

EC2016-818**EARLY LEARNING AND CHILD CARE ACT
DECLARATION RE**

Under authority of section 81 of the *Early Learning and Child Care Act* Stats. P.E.I. 2010, c. 8 Council ordered that a Proclamation do issue proclaiming all sections except Sections 64 through 67 of the said "Early Learning and Child Care Act" to come into force effective January 1, 2017.

EC2016-819**EARLY LEARNING AND CHILD CARE ACT
REGULATIONS**

Pursuant to section 76 of the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01, Council made the following regulations:

PART 1**INTERPRETATION**

- | 1. (1) In these regulations, | Definitions |
|--|------------------------------|
| (a) "Act" means the <i>Early Learning and Child Care Act</i> R.S.P.E.I. 1988, Cap. E-.01; | Act |
| (b) "assignee" means a person to whom the operator of a licensed centre proposes to assign the licence to operate the centre; | assignee |
| (c) "early childhood centre" means a licensed centre where the operator is authorized to provide services to infants, preschool children and school-age children; | early childhood centre |
| (d) "early childhood director" means a person who holds an early childhood director certificate; | early childhood director |
| (e) "early childhood educator I" means a person who holds an early childhood educator I certificate; | early childhood educator I |
| (f) "early childhood educator II" means a person who holds an early childhood educator II certificate; | early childhood educator II |
| (g) "early childhood educator III" means a person who holds an early childhood educator III certificate; | early childhood educator III |
| (h) "early childhood supervisor" means a person who holds an early childhood supervisor certificate; | early childhood supervisor |
| (i) "family home centre" means a licensed centre located in a private residence, where the operator is authorized to provide services to not more than a total of six infants, preschool children and school-age children, including the children of the operator; | family home centre |

- (j) “family home child care provider” means a person who holds a family home child care provider certificate; family home child care provider
- (k) “inclusion support assistant” means a person who holds an inclusion support assistant certificate; inclusion support assistant
- (l) “parent” includes a guardian of a child; parent
- (m) “preschool centre” means a licensed centre where the operator is authorized to provide services for less than four consecutive hours per day to children who are three years of age or over but not yet attending school; preschool centre
- (n) “school-age child care provider” means a person who holds a school-age child care provider certificate; school-age child care provider
- (o) “school-age child centre” means a licensed centre where the operator is authorized to provide services to school-age children on weekdays during one or more of the following time periods: school-age child centre
- (i) before or after regular school hours,
- (ii) the school lunch period,
- (iii) regular school hours, if schools are closed for the day;
- (p) “transferee” means a person to whom the operator of a licensed centre proposes to transfer the licence to operate the centre. transferee
- (2) For the purposes of clause 1(c) of the Act, the following persons are deemed to be associated with a centre: Associated person
- (a) a person who resides in a residence in which a centre is operated;
- (b) a staff member;
- (c) an individual operator;
- (d) where the operator is a partnership of individuals, each individual partner;
- (e) where the operator is a corporation or a partnership that includes a corporation, the shareholders and directors of the corporation.
- (3) For the purposes of clauses 20(c), 23(c), 32(c), 35(c), 49(1)(c) and 54(2)(c) of the Act, and in these regulations, the following circumstances constitute reasonable grounds to believe that a person is not suitable to have contact with children receiving services at a centre: Reasonable grounds, not suitable
- (a) a court has made a finding that a child is in need of protection under the *Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1, based in whole or in part on conduct of the person in relation to the child and the conduct is of a nature that, in the opinion of the Board, the association of the person with a centre endangers or would endanger the health, safety or well-being of children receiving services at the centre;
- (b) the person has been found guilty of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) for conduct of a nature that, in the opinion of the Board, the association of the person with a centre endangers or would endanger the health, safety or well-being of children receiving services at the centre.

PART 2

LICENCES AND CERTIFICATES

Application for Licence or Renewal of Licence

- 2.** (1) Pursuant to section 15 of the Act, an applicant may apply for a licence to operate one of the following categories of centre: Categories of licensed centres
- (a) an early childhood centre;
- (b) a family home centre;
- (c) a preschool centre;
- (d) a school-age child centre.
- (2) An application for a licence shall be accompanied by the following documents: Information to accompany application for licence
- (a) a business plan for the centre;
- (b) a service plan that describes the services the applicant proposes to provide at the centre and includes

- (i) the early learning and child care philosophy under which the services will be provided,
 - (ii) a description of how the services will meet the developmental needs of children,
 - (iii) the proposed utilization of the centre premises, indoors and outdoors, to provide services,
 - (iv) the proposed utilization of community resources to provide services,
 - (v) the proposed nature and scope of parental involvement in the services provided at the centre, and
 - (vi) a process for ongoing evaluation and improvement of the services;
- (c) a staffing plan, including
- (i) a list of staff member positions and responsibilities,
 - (ii) the certification and training requirements for staff members, including first aid,
 - (iii) an orientation process for staff members with respect to the policies and procedures of the centre, and
 - (iv) a description of how the applicant will screen staff members;
- (d) the administrative policies and procedures relating to the operation of the centre;
- (e) a statement of the results of a criminal record check and a vulnerable sector search conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date of the application, with respect to every associated person of the centre;
- (f) if the applicant is a corporation,
- (i) a statement of the corporate status of the applicant, and
 - (ii) a copy of the letters patent or articles of incorporation of the corporation;
- (g) if the applicant is a partnership, a copy of a valid declaration filed respecting the partnership in accordance with section 48 of the *Partnership Act* R.S.P.E.I. 1988, Cap. P-1;
- (h) if the applicant is a sole proprietorship, a copy of a valid declaration filed respecting the sole proprietorship in accordance with section 53 of the *Partnership Act*, if applicable;
- (i) a floor plan of the centre;
- (j) a copy of any certificate, permit or report issued by an appropriate provincial authority evidencing compliance with health and safety standards set out in these regulations;
- (k) documentation confirming that the property on which the centre will operate is zoned for the operation of that type of centre in accordance with any applicable municipal bylaws;
- (l) documentation confirming that access from the property on which the centre will operate to a highway meets any requirements and is in compliance with the *Roads Act* R.S.P.E.I. 1988, Cap. R-15, and its regulations;
- (m) a copy of the liability insurance certificate for the centre.
- (3) For the purposes of obtaining a licence under section 16 of the Act, the following requirements shall be met: Requirements for licence
- (a) the applicant shall have sufficient plans, policies and procedures in place to operate the centre and provide services in accordance with the Act, these regulations and the Minister's directives;
 - (b) where the applicant is a corporation,
 - (i) the corporation shall be in good standing under the *Canada Business Corporations Act* (Canada), the *Companies Act* R.S.P.E.I. 1988, Cap. C-14, or the *Extra-Provincial Corporations Registration Act* R.S.P.E.I. 1988, Cap. E-14, under which it was incorporated or registered, and
 - (ii) the letters patent or articles of incorporation of the corporation shall permit the corporation to carry on the business of operating a centre;
 - (c) where the applicant is a partnership, the partnership shall be registered under the *Partnership Act*;
 - (d) where the applicant is a sole proprietorship, the sole proprietorship shall be registered under the *Partnership Act*, if applicable;
 - (e) the applicant has liability insurance for the centre with coverage of at least \$2,000,000;

- (f) the premises where the centre will operate shall meet the applicable requirements in Part 3 of these regulations;
- (g) the property on which the centre will operate is zoned for the operation of that type of centre in accordance with any applicable municipal bylaws;
- (h) access from the property on which the centre will operate to a highway meets any applicable requirements of, and is in compliance with, the *Roads Act* and its regulations.

3. (1) An application made pursuant to section 21 of the Act to renew a licence shall be accompanied by the following documents: Information to accompany renewal application

- (a) if there has been a change in any of the information contained in documentation submitted pursuant to clause 2(a), (b), (c), (d), (f), (g), (h) or (i), a statement describing the changes, and where the Board requests, updated documents;
- (b) a statement of the results of a criminal record check and a vulnerable sector search conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date of the application, with respect to each associated person of the centre, except where the Board was provided with such a statement respecting the associated person of the centre within the 3 years preceding the date of the renewal application;
- (c) a statement containing the following information respecting each individual who provides services to children in the licensed centre:
 - (i) name,
 - (ii) position,
 - (iii) certification level,
 - (iv) training completed;
- (d) a copy of any certificate, permit or report issued by an appropriate provincial authority evidencing compliance with health and safety standards set out in these regulations;
- (e) a copy of the liability insurance certificate for the centre.

(2) For the purposes of renewing a licence under section 22 of the Act, the following requirements shall be met: Requirements for renewal

- (a) the operator shall be operating the centre and providing services in accordance with the Act, these regulations and the Minister's directives;
- (b) the operator shall have sufficient plans, policies and procedures in place to continue to operate the centre and provide services in accordance with the Act, these regulations and the Minister's directives;
- (c) where the applicant is a corporation,
 - (i) the corporation shall be in good standing under the *Canada Business Corporations Act* (Canada), the *Companies Act* or the *Extra-Provincial Corporations Registration Act* under which it was incorporated or registered, and
 - (ii) the letters patent or articles of incorporation of the corporation shall permit the corporation to carry on the business of operating a centre;
- (d) where the applicant is a partnership, the partnership shall be registered under the *Partnership Act*;
- (e) where the applicant is a sole proprietorship, the sole proprietorship shall be registered under the *Partnership Act*, if applicable;
- (f) the applicant shall have liability insurance for the centre with coverage of at least \$2,000,000;
- (g) the premises where the centre operates shall meet the applicable requirements in Part 3 of these regulations.

4. (1) For the purpose of section 25 of the Act, a person Period of ineligibility

- (a) who is refused a licence or renewal of a licence because the Board has reasonable grounds to believe that the person is not suitable to provide services to children at a centre; or
- (b) whose licence is revoked under section 50 of the Act,

is not eligible to apply for a licence for five years after the refusal or revocation, as the case may be.

(2) For the purpose of section 25 of the Act, a person who Idem

- (a) is refused a licence or renewal of a licence for a reason other than the one referred to in clause (1)(a); or

(b) is associated with a person referred to in subsection (1) or clause (a),
is not eligible to apply for a licence for 30 days after the refusal or revocation, as the case may be.

Modification of Licence

- 5.** (1) The operator of a licensed centre may apply to the Board, in the form required by the Board, to modify
- Application to
modify category of
licence or services
- (a) the category of centre operated under the licence for the licensed centre; or
(b) the services to be provided at the licensed centre.
- (2) An application made under subsection (1) shall be accompanied by the following:
- Documents and fee
- (a) an updated business plan for the licensed centre;
(b) an updated service plan referred to in clause 2(2)(b);
(c) where the floor plan of the licensed centre has been altered since a copy was last submitted to the Board, an updated floor plan;
(d) a copy of the liability insurance certificate for the licensed centre;
(e) documentation confirming that the property on which the centre will operate is zoned for the operation of the modified category of centre, if applicable, in accordance with any applicable municipal bylaws;
(f) the application fee set out in the Schedule.
- (3) Subject to subsection (4) and on receiving the application, documents and fee required under subsections (1) and (2), the Board may
- Board may modify
- (a) modify the category of licensed centre operated under the licence if the Board is satisfied that
- (i) the licensed centre fits within the modified category as defined in these regulations,
(ii) the operator has sufficient plans, policies and procedures in place to operate, and provide services of, a modified category of centre in accordance with the Act, these regulations and the Minister's directives,
(iii) the premises where the modified category of licensed centre will operate meet the applicable requirements under Part 3 of these regulations, and
(iv) the operator has liability insurance with coverage of at least \$2,000,000 for the new category of centre; or
- (b) approve a modification in the services provided at the licensed centre if the Board is satisfied that
- (i) the modified services to be provided at the licensed centre meet the requirements of the Act, these regulations and the Minister's directives,
(ii) the operator has sufficient plans, policies and procedures in place to provide the modified services in accordance with the Act, these regulations and the Minister's directives, and
(iii) the operator has liability insurance for the licensed centre that covers the provision of the modified services.
- (4) The Board may refuse to modify the category of licensed centre operated under the licence or to approve a modification in the services provided at the licensed centre in any of the following circumstances:
- Refusal to modify
- (a) the Board is not satisfied that the applicable requirements in subsection (3) have been met;
(b) the Board has reasonable grounds to believe that the operator has knowingly made a false statement in the application or accompanying documents;
(c) the Board has reasonable grounds to believe that, in the geographic area where the licensed centre operates, the available capacity in existing licensed centres meets or exceeds the demand for services in the category of licensed centre if modified, or services of the type to be provided if modified.

Transfer or Assignment of Licence

- 6.** (1) The operator of a licensed centre and a transferee or assignee may jointly apply to the Board, in the form required by the Board, for
- Application to
transfer licence

approval of the transfer or assignment of a licence by the operator to the transferee or assignee, as the case may be.

(2) An application made under subsection (1) shall be accompanied by the following: Documents and fee

- (a) where the transferee or assignee intends to modify any of the items referred to in clause 2(2)(a), (b), (c), (d), or (i), updated information required in those clauses with respect to the modifications and, where the Board requests, updated documents;
- (b) where the transferee or assignee does not intend to modify any of the items referred to in clause (a), a written statement indicating this;
- (c) a statement of the results of a criminal record check and a vulnerable sector search conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date of the application, with respect to
 - (i) the transferee or assignee, if he or she is an individual, and
 - (ii) any associated person, if a criminal record check and a vulnerable sector search have not been done, or were carried out more than 3 years prior to the date of the application, with respect to the associated person;
- (d) a copy of any certificate, permit or report issued within the year preceding the application by an appropriate provincial authority evidencing compliance with health and safety standards set out in these regulations;
- (e) a copy of the liability insurance certificate held by the transferee or assignee for the licensed centre;
- (f) if the transferee or assignee is a corporation,
 - (i) a statement of the corporate status of the corporation, and
 - (ii) a copy of the letters patent or articles of incorporation of the corporation;
- (g) if the transferee or assignee is a partnership, a copy of a valid declaration respecting the partnership filed in accordance with section 48 the *Partnership Act*;
- (h) if the transferee or assignee is a sole proprietorship, a copy of a valid declaration filed respecting the sole proprietorship in accordance with section 53 of the *Partnership Act*, if applicable;
- (i) the application fee set out in the Schedule.

(3) Subject to subsection (4), the Board may approve the transfer or assignment of the licence by the operator to the transferee or assignee, as the case may be, if the Board is satisfied that Approval of transfer

- (a) the operator and the transferee or assignee have submitted the required application, prescribed documents and prescribed fee in accordance with subsections (1) and (2);
- (b) the transferee or assignee has sufficient plans, policies and procedures in place to operate the licensed centre and provide services in accordance with the Act, these regulations and the Minister's directives;
- (c) where the transferee or assignee is a corporation,
 - (i) the corporation is in good standing under the *Canada Business Corporations Act* (Canada), the *Companies Act* or the *Extra-Provincial Corporations Registration Act* under which it was incorporated or registered, and
 - (ii) the letters patent or articles of incorporation of the corporation permit the corporation to carry on the business of operating a centre;
- (d) where the transferee or assignee is a partnership, the partnership is registered under the *Partnership Act*;
- (e) where the transferee or assignee is a sole proprietorship, the sole proprietorship is registered under the *Partnership Act*, if applicable;
- (f) the transferee or assignee has liability insurance for the licensed centre with coverage of at least \$2,000,000;
- (g) the premises where the licensed centre operates continues to meet the applicable requirements in Part 3 of these regulations.

(4) The Board may refuse to approve the transfer or assignment of the licence by the operator to the transferee or assignee, as the case may be, in any of the following circumstances: Refusal to approve transfer or assignment

- (a) the Board is not satisfied that the requirements in subsection (3) have been met;

(b) the Board has reasonable grounds to believe that the transferee or assignee knowingly made a false statement in the application or accompanying documents;

(c) the Board has reasonable grounds to believe that the transferee or assignee or an associated person of the licensed centre is not suitable to have contact with children receiving services at the licensed centre.

Notice and Review

7. (1) Where the Board refuses to modify a licence under section 5 or approve the transfer or assignment of a licence under section 6, section 52 of the Act applies with respect to providing notice of the refusal to the applicant or applicants, with any modifications that are necessary. Notice of refusal

(2) An operator may request that the Appeal Board review a decision of the Board to refuse to modify a licence. Request for review

(3) An operator or a transferee or assignee may request that the Appeal Board review a decision of the Board to refuse to approve the transfer or assignment of a licence. *Idem*

(4) Sections 58 and 59 of the Act apply with respect to a request made under subsection (2) or (3), with any modifications that are necessary. Application of Act

Application for Certificate

8. (1) The following levels of certificate are prescribed: Certificate levels

- (a) family home child care provider certificate;
- (b) school-age child care provider certificate;
- (c) early childhood educator I certificate;
- (d) early childhood educator II certificate;
- (e) early childhood educator III certificate;
- (f) inclusion support assistant certificate;
- (g) early childhood supervisor certificate;
- (h) early childhood director certificate.

(2) A person may hold more than one level of certificate. Multiple certificates

(3) An application for a certificate shall be accompanied by the following documents: Required documents

- (a) a statement of the results of a criminal record check and a vulnerable sector search respecting the applicant, conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date of the application;
- (b) official transcripts confirming the applicant meets the educational requirements in section 9, as applicable;
- (c) where the applicant is applying for an early childhood supervisor certificate or an early childhood director certificate, written confirmation that the applicant has the experience required in section 9, as applicable;
- (d) written confirmation that the applicant is entitled to work in Canada.

9. (1) An applicant for a family home child care provider certificate shall have successfully completed a 30-hour course related to the care and education of infants and preschoolers, approved by the Board. Family home child care provider

(2) An applicant for a school-age child care provider certificate shall have successfully completed a 30-hour course related to the care and education of school-age children, approved by the Board. School-age child care provider

(3) An applicant for an early childhood educator I certificate shall have successfully completed a 30-hour course, approved by the Board, in each of the following subject areas: Early childhood educator I

- (a) child growth and development;
- (b) child guidance;
- (c) early childhood pedagogy.

(4) An applicant for an early childhood educator II certificate shall have successfully completed a one-year certificate program in early childhood care and education, approved by the Board. Early childhood educator II

(5) An applicant for an early childhood educator III certificate shall have successfully completed a two-year diploma program, or a degree program, in early childhood care and education, approved by the Board.

Early childhood
educator III

(6) An applicant for an inclusion support assistant certificate shall have successfully completed a one-year certificate program or two-year diploma program in early years studies, early childhood care and education, or human services, approved by the Board.

Inclusion support
assistant

(7) An applicant for an early childhood supervisor certificate shall have

(a) successfully completed

(i) a two-year diploma program or a degree program in early childhood care and education, approved by the Board, or

(ii) a degree program in child and family studies, which includes credit for a two-year diploma program in early childhood care and education, approved by the Board; and

(b) obtained at least 3,900 hours of experience providing services to children while holding a certificate or an equivalent authorization issued in the jurisdiction where the services were provided.

Early childhood
supervisor

(8) An applicant for an early childhood director certificate shall have

(a) successfully completed

(i) a degree program in early childhood care and education, approved by the Board,

(ii) a degree program in child and family studies, which includes credit for a two-year diploma program in early childhood care and education, approved by the Board, or

(iii) a one-year certificate program in early childhood care and education, approved by the Board, and a degree program that, in the opinion of the Board, is related to early childhood care and education; and

(b) obtained at least 9,750 hours of experience providing services to children at an early childhood centre or preschool centre, a Type I facility under the former Act or an equivalent type of centre licensed under the laws of another jurisdiction, while holding a certificate or an equivalent authorization issued in the jurisdiction where the services were provided.

Early childhood
director

Renewal of Certificate

10. (1) For the purpose of subsection 33(2) of the Act, an application to renew a certificate shall be accompanied by

Required
documents

- (a) where the criminal record check and the vulnerable sector search referred to in clause 8(3)(a) respecting the certificate holder were carried out more than 3 years prior to the date of the renewal application, a statement of the results of a criminal record check and a vulnerable sector search respecting the certificate holder, conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date of the application; and
- (b) written confirmation that the certificate holder has met the continuing education requirement set out in subsection (2).

(2) To renew a certificate, the certificate holder shall have successfully completed 45 hours of continuing education, approved by the Board, in the three years preceding the application to renew his or her certificate.

Continuing
education

APPEAL BOARD

11. (1) The Minister shall appoint the following persons as an Appeal Board:

Appointment

- (a) an individual who is a member, in good standing, of the Law Society of Prince Edward Island, who shall be the Chair;
- (b) two individuals with experience, or an interest, in early childhood care and education.

(2) The term of office for a member of the Appeal Board is three years and a member may be re-appointed, but may not serve more than two consecutive terms.

Term of office

(3) Members of the Appeal Board shall receive such remuneration and be entitled to be reimbursed for such expenses as the Minister may determine.

Remuneration

12. The Appeal Board may retain any legal or other assistance that it considers necessary for the purpose of reviewing a decision of the Board. Conduct of review

13. (1) The Appeal Board shall serve written notice of a decision on a review and the reasons for the decision on the appellant and the Board. Notice of decision

(2) A decision of the Appeal Board on a review is final. Decision final

PART 3

EARLY LEARNING AND CHILD CARE CENTRES

Requirements for Services

14. The operator of a licensed centre shall provide services that are in keeping with the physical, social, intellectual, language, creative and emotional needs of children receiving services at the licensed centre. Services to meet needs of children

15. (1) The operator of a licensed centre shall, with respect to children receiving services at the licensed centre, develop and post behaviour management policies that Child discipline

(a) demonstrate a positive approach to behaviour management and guidance;

(b) require behaviour management to be reasonable in accordance with the circumstances and age of the child; and

(c) prohibit physical punishment, verbal or emotional abuse and denial of necessities.

(2) The operator of a licensed centre shall ensure that the behaviour management policies of the licensed centre are communicated to Communication of policies

(a) parents of children receiving services at the licensed centre; and

(b) staff members of the licensed centre.

(3) The operator of a licensed centre shall ensure that the staff members of the licensed centre comply with the behaviour management policies of the licensed centre. Compliance with policies

(4) The operator of a licensed centre shall ensure that, with respect to children receiving services at the licensed centre, no staff member or other associated person, at any time, Prohibitions

(a) inflicts or causes to be inflicted on a child any form of physical punishment, verbal or physical degradation or emotional deprivation;

(b) denies or threatens to deny a child any basic necessity;

(c) uses or permits the use of any form of

(i) confinement or isolation of a child, or

(ii) physical restraint of a child, except where

(A) physical restraint is necessary to prevent imminent bodily harm to the child or another person, and

(B) less restrictive forms of intervention are not practicable or effective.

16. The operator of a licensed centre shall post, in an area visible to parents, a daily schedule for the licensed centre that includes time for meals, rest or quiet play, and outdoor activity. Daily schedule

17. (1) No operator of a licensed centre shall take a child receiving services at the licensed centre, or permit a child receiving services at the licensed centre to be taken by a staff member or other associated person, to an activity off the premises of the licensed centre unless a parent of the child Off-site activity

(a) has been advised of the activity, including the transportation and supervision arrangements with respect to the activity; and

(b) has consented in writing to the participation of the child in the activity.

(2) For the purposes of section 38 of the Act, where the operator of a licensed centre transports or provides for the transportation of a child receiving services at the centre in a private passenger vehicle, the operator shall ensure that, in accordance with the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Transportation of child in private vehicle

(a) the child is seated and secured by a restraint system;

(b) the vehicle is inspected; and

- (c) the driver of the vehicle has a valid driver's licence.

Number of Children

18. (1) The maximum number of children to whom an operator may provide services at a licensed centre, other than a family home centre, at one time is 50 children. Maximum number of children

(2) The maximum number of children to whom an operator may provide services at a family home centre at any one time is six children, including any children of the operator. Family home centre

Staffing

19. (1) The operator of a licensed centre shall engage sufficient staff members at the licensed centre to ensure the following minimum staff member to child ratios are met while children are receiving services indoors and outdoors respectively: Staff member to child ratios

Age of Child	Indoor Ratio	Outdoor Ratio
Under 22 months	1:3	1:3
22 months – 3 years	1:5	1:7
Over 3 years – school entry	1:10	1:15
School-age	1:15	1:22

(2) Subject to subsection (3), the operator of a licensed centre shall ensure that the maximum group size for infants receiving services at the licensed centre is six infants. Group size

(3) The maximum group size for infants in a licensed centre may exceed six infants for a period not exceeding 25% of the time that the infants receive services in the licensed centre daily, provided that the group includes preschool or school-age children. Exception

(4) The operator of a licensed centre shall ensure that every child receiving services at the licensed centre is supervised at all times. Supervision

20. (1) The operator of a licensed centre shall ensure that every staff member at the licensed centre Staff qualifications

- (a) is at least 18 years of age;
- (b) provides to the operator a criminal record check and a vulnerable sector search respecting the staff member, conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date it is provided,
 - (i) within eight weeks of commencing to provide services at the licensed centre, and
 - (ii) at least every three years after that date; and
- (c) has emergency first aid certification approved by the Board.

(2) The operator of a licensed centre shall ensure that no staff member has unsupervised access to a child receiving services at the licensed centre unless Unsupervised access

- (a) the staff member has complied with clause (1)(b); and
- (b) the Board has no reasonable grounds to believe that the staff member is not suitable to have contact with children receiving services at the centre.

21. (1) The operator of a family home centre shall ensure that the licensed centre is staffed with at least one of the following certificate holders: Staffing requirements – family home centre

- (a) a family home child care provider;
- (b) an early childhood educator I;
- (c) an early childhood educator II;
- (d) an early childhood educator III;
- (e) an early childhood supervisor;
- (f) an early childhood director.

(2) The operator of a school-age child centre shall ensure that the licensed centre is staffed with Staffing requirements – school-age child centre

- (a) at least one of the following certificate holders:
 - (i) a school-age child care provider,
 - (ii) an early childhood educator I,

- (iii) an early childhood educator II,
- (iv) an early childhood educator III,
- (v) an early childhood supervisor,
- (vi) an early childhood director; and
- (b) at least one other certificate holder referred to in clause (a), if additional staff members are required to comply with the staff member to child ratios set out in subsection 19(1).

- 22.** (1) The operator of a preschool centre or an early childhood centre shall ensure that the licensed centre is staffed with
- Staffing requirements – preschool centre or early childhood centre
- (a) at least one early childhood supervisor or early childhood director; and
 - (b) at least one of the following certificate holders, if additional staff members are required to comply with the staff member to child ratios set out in subsection 19(1):
 - (i) an early childhood educator II,
 - (ii) an early childhood educator III,
 - (iii) an early childhood supervisor,
 - (iv) an early childhood director.

- (2) The early childhood supervisor or early childhood director responsible for the day-to-day operations at a preschool centre or an early childhood centre shall designate one of the following certificate holders to assume his or her responsibilities during his or her absence from the licensed centre:
- Temporary replacement of supervisor or director
- (a) an early childhood educator II;
 - (b) an early childhood educator III;
 - (c) an early childhood supervisor;
 - (d) an early childhood director.

- (3) No operator shall operate a preschool centre or an early childhood centre for more than four consecutive weeks without either an early childhood supervisor or early childhood director on the premises.
- Limit on Supervisor absence

- 23.** (1) On the written request of an operator, the Board may exempt the operator of a licensed centre from a staffing requirement in section 21 or 22 for a specified period of time, if the Board is satisfied that the operator
- Exemption
- (a) made every reasonable effort but was unable to hire a required certificate holder; and
 - (b) has a reasonable plan to meet the staffing requirement within the time period specified by the Board.

- (2) Where the Board has exempted the operator of a licensed centre from a staffing requirement under subsection (1), the operator shall not employ a person who does not hold a required certificate to provide services to children for more than eight weeks, unless the person is enrolled in a course or program acceptable to the Board to obtain the qualifications for a required certificate within the time period specified by the Board under subsection (1).
- Substitute

Premises and Equipment

- 24.** The operator of a licensed centre shall, with respect to the centre, ensure that
- Layout of the centre

- (a) areas used in the provision of services to children have a layout that is conducive to the effective supervision of children; and
- (b) adequate space is designated for administrative and staff needs.

- 25.** (1) The licensed centre shall contain, or the operator shall have access to, washroom facilities that are, in the opinion of the Board, adequate for the number of children receiving services at the licensed centre, suitable for the use of children, conveniently located and conducive to the effective supervision of children using the washroom.
- Washroom

- (2) The operator of a licensed centre shall ensure that a washroom used by children receiving services at the licensed centre is, at all times,
- Idem*
- (a) maintained in sanitary condition; and
 - (b) equipped with
 - (i) an adequate supply of
 - (A) toilet tissue,
 - (B) hot and cold potable water under adequate pressure,
 - (C) soap,

- (D) single service towels in a suitable dispenser or a drying device, and
(ii) a waste receptacle.
- 26.** (1) The operator of a licensed centre shall provide for children receiving services at the licensed centre Required activity space per child
- (a) a minimum of 3.5 square metres of indoor activity space per child; and
(b) a minimum of 7 square metres of outdoor activity space per child.
- (2) For greater certainty, indoor activity space does not include hallways, closets, entryways, kitchens, washrooms, storage or dedicated sleep space for infants. Indoor activity space
- (3) The Board may permit an operator of a licensed centre to meet the requirements of clause (1)(b) using outdoor activity space shared with another licensed centre, provided that the outdoor activity space is not used by more than one operator at a time to provide services to children. Joint use of outdoor activity space
- (4) Subject to subsection (5), the indoor activity space at a licensed centre shall provide exposure to natural light. Natural light
- (5) Subsection (4) does not apply with respect to indoor activity space at Exception
- (a) a school-age child care centre; or
(b) a licensed centre that, immediately before the coming into force of these regulations, was operated under a license issued under the former Act and regulations and was deemed to be a licensed centre on the coming into force of these regulations.
- (6) Subject to subsections (8) and (9), the outdoor activity space provided by the operator of a licensed centre shall be Outdoor activity space
- (a) adjacent to the licensed centre; and
(b) securely enclosed on all sides.
- (7) Subject to subsection (9), the operator of a licensed centre shall ensure that all entrances to and exits from the outdoor activity space provided by the operator that do not lead into the interior of the licensed centre are kept closed at all times while children are using the outdoor activity space. Secure space
- (8) Where there is no outdoor activity space available adjacent to a licensed centre, the Board may exempt the operator of the licensed centre from the requirements in clause (6)(a) if the Board is satisfied that Exemption
- (a) the operator has outdoor activity space or outdoor activity space is available for use by children receiving services at the licensed centre within a reasonable distance from the licensed centre;
(b) the outdoor activity space is safely accessible by children receiving services at the licensed centre;
(c) potable water is safely accessible in or from the outdoor activity space by children receiving services at the licensed centre; and
(d) children receiving services at the licensed centre can be adequately supervised and protected in the outdoor activity space.
- (9) Where outdoor activity space adjacent to a licensed centre cannot be securely enclosed on all sides, the Board may exempt the operator of the licensed centre from the requirement in clause (6)(b) if the Board is satisfied that enclosing the outdoor activity space on all sides is not necessary to ensure the health and safety of children using the space. Idem
- (10) The Board may retract an exemption granted under subsection (8) or (9) at any time if the Board is no longer satisfied that the requirements for the exemption are met. Retraction of exemption
- 27.** The operator of a licensed centre shall ensure that Furnishings and equipment
- (a) all furnishings, play equipment and toys at the licensed centre, whether indoors or outdoors,
(i) meet the applicable requirements of the *Canada Consumer Product Safety Act* (Canada) and the regulations made pursuant to it,
(ii) are cleaned and sanitized regularly and maintained in good repair, and

- (iii) are developmentally appropriate for children receiving services at the licensed centre;
- (b) a sufficient quantity and variety of furnishings, play equipment and toys are available to children receiving services at the licensed centre;
- (c) books, toys and play equipment that support early learning and development are available to children at the licensed centre; and
- (d) each child under 12 months of age who is receiving services at the licensed centre is provided with a separate crib or alternative infant bed that meets the applicable requirements of the *Canada Consumer Product Safety Act* (Canada) and the regulations made pursuant to it.

28. The operator of a licensed centre shall, with respect to children receiving services at the licensed centre, Diapering

- (a) provide
 - (i) a change table, or
 - (ii) individual changing pads for each child requiring diapering;
- (b) ensure that children are diapered in an area in reasonable proximity to a washing area equipped with
 - (i) hot and cold potable water under adequate pressure,
 - (ii) single use soap in a dispenser, and
 - (iii) single service towels in a dispenser or a drying device;
- (c) ensure that staff members follow proper hand washing procedures approved by the Board when diapering children; and
- (d) ensure that staff members follow cleaning and sanitizing procedures approved by the Board for change tables or changing pads.

Health and Safety

29. The Board shall, prior to the commencement of the operation of a licensed centre and at least annually thereafter, request that the Fire Marshal, or an inspector, appointed under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11, inspect the premises of the centre in accordance with the *Fire Prevention Act* and regulations. Fire inspection

30. (1) The operator of a licensed centre shall develop, and ensure that all staff members are trained to carry out, emergency procedures, including emergency evacuation procedures. Emergency procedures

(2) The operator of a licensed centre shall require staff members to practice emergency evacuation procedures at least once a month. Practice

(3) The operator of a licensed centre shall ensure that, where developmentally appropriate, children receiving services at the licensed centre practice emergency evacuation procedures. Idem

(4) Where only one staff member is present at a licensed centre, the operator of the centre shall ensure that another person is quickly available to replace that staff member should he or she need to be absent for an emergency. Replacement staff in emergency

31. (1) The operator of a licensed centre shall provide a telephone in working order within the centre and a cellular telephone in working order for use outside the centre. Telephone

(2) The operator of a licensed centre shall ensure that a staff member of the licensed centre carries a cellular telephone in working order with him or her during an activity off the premises or an emergency evacuation. Idem

(3) The operator of a licensed centre shall ensure that telephone numbers for the following are posted in the centre and are readily accessible: Emergency and safety contacts and procedures

- (a) emergency 911;
- (b) poison control centre;
- (c) child protection services;
- (d) emergency replacement staff.

- 32.** In the case of an accident or illness involving a child receiving services at a licensed centre, the operator of the licensed centre shall ensure that Accident or illness
- (a) medical attention is sought for the child, if necessary; and
 - (b) the child's parent or emergency contact is notified.
- 33.** The operator of a licensed centre shall promptly report the following to the Board, in the manner required by the Board: Duty to report to Board
- (a) a serious illness of, or injury to, a child that occurs while the child is receiving services at a licensed centre; or
 - (b) any other incident that occurs while a child is receiving services at a licensed centre that may seriously affect the health or safety of the child.
- 34.** (1) Subject to subsection (3), where a staff member knows or has reason to believe that a child receiving services at a licensed centre is exhibiting signs or symptoms of illness as set out in subsection (2), the operator shall ensure that Illness of child
- (a) the child is immediately separated from other children at the licensed centre, under the supervision of a staff member;
 - (b) the child's parent or emergency contact is asked to arrange for the immediate removal of the child from the licensed centre; and
 - (c) the child does not return to the licensed centre until the operator is satisfied that the child
 - (i) no longer poses a health risk to other persons at the licensed centre, and
 - (ii) can fully participate in the regular activities of the licensed centre.
- (2) Signs or symptoms of illness exhibited by a child include Signs or symptoms of illness
- (a) recurring vomiting, fever or diarrhea;
 - (b) an inability to fully participate in the regular activities of the centre; or
 - (c) having or displaying any other illness or symptom that a staff member knows or believes may indicate that the child poses a health risk to other persons at the licensed centre.
- (3) Subsection (1) does not apply if Exception
- (a) the child's parent provides written notice from a medical practitioner or nurse practitioner indicating that the child does not pose a health risk to other persons at the licensed centre; and
 - (b) with respect to signs or symptoms referred to in clause (2)(b) or (c), a public health official has provided written notice that the signs or symptoms of illness are not a health risk to other persons at the licensed centre.
- 35.** No staff member who has a communicable disease, as defined in the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1, shall attend at a licensed centre if the presence of that staff member poses a significant risk to the health of other persons at the licensed centre. Illness of staff member
- 36.** (1) The operator of a licensed centre may administer or allow the administration of medication to a child receiving services at the licensed centre only if Medication
- (a) the written consent of the child's parent has been obtained;
 - (b) the medication is in the original labelled container; and
 - (c) the medication is administered according to the labelled directions.
- (2) Where medication is administered at a licensed centre to a child receiving services at the licensed centre, the operator shall ensure that the following information is recorded: Record
- (a) the name of the medication;
 - (b) the time of administration;
 - (c) the amount administered;
 - (d) the initials of the person who administered the medication.
- (3) The operator of a licensed centre shall ensure that Storage of medication
- (a) medication kept at the licensed centre, other than medication that may be needed in an emergency, is stored in a locked container;
 - (b) all medication kept at the licensed centre is stored in a place that is not accessible to children; and

- (c) medication supplied by a parent of a child receiving services at the licensed centre is clearly labelled with the name of the child.
- 37.** The operator of a licensed centre shall ensure that, with respect to a child receiving services at the licensed centre who has a life-threatening allergy, every staff member is aware
- Life-threatening allergy
- (a) that the child has a life-threatening allergy;
 - (b) of the nature of the allergy; and
 - (c) of the appropriate response if the child has an allergic reaction.
- 38.** The operator of a licensed centre may provide or allow for the provision of health care to a child receiving services at the licensed centre only if
- Health care
- (a) the written consent of a parent of the child has been obtained; or
 - (b) the health care provided is in the nature of first aid or emergency response.
- 39.** (1) The operator of a licensed centre shall provide and maintain at the licensed centre a first aid kit, of a type approved by the Board, which is accessible to staff members at all times.
- First aid kit
- (2) The operator of a licensed centre shall take reasonable steps to protect children receiving services at the licensed centre from hazards, including
- Hazards
- (a) ensuring hazardous items are inaccessible to children;
 - (b) storing poisonous substances in a locked enclosure;
 - (c) covering radiators and hot pipes with non-combustible material; and
 - (d) where infants or preschool children receive services at the licensed centre, capping or covering electrical outlets that are not in use.
- 40.** No staff member of a licensed centre shall smoke at any time while providing services to children or in any place where services are being provided to children.
- Smoking prohibited
- Food Services**
- 41.** (1) The operator of a licensed centre shall
- Supply of meals and snacks
- (a) supply meals and snacks for a child receiving services at the licensed centre; or
 - (b) require the parent of a child receiving services at the licensed centre to supply meals and snacks for that child.
- (2) Where the operator of a licensed centre supplies meals and snacks for a child receiving services at the licensed centre, the operator shall ensure that the meals and snacks meet the nutritional guidelines set out in *Eating Well With Canada's Food Guide*, published by Health Canada, 2011, as amended from time to time.
- Nutrition
- (3) The operator of a licensed centre shall ensure that
- Menus
- (a) a menu of meals and snacks to be supplied by the operator is posted daily in a prominent place at the licensed centre; and
 - (b) the menu and a record of the meals and snacks supplied by the operator is kept on file for at least 90 days thereafter.
- (4) The operator of a licensed centre shall ensure that meals and snacks supplied by the parent of a child receiving services at the licensed centre are clearly labelled with the name of the child.
- Labelling
- 42.** (1) The operator of a licensed centre shall ensure that a child who is receiving services at the licensed centre for 3 hours or more is provided with the following meals and snacks, at appropriate times and in sufficient quantities in accordance with the needs of the child:
- Provision of meals and snacks
- (a) breakfast;
 - (b) a mid-morning snack;
 - (c) a noontime meal;
 - (d) a mid-afternoon snack;
 - (e) an early evening meal.
- (2) The operator of a licensed centre shall ensure that
- Manner of feeding
- (a) the manner in which children receiving services at the licensed centre are fed is appropriate to their age and level of development;

- (b) children are not walking or running while eating or drinking; and
- (c) no beverages are provided to children while they are napping.

43. (1) The operator of a licensed centre shall ensure that any staff member involved in the preparation of meals or snacks, other than meals or snacks consisting only of low-risk food as defined in the *Public Health Act* Food Premises Regulations (EC616/14), for children receiving services at the licensed centre has successfully completed a food safety course approved by the Board. Food safety course

- (2) The operator of a licensed centre shall ensure that Food preparation area and practices
 - (a) there is a sanitary food preparation area in the licensed centre; and
 - (b) staff members preparing food follow safe food preparation practices approved by the Board.

Records

44. The operator of a licensed centre shall keep a daily record of children in attendance at the licensed centre and retain it for one year. Attendance records

45. (1) The operator of a licensed centre shall keep current personnel records for the licensed centre that include the following information: Personnel records

- (a) the name of each employee;
- (b) the position held by each employee;
- (c) the qualifications that each employee has at the time of employment and subsequently acquires;
- (d) the results of the criminal record checks and vulnerable sector searches conducted in the Canadian Police Information Centre system with respect to each employee.

(2) The operator of a licensed centre shall keep records with respect to volunteers that include the following information: Volunteer records

- (a) the name of each volunteer;
- (b) the results of the criminal record checks and vulnerable sector searches conducted in the Canadian Police Information Centre system with respect to each volunteer.

(3) The operator of a licensed centre shall retain the records referred to in subsections (1) and (2) for at least one year after the person last provided services to children at the licensed centre. Retention of records

46. (1) The operator of a licensed centre shall keep a current record of the following information for each child receiving services at the licensed centre: Children's records

- (a) the name, age, home address and provincial health number of the child;
- (b) the name, address and contact information of the parent or parents of the child;
- (c) the name, address and contact information of a person who may be contacted in the event of an emergency if a parent of the child is not available;
- (d) the name of any individual other than a parent of the child into whose custody the child may be released from the licensed centre;
- (e) any medical, physical or developmental conditions relevant to the care of the child;
- (f) assessments and evaluations of the child;
- (g) attendance of the child;
- (h) incidents involving the child.

(2) The operator of a licensed centre shall retain the records referred to in clauses (1)(f) to (h) for one year after the child ceases to receive services at the licensed centre. Retention of records

PART 4

TRANSITIONAL

47. (1) For the purpose of subsection 77(1) of the Act, License, transition

- (a) a Type I license issued under the former Act and its regulations to operate an early childhood centre for infants, preschool children

and school-age children is deemed to be a licence to operate an early childhood centre;

(b) a Type I license issued under the former Act and its regulations to operate an early childhood centre for less than four consecutive hours per day for children who are three years of age or over but not yet attending school is deemed to be a licence to operate a preschool centre;

(c) a Type II license issued under the former Act and its regulations to operate a day care home is deemed to be a license to operate a family home centre; and

(d) a Type II license issued under the former Act and its regulations to operate a school age child care centre is deemed to be a license to operate a school-age child centre.

(2) For the purpose of subsection 77(2) of the Act, a supervisor's certificate issued under the former Act and its regulations is deemed to be an early childhood supervisor certificate. Supervisor's certificate, transition

(3) For the purpose of subsection 77(3) of the Act, Staff certificate, transition

(a) a staff certificate issued to a person on the basis that the person had the basic training, extension units and experience set out in paragraph A, B, D, E or F of Schedule C in the *Child Care Facilities Act* Regulations is deemed to be an early childhood educator III certificate; and

(b) a staff certificate issued to a person on the basis that the person had the basic training, extension units and experience set out in paragraph C of Schedule C in the *Child Care Facilities Act* Regulations is deemed to be an early childhood educator II certificate.

FEES

48. The fees prescribed for the purposes of the Act and these regulations are set out the Schedule to these regulations, which forms part of these regulations. Fees

REVOCATION AND COMMENCEMENT

49. The *Child Care Facilities Act* Regulations (EC475/87) are revoked. Revocation

50. These regulations come into force on January 1, 2017. Commencement

SCHEDULE**FEES**

Description	Fee
Application for licence to operate a centre where the operator proposes to provide services at the centre to not more than 25 children	\$75
Application for licence to operate a centre where the operator proposes to provide services at the centre to more than 25 children	\$150
Application to renew a licence to operate a centre where the operator provides services at the centre to not more than 25 children	\$75
Application to renew a licence to operate a centre where the operator provides services at the centre to more than 25 children	\$150
Application to modify a licence to operate a centre	\$50
Application to transfer or assign a licence to operate a centre	\$50
Application for a certificate where the applicant completed all of his or her training in Canada	\$25
Application for a certificate where the applicant completed all or a portion of his or her training outside of Canada	\$300

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations. It also sets out persons who are deemed to be associated with a centre and circumstances that constitute reasonable grounds to believe that a person is not suitable to have contact with children receiving services at a centre.

SECTION 2 sets out the categories of licensed centres, the information required to accompany an application for a licence and the requirements to be met to obtain a licence.

SECTION 3 sets out the information required to accompany an application to renew a licence and the requirements to be met to renew a licence.

SECTION 4 sets out time periods during which a person who has been refused a licence or had a licence revoked is ineligible to apply for a licence.

SECTION 5 provides an application process to modify the category of a licence or the services provided at a licensed centre.

SECTION 6 provides an application process to transfer or assign a licence.

SECTION 7 requires the Board to provide notice of a refusal to modify or transfer a licence and provides for applicants to appeal a refusal.

SECTION 8 sets out certificate levels and an application process for a certificate.

SECTION 9 sets out the education and, in some cases, experience requirements for each level of certificate.

SECTION 10 provides an application process to renew a certificate.

SECTION 11 requires the Minister to appoint persons with specified qualifications as the Appeal Board, sets out the term of office of its members and provides for members' remuneration at the discretion of the Minister.

SECTION 12 provides for the Appeal Board to obtain legal or other assistance when reviewing a decision of the Board.

SECTION 13 requires the Appeal Board to serve written notice of its decision, including reasons, on the appellant and the Board and provides that the decision is final.

SECTION 14 requires an operator to provide services that meet various needs of children receiving services at the licensed centre.

SECTION 15 requires an operator to develop and post behaviour management policies, communicate those policies to parents and staff and ensure staff members comply with those policies and do not engage in prohibited methods of behaviour management.

SECTION 16 requires an operator to post a daily schedule for the view of parents, which includes times for meals, rest or quiet play and outdoor activity.

SECTION 17 prohibits an operator from taking a child, or permitting a child to be taken, to an activity off the premises of the licensed centre without the informed consent of a parent of the child. It also sets out requirements related to transporting a child receiving services at a licensed centre in a motor vehicle.

SECTION 18 sets out the maximum number of children who may receive services at a licensed centre at one time.

SECTION 19 sets out the minimum staff to child ratio for children of certain ages, both indoors and outdoors, and sets out the maximum group size for infants. It also requires that every child receiving services at a licensed centre be supervised at all times.

SECTION 20 sets out minimum staff qualifications and rules respecting staff access to children receiving services at a licensed centre.

SECTION 21 sets out minimum staffing requirements for a family home centre and a school-age child centre.

SECTION 22 sets out minimum staffing requirements for a preschool centre and an early childhood centre.

SECTION 23 permits the Board to exempt an operator from the minimum staffing requirements in sections 21 and 22 in certain circumstances and on certain conditions.

SECTION 24 sets out requirements for the layout of a licensed centre.

SECTION 25 sets out requirements for washrooms used by children receiving services at a licensed centre.

SECTION 26 sets out requirements, and exceptions to those requirements, for indoor and outdoor activity space at a licensed centre.

SECTION 27 sets out requirements for furnishings and equipment at a licensed centre.

SECTION 28 sets out requirements related to diapering children receiving services at a licensed centre.

SECTION 29 requires the Board to request a fire inspection of the premises of a centre, prior to the commencement of the operation of the licensed centre and at least annually after that.

SECTION 30 sets out requirements for the development of, and training in, emergency procedures at a licensed centre.

SECTION 31 sets out requirements for telephones and contact information at a licensed centre.

SECTION 32 sets out requirements in case of accident or illness involving a child receiving services at a licensed centre.

SECTION 33 imposes on an operator a duty to promptly report the serious illness or injury of a child receiving services at a licensed centre, or other serious incidents involving a child receiving services at a licensed centre, to the Board.

SECTION 34 sets out requirements for addressing the illness of a child receiving services at a licensed centre.

SECTION 35 prohibits a staff member who has a communicable disease from attending at a licensed centre if it would pose a significant risk to the health of other persons at the centre.

SECTION 36 sets out requirements for administering medication to a child receiving services at a licensed centre and storing medication at a licensed centre.

SECTION 37 sets out requirements with respect to staff knowledge and awareness of a child receiving services at a licensed centre who has a life-threatening allergy.

SECTION 38 sets out requirements related to the provision of health care to a child receiving services at a licensed centre.

SECTION 39 requires an operator to provide and maintain a first aid kit and take reasonable steps to protect children from hazards at a licensed centre.

SECTION 40 prohibits any staff member from smoking while providing services to children or in any place where services are provided to children.

SECTIONS 41 and 42 set out requirements related to meals and snacks at a licensed centre.

SECTION 43 sets out requirements related to food safety and food preparation at a licensed centre.

SECTIONS 44 – 46 set out record-keeping requirements for the operator of a licensed centre.

SECTION 47 provides for the transition of licenses and certificates issued under the former Act and regulations.

SECTION 48 provides that fees prescribed for the purposes of the Act and these regulations are set out in the schedule in these regulations.

SECTION 49 revokes the *Child Care Facilities Act* Regulations.

SECTION 50 provides for the commencement of these regulations.

EC2016-820

EXECUTIVE COUNCIL ACT
 MINISTER OF COMMUNITIES, LAND AND ENVIRONMENT
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (MEMORANDUM OF AGREEMENT
 FOR WATER TESTING SERVICES TO
 ABEGWEIT AND LENNOX ISLAND FIRST NATIONS)
 WITH
 HEALTH CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Communities, Land and Environment to enter into an agreement with Health Canada, as represented by the Minister of Health, to provide bacterial water testing services for samples taken at the Abegweit and Lennox Island First Nations, for the period September 5, 2016 to March 31, 2021, such as more particularly described in the draft agreement.

EC2016-821

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 KM PROPERTIES INC.
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to KM Properties Inc. of North Tryon, Prince Edward Island to acquire a land holding of approximately ninety-two decimal two (92.2) acres of land at Westmoreland, Lot 29, Queens County, Province of Prince Edward Island, being acquired from Lowell C. Oakes of Crapaud, Prince Edward Island PROVIDED THAT approximately ninety (90) acres of the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2016-822

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 MKM ENTERPRISES INC.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to MKM Enterprises Inc. of North Tryon, Prince Edward Island to acquire a land holding of approximately one decimal six one (1.61) acres of land at Crapaud, Lot 29, Queens County, Province of Prince Edward Island, being acquired from Lowell Oakes and Susanne Oakes, both of Crapaud, Prince Edward Island.

EC2016-823

SUMMARY PROCEEDINGS ACT

TICKET REGULATIONS
AMENDMENT

Pursuant to section 10 of the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, Council made the following regulations:

1. Schedule 2 of the *Summary Proceedings Act* Ticket Regulations (EC58/08) is amended in Part 38

(a) in item 15, by the deletion of the words “a minor” and the substitution of the words “a person under age 19 or apparently under age 19”;

(b) in item 16, by the deletion of the words “Minor illegally being in” and the substitution of the words “A person under age 19 entering, being in or remaining in”;

(c) in item 17, by the deletion of the words “minor to enter or remain on” and the substitution of the words “a person under age 19 to enter, be in or remain in a”;

(d) in item 18, by the deletion of the word “Minor” and the substitution of the words “A person under age 19”;

(e) by the revocation of item 19 and the substitution of the following:

19 A person under age 19 possessing or consuming liquor.....	40(5)(a)	200 (1st offence) 400 (2nd or subsequent offence)
19.1 A person under age 19 falsely claiming to be over age 19 in order to obtain liquor.....	40(5)(b)	200 (1st offence) 400 (2nd or subsequent offence)

(f) in item 20, by the deletion of the word “Minor” and the substitution of the words “A person under age 19 making application for a permit or”.

2. These regulations come into force on December 10, 2016.

EXPLANATORY NOTES

SECTION 1 amends certain provisions in Part 38 of Schedule 2 of these regulations, which sets out ticket fines for offences under the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14. The section replaces the word “minor” with “a person under age 19”, as a minor is a person under the age of 18 in accordance with the *Age of Majority Act* R.S.P.E.I. 1988, Cap. A-8 and the *Liquor Control Act* provisions refer to a person under the age of 19 years. The section also corrects an error respecting the ticket fines for the offences described in clauses 40(5)(a) and (b) of the Act.

SECTION 2 provides for the commencement of these regulations.

EC2016-824LEGAL PROFESSION ACT
QUEEN'S COUNSEL
APPOINTMENT
OF
CATHERINE A. CHAISSON

Council, pursuant to subsection 34(1) of the *Legal Profession Act* R.S.P.E.I. 1988, Cap. L-6.1, ordered that Letters Patent under the Great Seal of the Province be issued to appoint Catherine A. Chaisson of North Wiltshire, Prince Edward Island as Her Majesty's Counsel learned in the law of Prince Edward Island, effective November 29, 2016.

EC2016-825LEGAL PROFESSION ACT
QUEEN'S COUNSEL
APPOINTMENT
OF
LISA L. GOULDEN

Council, pursuant to subsection 34(1) of the *Legal Profession Act* R.S.P.E.I. 1988, Cap. L-6.1, ordered that Letters Patent under the Great Seal of the Province be issued to appoint Lisa L. Goulden of Charlottetown, Prince Edward Island as Her Majesty's Counsel learned in the law of Prince Edward Island, effective November 29, 2016.