be more than 75mm apart and shall be suitably installed and maintained in a good state of repair and non-toxic paint shall be used when painted.
- (c)
  - (i) The premises shall be entirely enclosed by an approved wall or other approved means of enclosure so as to prevent a child leaving the premises on his own accord, and to prevent the entrance of domestic animals.
  - (ii) All gates or doors to such enclosure shall be close fitting and securely
  - (iii) locked or otherwise closed so as to prevent a child opening them.
- (d) The first-aid cupboard referred to in sections 4 (1) (a) (iii) and 5 (a) (iii) shall be fully and adequately equipped to the satisfaction of the Head of Health Services. Such equipment shall be readily available for use and kept out of every child's reach.
- (e) All medicines, pesticides, detergents and other harmful substances shall be stored so as not to be accessible to any child.
- (f) No noxious or poisonous plant or shrub shall be permitted on the premises and no animal shall be kept without the approval of the Head of Health Services.
- (g) 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 shall be allowed on the premises while in the opinion of the Head of Health Services such person is capable of communicating such infectious or contagious disease.
- (h) The provisions of the regulations regarding the exclusion of children from school on account of infectious diseases made in terms of the Health Act, 1977, shall apply to all pre-school institutions.

### **GENERAL DUTIES AND LIABILITY FOR COMPLIANCE WITH BY-LAWS**

11. (1) The health certificate holder, or if there is no health certificate holder, the natural or artificial person or partnership or association or persons conducting the pre-school institution, shall ensure that the children are at all times properly cared for and supervised and shall: -
- (a) maintain every part of the pre-school institution, including outdoor areas and all structures and equipment, in good repair and in a clean and tidy condition:-
  - (b) take adequate measures take adequate measures to protect all foodstuffs from contamination;
  - (c) ensure that all perishable foodstuffs, other than unfrozen fruit and vegetables, are stored in refrigeration facilities at a temperature not exceeding 10°C: Provided that milk shall be so stored at a temperature not exceeding 7°C;
  - (d) ensure that all persons on or in the premises are clean in person and clothing and are in good state of health;
  - (e) ensure that no person shall smoke in the presence of the children:
  - (f) ensure that all persons engaged in the handling and preparation of food, wear clean and sound overalls;
  - (g) ensure that toys, books and other indoor play materials intended for day-to-day use are available in the play-room and suitably stored so as to be within the reach of the children;
  - (h)
    - (i) ensure that the children are at all times under the direct supervision of such number of adults as is required by the registering body: Provided that at no time shall a child be under the direct supervision of domestic staff
    - (ii) ensure that the qualifications of staff, including the supervisor or principal, comply with the requirements of the registering body;
  - (i) if transport to or from a pre-school institution is provided, ensure that:-
    - (i) the children are supervised by at least one adult, apart from the driver, until they are handed over to the parents or guardians;
    - (ii) the doors of the vehicle cannot be opened internally;
    - (iii) no children are transported in the front seat of the vehicle, which shall be screened, so that children are unable to climb over;
    - (iv) a baby in a carrycot is not placed under a seat;
    - (v) seating space for each child and space for carrycots comply with prescribed standards;
    - (vi) the driving remains at the steering wheel at all times and does not assist with the handling of the children;

- (j) ensure that each child uses his own towel or face cloth, as the case may be;
- (k)
  - (i) ensure that all meals provided for the children meet with the requirements of the Head of Health Services;
  - (ii) ensure that all menus are approved and adhered to and so displayed as to be visible to the parents;
  - (iii) keep records of menus of all meals, and ensure that such records are open for inspection at all times;
- (l) ensure that a personal file containing forms and details relevant to each particular child is maintained;
- (m) ensure that all children admitted have completed basic immunisation schedules as deemed necessary by the Head of Health Services: Provided that if children are too young, such immunisation shall be carried out and completed as soon as such children are old enough

#### **APPLICATION FOR ADMISSION**

- 12. (1) The health certificate holder, or if there is no health certificate holder, the natural or artificial person or partnership or association of persons conducting the pre-school institution, shall ensure that an application containing the following information if completed by a parent or guardian of a child before admission to a pre-school institution: -
  - (a) The child's name and date of birth;
  - (b) Name, address and telephone number of the parent(s) or guardian;
  - (c) Place of employment and telephone number of the parent(s) of guardian;
  - (d) Name, address and telephone number of a responsible person other than the parents or guardian, who may be consulted in emergencies;
  - (e) Name, address and telephone number of child's medical practitioner and permission to consult him.
- (2) All such application forms shall be retained and the date of admission and discharge of the child referred to in such forms shall be entered thereon.

#### **REGISTERS**

- 13. (1) A register of all the children admitted and discharged.
- (2) A register of attendance shall be kept in which the presence or absence of children be noted daily.
- (3) Such attendance register shall in addition include the children's respective dates of birth.

#### **MEDICAL REPORT**

- 14. A report containing the following health data shall be obtained from Parent or guardian in respect of each child before admission and retained: -

- (a) Information concerning the child's general state of health and physical condition.
- (b) Operations, illnesses and any communicable disease from which the child has suffered and the relevant dates.
- (c) Details of previously required immunisation.
- (d) Details of allergies and any medical treatment, which such child may be undergoing.

**JOURNAL**

- 15. A journal, diary, logbook or book of similar nature shall be kept in which important or outstanding events, including accidents, and a programme of daily activities is recorded in either of the official languages.

**SUSPENSION OR TERMINATION OF OPERATIONS**

- 16. The health certificate holder shall notify the council of the suspension or termination of the operations of the pre-school institution to which such health certificate relates or in the event of any occurrence as specified in section 3 (2).

**RIGHT OF ENTRY AND INSPECTION OF PREMISES AND RECORDS**

- 17. Any duly authorized officer of the council may for any purpose connected with the application of these by-laws at all reasonable times and without notice, enter any premises upon which a pre-school institution is conducted or upon which such officer has reasonable grounds for suspecting the existence of such pre-school institution and make such examination, enquiry and inspection thereon as he may deem necessary.

- 18. (1) Any person who fails to give, or refuses access to any official of the council duly authorized by these by-laws or by the council to enter upon and inspect any premises, if he requests entrance to such premises, or obstructs or hinders such official in the execution of his duties in terms of these by-laws, or who fails or refuses to give information that he may lawfully be required to give to such official, or who gives to such official false or misleading information, knowing it to be false or misleading, or who unlawfully prevents any other person from entering upon such premises, shall be guilty of an offence.

- (a) fails or refuses to comply with any provision of these by-laws or any condition imposed by the Head of Health Services in terms of section 2;

- (b) being a health certificate holder, allows:-

- (i) a greater number of children than the number stated on the health certificate to be enrolled or to be present in the pre-school institution to which the health certificate relates;
- (ii) any child whose age is more or less than the maximum or minimum ages of the children who may be kept on the premises concerned, in terms of the health certificate, to be enrolled at or to be present in such pre-school institution; or
- (iii) such pre-school institution to be operated during hours not stated on such health certificate, shall be guilty of an offence and liable, on conviction, to a fine not exceeding R500-00 or

imprisonment for a period not exceeding 12 months, or both, and in the event of a continuing offence shall be guilty of a separate offence and liable as aforesaid for every day or part of a day during which the offence continues.

#### **WITHDRAWAL OF HEALTH CERTIFICATE**

19. The council may at its discretion withdraw a health certificate issued in terms of these by-laws, should such health certificate holder be convicted of a breach of the provisions of these by-laws.

#### **PRESUMPTIONS**

20. If at any prosecution in terms of these by-laws, it is alleged:-
- (a) that the owner, lessee or occupier of the premises conducts a pre-school institution at such premises, he shall be deemed to have conducted a pre-school institution at the said premises, unless the contrary is proved: or
  - (b) that any child was of a certain age, such child shall be deemed to have been that age, unless the contrary is proved.

#### **REPEAL OF BY-LAWS**

21. The Standard Health By-laws for Crèches and Crèches-cum-Nursery Schools published under Administrator's Notice 273, dated 1 March 1972, are hereby repealed.