

Federal Decree Law No. (51) of 2022

Regulating Nurseries

We, Mohammed Bin Zayed Al Nahyan President of the United Arab Emirates;

- Upon reviewing the Constitution;
- Federal Law No. (1) of 1972 Concerning the Competences of Ministries and Powers of Ministers, and any amendments thereto;
- Federal Law No. (5) of 1983 Concerning Nurseries;
- Federal Law No. (29) of 2006 Concerning the Rights of Disabled Persons, and any amendments thereto;
- Federal Law No. (3) of 2016 Concerning the Child Rights Law (Wadeema), and any amendments thereto;
- Federal Law No. (14) of 2016 Concerning Administrative Violations and Penalties in the Federal Government;
- Federal Law by Decree No. (18) of 2020 Concerning Private Education;
- Federal Law by Decree No. (33) of 2021 Regulating Labour Relations, and any amendments thereto;
- Federal Law by Decree No. (43) of 2022 Establishing the Federal Agency for Early Education;
- Federal Law by Decree No. (44) of 2022 Establishing the National Centre for Education Quality;
- And upon the proposal of the Minister of Early Education and the approval of the Cabinet;

Have promulgated the following Federal Law by Decree:

Article (1) Definitions

In application of the provisions of this Law by Decree, the following words and phrases shall have the meanings assigned thereto, unless the context otherwise requires:

State	: The United Arab Emirates.
Ministry	: Ministry of Education.
FAEE	: Federal Agency for Early Education.
FAEE Chairman	: Chairman of the Federal Agency for Early Education.
Concerned Authorities	: The government authorities concerned with regulating nurseries in terms of social, cultural, regulatory, health or security aspects, or the authorities authorised to issue commercial licenses to nurseries to practice their education activities, each within its jurisdiction.
Child	: Every child from the age of one day to the age of four (4) calendar years.
Nursery Activities	: Programmes and activities related to the care and follow-up of children, with all their health and educational aspects, and the development of their physical, cognitive, linguistic, emotional and social abilities.
Private Nurseries	: Every facility specialised in providing child care services, established and supervised by a private natural or legal person, including nurseries attached to private schools and nurseries at workplaces.
Care Rooms	: A place designated for receiving and caring for children from their birth until they complete two years of age.
License	: A document issued by the FAEE to practise nursery activities in accordance with the provisions of this Law by Decree.
Professional License	: A document issued by the Ministry to personnel working in the field of education in accordance with the legislation in force in this regard.

Executive Regulations : The Executive Regulation issued in implementation of the provisions of this Law by Decree.

Article (2) Law by Decree Objectives

This Law by Decree shall aim to achieve the following:

1. Caring for children and qualifying them socially, morally, educationally, psychologically and physically, and giving them a healthy upbringing.
2. Regulating the activities and care services provided by nurseries, which will improve the child's quality of life.
3. Governance of the work of nurseries in the State.

Article (3) Law by Decree Scope of Application

1. The provisions of this Law by Decree shall apply to all nurseries in the State.
2. Nurseries that are specified by a resolution issued by the Cabinet shall be excluded from the application of some provisions of this Law by Decree.

Article (4) License

1. The FAEE is responsible for issuing licenses for nurseries.
2. It is prohibited for any natural or legal person to carry out any nursery activities or operate any establishment to carry out these activities unless obtaining a license to do so from the FAEE.
3. The Executive Regulation shall specify the procedures for issuing, renewing and cancelling nursery licenses.
4. As an exception to the provisions of Clause (1) of this Article, nurseries attached to private schools shall be licensed in accordance with the provisions of the aforementioned Federal Law by Decree No. (18) of 2020 Concerning Private Education, in coordination with the FAEE.

Article (5) Conditions for the License

The following requirements are required to obtain a nursery license:

1. Submitting an application to obtain a license to the FAEE, including all documents and instruments as specified by the Executive Regulation.
2. Obtaining the required approvals from the Concerned Authorities.
3. The nursery must have a distinguished name in accordance with the controls specified by the Executive Regulation.
4. The nursery's location and building must comply with the standards and requirements specified by the Executive Regulation.
5. Appointing a manager to manage the nursery who meets the requirements specified by the Executive Regulation.
6. Any other requirements determined by the FAEE.

Article (6) Conditions for Natural License Applicant

If the license applicant is a natural person, the following must be fulfilled:

1. He must not be less than twenty-five (25) years old.
2. He must have full civil capacity.
3. He must have not been convicted of a custodial penalty in a felony or misdemeanour against honour or trust, unless he has been rehabilitated.
4. He must have obtained the required formal approvals.
5. He must be able to fulfil the financial obligations of the nursery, in accordance with what is specified in the Executive Regulation.
6. Any other requirements determined by the Executive Regulation.

Article (7) Conditions for Legal License Applicant

If the license applicant is a legal person, the following must be fulfilled:

1. It must be licensed by the Concerned Authorities, and one of the purposes of its establishment must be to establish and manage a nursery.
2. It must be able to fulfil the financial obligations of the nursery, in accordance with what is specified in the Executive Regulation.
3. All partners must fulfil the conditions stipulated in Clauses (1, 2, 3 & 4) of Article (6) of this Law by Decree.
4. It must have a natural person as his representative, who fulfils the conditions stipulated in clauses (1, 2, 3 & 4) of Article (6) of this Law by Decree.
5. Any other conditions determined by the Executive Regulation.

Article (8) Amending or Assigning License Data

It is not permissible to assign the license or amend the licensed activity except after the FAEE's approval. The Executive Regulation shall specify the conditions and procedures for amending or assigning the license data.

Article (9) Nursery Obligations

The nursery is committed to the following:

1. Not to change the name of the nursery, its address, the license partners, its building, or its facilities, or to make any fundamental modification to its activities except after the FAEE's approval.
2. Accepting and enrolling all children without discrimination on the basis of race, gender, religion, social level, etcetera.
including children with individual needs and disabilities.
3. Ensuring that the personnel have a professional license and any other licenses that may be requested by the Concerned Authorities in accordance with the controls in force by those authorities.
4. Providing all educational, administrative, health and environmental requirements within the nursery headquarters, in accordance with what is specified in the Executive

Regulation.

5. Providing the qualified environment and supportive programmes to accept and care for children with special needs in accordance with the controls specified by the Executive Regulation.
6. Establishing internal by-laws for the nursery in accordance with what is specified in the Executive Regulation.
7. Fulfilling building requirements, and necessary specifications and standards, and security and safety conditions for buildings, external spaces, and interior spaces, and materials used in making tools, furniture, toys, means, machines, and devices for each activity in accordance with what the FAEE determines.
8. Fulfilling the conditions and requirements related to the use of means of transportation in accordance with the legislation in force in this regard.
9. Protecting the children enrolled therein, including children with disabilities, and maintaining their safety inside the nursery facilities and buses or during any activity it carries out outside it.
10. Maintaining the confidentiality of data and information related to children, and not publishing or sharing them except in accordance with the controls determined by the FAEE.
11. Providing the FAEE with the data and information it requests.
12. Facilitating the tasks of employees authorised by the Ministry or FAEE and other Concerned Authorities, as the case may be, to carry out evaluation and oversight work.
13. Creating records and files on children and their workers, in accordance with what is specified in the Executive Regulation.
14. Maintaining public order, public morals, UAE values and traditions, and national identity.
15. Not to place pictures or paintings of figures or symbols other than the leaders of the State.
16. Not to exploit nursery facilities for purposes other than their licensed purposes, and not to carry out any additional activities without the FAEE's approval.
17. Any other obligations determined by the FAEE pursuant to the resolutions issued thereby.

Article (10) Private Nurseries

1. Subject to the obligations stipulated in this Law by Decree, private nurseries must commit to the following:
 - a. Obtaining the FAEE's accreditation for the educational curriculum.
 - b. Commitment to teaching the Arabic language, Islamic education, national identity, and knowledge of UAE culture and environment.
 - c. Not to make any amendment to the approved educational curriculum or teach any other curriculum in addition to the approved educational curriculum, except after the approval of the FAEE.
2. The Cabinet may, upon the proposal of the FAEE Chairman, issue a resolution specifying the controls for implementing Clause (1) of this Article.

Article (11) Nursery Enrolment Fees

1. The FAEE shall approve the fees charged by nurseries upon granting a license, in accordance with the controls specified by the Executive Regulation.
2. Nurseries are prohibited from changing the fees they charge or imposing any additional fees on their activities without obtaining the FAEE's approval.

Article (12) Personnel Affairs

1. The personnel working in the nursery are subject to the legislation in force in the State.
2. The nursery is committed to creating a special file for each of its workers, accompanied with their academic qualifications, experience certificate, employment contract, a copy of their passport, and their annual reports, including performance evaluation reports, the violations they committed, the penalties that were imposed applied thereon, and any other documents specified by the FAEE.
3. The nursery must notify the FAEE of a replacement candidate for the nursery manager in the event that his position becomes vacant, for any reason.

Article (13) Personnel Ethics Document

The FAEE shall issue an ethics document that includes the controls, values, and responsibilities by which all personnel working in nurseries shall comply.

Article (14) Oversight

1. The FAEE is responsible for monitoring nurseries' compliance with the provisions of this Law by Decree, its Executive Regulation, and other resolutions issued by the Concerned Authorities, in accordance with the controls and standards issued by the FAEE in this regard.
2. As an exception to the provisions of Clause (1) of this Article, nurseries attached to private schools are subject to compliance oversight in accordance with the approved national framework for compliance.

Article (15) Evaluation of Performance Quality

1. The National Centre for Educational Quality, in coordination with the FAEE, is responsible for developing unified standards to evaluate the quality of the nurseries' performance within the approved national framework for evaluating the quality of education.
2. The National Centre for Educational Quality, or the educational body, in coordination with the FAEE, is responsible for implementing programs to evaluate nurseries' performance, prepare reports on the results, and propose development recommendations.
3. The Executive Regulation shall specify the procedures and measures to be taken towards nurseries based on the results of evaluating the quality of their performance.

Article (16) Grants and Donations

Nurseries are prohibited from carrying out the following activities, without the FAEE's

approval:

1. Collecting donations, receiving aid or gifts from natural or legal persons, or disposing of any of them, whether inside or outside the State.
2. Providing financial support to any party, whether inside or outside the State.

Article (17) Violations and Penalties

1. Anyone who violates the provisions of this Law by Decree or the Resolutions issued in implementation thereof shall be punished by any of the following administrative sanctions:
 - a. Warning.
 - b. Administrative fine not exceeding two hundred thousand (200,000) AED.
 - c. Temporary closure or suspension of activity for a period not exceeding one year.
 - d. Final closure.
2. Violations and administrative sanctions for acts committed in violation of the provisions of this Decree by Law and the resolutions issued in implementation thereof, and the authorities that impose penalties, and the mechanism of grievance against them, and the authority concerned with collecting administrative fines, shall be specified by virtue of a resolution issued by the Cabinet based on the proposal by the FAEE Chairman and after coordination with the Ministry of Finance.
3. The FAEE may close the nursery permanently and immediately if it commits any acts that violate public order or public morals, or if they are harmful to public security in the State or violate security, health, and safety requirements. The FAEE may impose the administrative fine stipulated in Paragraph (B) of Clause (1) of this Article.
4. The imposition of the administrative sanctions stipulated in this Article shall not prejudice the criminal or civil liability that may arise from the same incident subject of the violation.

Article (18) Penalties

Without prejudice to any severer penalty stipulated in any other law, a penalty of

imprisonment for a period not exceeding one year and/or a fine not less than ten thousand (10,000) AED and not exceeding one million (1,000,000) AED, shall be imposed on anyone who:

1. Carries out any nursery activities or operates any facility to carry out those activities without obtaining a license to do so from the FAEE or any authority authorised to exercise the FAEE's competence.
2. Assigns the nursery license or amends the licensed activity without the approval of the FAEE or any authority authorised to exercise the FAEE's competence.
3. Change the value of the fees charged by the nursery or impose any additional fees without obtaining the approval of the FAEE or any authority authorised to exercise the FAEE's competence.
4. Collects donations or receiving aid or gifts from natural or legal persons or dispose of any of them or provides financial support to any party, whether inside or outside the State, without obtaining the approval of the FAEE or any authority authorised to exercise the FAEE's competence.

Article (19) Judicial Enforcement

The employees designated by a resolution issued by the Minister of Justice, based on a recommendation from the FAEE Chairman, shall have the capacity of judicial enforcement officers in proving all violations of the provisions of this Law, its Executive Regulation and the resolutions issued in the implementation thereof, within their jurisdiction.

Article (20) Reconciliation

All nurseries must reconcile their conditions in accordance with the provisions of this Law by Decree, its Executive Regulation, and the resolutions issued in implementation thereof within one year as of the effective date of its provisions.

Article (21) Fees of Services

The Cabinet shall, upon the proposal of the Minister of Finance, issue a resolution determining the fees due for the services provided by the FAEE within the scope of its jurisdiction to implement the provisions of this Law by Decree and its Executive Regulation.

Article (22) Delegation of Competences and Outsourcing Duties and Services

The FAEE may, upon the approval of the Cabinet, delegate some of its competences to any federal or local government authority. The FAEE may also outsource some of its tasks and services to any other government or private authority upon the approval of the Cabinet.

Article (23) Executive Regulation

The Cabinet shall, upon the FAEE Chairman's proposal and after coordination with the Educational Authorities, issue the Executive Regulation.

Article (24) Executive Resolutions

Without prejudice to the competences of the Cabinet contained in this Law by Decree, the FAEE Chairman shall issue the necessary resolutions to implement the provisions of this Law by Decree.

Article (25) Repeals

1. Federal Law No. (5) of 1983 Concerning Nurseries shall be repealed, as well as any provision that violates or contradicts the provisions of this Law by Decree.
2. The regulations and resolutions issued prior to the entry into force of the provisions of this Law by Decree shall remain in force, to the extent that do prejudice its provisions, until the issuance of the resolutions required for the implementation of its provisions.

Article (26) Publication and Enforcement of Law by Decree

This Law by Decree shall be published in the Official Gazette and shall enter into force as of 2 January 2023.

Signed

Mohammed Bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Palace of the Presidency in Abu Dhabi:

Dated: 5 October 2022 AD

Corresponding to: 9 Rabi' I 1444 H