CHAPTER 47D

EARLY CHILDHOOD CARE

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CHAPTER 47D

EARLY CHILDHOOD CARE

An Act To Provide for the Regulation and Management of Day-Care Centres and Pre-Schools. *1 of 2004 5 of 2014*

[Assent 17th June, 2004]

[Commencement 3rd April, 2014] *S.I. 17/2014*

1. This Act may be cited as the Early Childhood Care Act. Short title.

2. In this Act — Interpretation.

"Council" means the Pre-school and Day-Care Centre Council established under section 3;

"day-care centre" includes —

(a) any place other than a private home operated by a person who receives compensation for the provision of non-residential care service, for more than five children up to five years of age;

(b) a nursery which provides non-residential care service for compensation for infants and toddlers from birth to two and a half years of age; and

(c) a private home operated by a person who receives compensation for the provision of non-residential care service, for more than five children under the age of eighteen months;

"Minister" means the Minister responsible for pre-schools and day-care centres;

"operator" means a person entitled to be issued a licence to operate a day-care centre or preschool under section 10 of the Act and who is qualified to manage the instructional programme and is responsible for the care and safety of the children at the centre; *5 of 2014, s. 2(a).*

"owner" means a person, institution or company who carries the financial and administrative *5 of 2014, s. 2(b).*

responsibility of the day-care or pre-school centre and who is entitled to hold the licence of the day-care or pre-school centre;

"pre-school" means any premises operated by a person who receives compensation for more than ten children between the ages of three to five years old for the purpose of care and instruction in all areas of child development as specified by the Ministry of Education;

"register" means the register of day-care centres and pre-schools kept by the Council in accordance with section 12.

Establishment of a Council.

3. (1) There is hereby established a body to be called the Pre-school and Day-Care Centre Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal, with power to acquire, hold and dispose of land and other property of whatever kind and to sue and be sued.

First Schedule.

(3) The First Schedule shall have effect with respect to the constitution and procedure of the Council and otherwise in relation thereto.

Functions of the Council.

4. The functions of the Council are —

(a) to register buildings as day-care centres and pre-schools;

(b) to regulate and inspect day-care centres and pre-schools;

(c) to appoint qualified persons, (not being a person engaged in the management of a day-care centre or pre-school) to be inspectors for the purposes of this Act;

(d) to govern, discipline and regulate the professional conduct of operators and employees of day-care centres and pre-schools;

(e) to issue certificates of registration of day-care centres and pre-schools under this Act;

(f) to issue annual licences to operators of day-care centres and pre-schools under this Act;

(g) to establish standards of qualifications for and to regulate the professional conduct of operators of any day-care centre and pre-school; and

(h) to do such other things as may be prescribed by this Act or any other written law.

Registration of day-care centers and pre-schools.

5. (1) No person shall operate a day-care centre or a pre-school of day-care unless it is registered under this Act.

(2) The Council may, upon application in the prescribed manner and —

(a) on being satisfied that the premises on which the day-care center or pre-school would be operating is fit for that purpose;

(b) on being satisfied that all emergency, medical and disaster plans are in place in the day-care centre or pre-school;

(c) on being satisfied that the day-care centre or pre-school would operate in a manner that is in the best interest of the public's safety; and

(d) upon payment of the prescribed fee,

grant to the applicant a certificate of registration in the prescribed form to use a building as a day-care centre or pre-school.

(3) In relation to an application made under subsection (2), the Council shall be satisfied that —

(a) the applicant is eighteen years of age or over;

(b) the applicant is not by reason of age or otherwise incapable of operating a day-care centre or pre-school; *5 of 2014, s. 3(a).*

(c) the applicant is a fit and proper person, that is to say —

(i) the applicant has not been convicted of any offence against this Act, or any offence of which violence, sexual abuse or dishonesty is an element;

(ii) in the case of a company, none of its directors or in the case of another body of persons, none of its members, have been convicted of any offence as mentioned in this paragraph;

(iii) the Council is satisfied as to the character or antecedents or competence of the applicant; and

(iv) the Council is satisfied as to the financial position of the applicant; and *5 of 2014, s. 3(b).*

5 of 2014, s. 3(d).

(d) emergency medical and disaster plans approved by the Ministry of Health are in place in relation to the day-care centre or pre-school.

(4) The Council may refuse an application for registration if the Council is satisfied that —

(a) the applicant or a person to be employed by the applicant does not satisfy any of the provisions of subsection 3 and section 20; or

(b) the premises to be used for the operation of a day-care centre or a pre-school are not fit to be so used.

(5) Where the Council refuses an application for registration the Council shall inform the applicant in writing of such refusal and give the reason therefor.

Certificate to be displayed.

6. A certificate of registration issued in respect of a day-care centre or pre-school shall be displayed in a conspicuous place in that day-care centre or pre-school.

Duration of certificate.

7. (1) A certificate of registration issued under this Act shall, unless sooner suspended revoked, be valid for one year from the date of issue.

(2) Application for renewal of a certificate of registration shall be made not later than thirty days before the date of the expiration thereof.

Penalty for operating a day-care centre or pre-school without being registered.

5 of 2014, s. 4.

8. A person who operates a day-care centre or a pre-school without that day-care or pre-school being duly registered under this Act commits an offence and is liable upon summary conviction to a penalty of five thousand dollars and where the offence continues after conviction the person commits a further offence and is liable to a further penalty of one hundred dollars for every day upon which such offence continues.

Qualifications for registration.

9. (1) A person who, after the commencement of this Act, applies to the Council to be registered as an operator of a day-care centre or pre-school and who satisfies the Council that —

(a) he can read, write, speak and understand the English language;

(b) he is trained in the care and education of children by an institution approved for that purpose by the Minister; and

(c) he is a fit and proper person to become an operator of a day-care centre or preschool in The Bahamas,

is entitled, upon compliance with this Act and on payment of the prescribed fee, to be registered under this Act.

(2) For the purposes of subsection (1), a person is qualified to be registered as the operator of a day-care centre or pre-school if he has not been disqualified or suspended from practising as a day-care centre or pre-school operator whether within or outside The Bahamas and —

(a) he has passed the prescribed examination set by the Council, or holds a degree, diploma, membership licence, certificate or other status or form of recognition granted by a University, College or body which in the opinion of the Council is evidence of satisfactory training in that profession; or

(b) (i) he satisfies the Council that for a period of not less than ten years he has acquired practical experience in the area of early childhood care; and

(ii) he satisfies the Council that he is a citizen of The Bahamas or a permanent resident of The Bahamas whose permanent residence certificate permits him to engage in gainful occupation,

and that he has been practising in the area of early childhood care in The Bahamas for a period of not less than six months immediately prior to the date of commencement of this Act.

(3) An application for registration under this Act shall be made in the form approved by the Council, and an applicant shall furnish to the Council —

(a) evidence of his qualifications;

(b) proof of his identity; *5 of 2014, s. 5(a).*

(c) evidence that he has not been convicted of any offence of which violence, sexual abuse or dishonesty is an element; and *5 of 2014, s. 5(c).*

(d) such further or other information as the Council requires in respect of the matters specified in paragraphs (a) and (c) of subsection (1). *5 of 2014, s. 5(b).*

(4) An application made under this section by a person who is not a citizen of The Bahamas, shall not be granted without evidence of a valid work permit issued under the provisions of the Immigration Act.

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(5) A registration under this section shall be known as the first registration, and the fee payable in respect thereof shall be known as the first registration fee.

(6) The Council shall, in respect of the registration of a person under this section, issue to that person a certificate of registration.

(7) Where the Council refuses to approve the registration of a person under this Act, the Council shall within seven days from the date of such refusal give written notice to the applicant stating the reasons therefor.

Licences.

10. (1) Every person registered under section 9 who desires to be registered as a day-care centre or pre-school operator in any year, shall, prior to the first day of January in that year apply to the Council for a licence, and the Council shall on payment of the prescribed fee, issue to him a licence, and every person holding such a licence shall display his licence in a prominent place in his place of business.

(2) Where a person registered under this Act on or after the 1st day of January in any year thereafter applies to the Council for a licence, the Council shall on payment of the fee prescribed under subsection (1) issue to that person a licence.

(3) Every licence issued under this section is valid for the year in which it is issued and expires on the 31st day of December of that year.

(4) Every such licence shall be renewed annually upon the application of the holder thereof and the payment of the prescribed fee.

(5) The annual renewal licence fee is payable not later than the 31st day of January in each year.

(6) Where a licence has been lost, destroyed or mutilated it may be replaced by the Council by the issue of a copy thereof upon application by the holder of the licence and on payment of the prescribed fee.

Penalty for failure to pay annual licence fee.

11. (1) A person required by section 10 to pay an annual renewal licence fee who fails to pay such fee during the month of January in any year shall, in respect of his

licence for that year pay to the Registrar, in addition to the annual licence fee, a sum equal to that fee.

(2) Where a day-care centre or pre-school operator has failed to renew his licence by the 31st day of March, in any year, that day-care centre or pre-school operator shall be deemed not registered for the purposes of this Act until such time as he has complied with subsection (1).

Register of day-care centres and pre-schools to be kept.

12. The Council shall keep a register of all day-care centres, pre-schools and the operators of such day-care centres and pre-schools and shall cause to be entered therein from time to time, in respect of every day-care centre, pre-school and operator registered in accordance with the provisions of this Act, the particulars specified in this Act for registration.

Records of day-care centres and pre-schools to be kept.

13. A person who operates a day-care centre or a pre-school shall keep proper records showing the business conducted by him in respect of that day-care centre or pre-school and shall keep such other records as may be prescribed by the Minister.

Publication of day-care centres and pre-schools.

14. (1) The Council shall cause the register under section 12 to be published in the *Gazette* as soon as practicable after the expiration of thirty days after the commencement of this Act and thereafter in each year as soon as practicable after the thirty-first day of January, and the thirty-first day of July, respectively.

(2) In each year after the register is published under subsection (1) the Council shall cause to be published in the *Gazette* as aforesaid a corrected edition of the register or a list with additions made to the register since it was last published.

(3) The Council shall keep the register open at all reasonable times for inspection by members of the public.

Notice of failure to comply with Act.

15. Where the Council considers that a person registered under this Act failed or is failing to operate a day-care centre or pre-school in accordance with the licence or this Act, the Council may give written notice to the person registered specifying in what respect, in the opinion of the Council, the person registered failed or is failing to comply with the requirements of the licence or the Act;

Suspension and revocation of certificate of registration.

16. (1) The Council may at any time, by order suspend or revoke as the case may be, the certificate of registration of a day-care centre or pre-school —

(a) if the respective holder of the certificate of registration —

(i) has been convicted of an offence under this Act; or

(ii) wilfully neglects or refuses to comply with any of the provisions of this Act; or

(iii) obstructs, impedes or hinders any person carrying out any duties or responsibilities under this Act; or

(iv) is convicted of a criminal offence; or

(v) is found not to be of good character;

(b) if in the opinion of the Council, the day-care centre or pre-school building is unsafe or is kept in an unsanitary condition or without proper fire protection; or

(c) if the business of the day-care centre or pre-school is conducted in a manner contrary to this Act, or in such a manner that the revocation of the certificate of registration is required in the interest of the public health or the public interest.

(2) Before making an order under subsection (1), the Council shall give to the person registered not less than fourteen days notice of the Council's intention to make an order, and that notice shall state the grounds on which the order is to be made and shall contain a statement that, if within fourteen days after receipt of the notice, the person registered informs the Council in writing that he desires to do so, the Council will before making the order, give the person registered an opportunity to show cause, in person or by a representative why the order should not be made.

(3) If the Council after giving the person registered am opportunity to be heard by it, decides to suspend or revoke the licence, the Council shall make an order to that effect and shall send a copy of the order to the person registered.

Appeal.

17. (1) A person aggrieved by any decision of the Council in refusing an application for registration or renewal of registration or suspending or revoking registration may, within fourteen days after the date on which the notice of such decision was received by him, appeal against such decision to the Appeal Tribunal appointed by the Minister in accordance with the provisions of the *Second Schedule*.

Second Schedule

(2) An appeal under subsection (1) to the Appeal Tribunal shall not operate as a stay of the decision of the Council.

Power of Minister to suspend operations.

18. (1) Notwithstanding sections 15 and 16 the Minister acting on the advice of the Council that a day-care centre or pre-school is operating in a manner that is detrimental to the public health, public safety or in the public interest, or in a manner likely to endanger the lives or health of children, may by order published in the *Gazette* suspend with immediate effect the operation of that day-care centre or pre-school.

(2) The Minister shall within seventy-two hours after suspending the operation of the day-care centre or pre-school, inform the operator of the day-care centre or pre-school, of any conditions that must be complied with prior to the lifting of any order made under subsection (1).

(3) A person who fails to comply with an order made pursuant to subsection (1) is guilty of an offence and is liable on summary conviction to a penalty of ten thousand dollars or to imprisonment for three years or to both penalty and imprisonment.

(4) A person aggrieved by a decision of the Minister made under subsection (1), may appeal to the Appeal Tribunal, but such appeal shall not operate as a stay of the decision of the Minister.

Fees.

19. All fees collected by the Council under this Act shall be paid into the Consolidated Fund.

Employees of day-care centres and pre-schools.

20. (1) No person shall employ another person as a care giver in a day-care centre or pre-school unless that person is —

(a) certified annually by a medical officer to be in good health, free from communicable diseases; *5 of 2014, s. 6(a).*

(b) eighteen years of age or over; *5 of 2014, s. 6(c).*

(c) a fit and proper person, that is, that person has not been convicted of any offence of which violence, sexual abuse or dishonesty is an element; and *5 of 2014, s. 6(c).*

(d) capable of reading and writing English. *5 of 2014, s. 6(b).*

(2) No person shall employ another person in a day-care centre or a pre-school for the purpose of caring for the children therein unless such person has received training in

early childhood care and education prescribed by the Minister.

Penalty for employing persons not certified by medical officer.

21. An operator of a day-care centre or pre-school who employs therein a person who has not been certified by a medical officer to be in good health or who has not been trained in early childhood care and education commits an offence and is liable upon summary conviction to a penalty of five thousand dollars and where the offence is continued after conviction the person commits a further offence and is liable to a further penalty of one hundred dollars for every day upon which such offence so continues.

Assignment of officers and powers of entry and inspection.

22. (1) The Minister may assign such officers as he thinks necessary to be inspectors of day-care centres and pre-schools for the purposes of investigating complaints concerning the operation of a day-care centre or pre-school and otherwise securing the proper observance of the provisions of this Act.

(2) An officer assigned pursuant to subsection (1) (hereinafter referred to as an "inspector") shall be furnished with a certificate of assignment and on entering any premises pursuant to subsection (3) the officer shall, if required to do so, produce the certificate of registration to the operator or any other person in charge of the day-care centre or pre-school.

(3) An inspector may at all reasonable times enter and inspect any day-care centre or pre-school, or any premises which he has reasonable cause to believe is so used, for the purposes of determining whether the day-care centre or pre-school is being operated in accordance with this Act.

(4) An inspector may, for the purposes of subsection (3) —

(a) require the production of records or other documents required to be kept pursuant to this Act;

(b) make copies of such documents or records.

Obligation of staff to cooperate with inspectors.

23. (1) Every operator and employee of a day-care centre or pre-school shall with an inspector executing his functions pursuant to section 22.

(2) A person who fails to comply with subsection (1) commits an offence and is liable upon summary conviction to a penalty of five thousand dollars and in

default of payment to imprisonment for a term of three months and where the offence is continued after conviction the person commits a further penalty of one hundred dollars for every day upon which such offence so continues.

Penalty for obstruction.

24. A person who obstructs or impedes an inspector in the execution of his duties under this Act commits an offence and shall be liable upon summary conviction to a penalty of five thousand dollars and in default of payment to imprisonment for a term of six months.

Regulations.

25. (1) The Minister may after consultation with the Council make regulations generally for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations —

(a) prescribing entries to be made in the records kept pursuant to section 13;

(b) prescribing the physical conditions of a day-care centre or pre-school;

(c) prescribing standards with regard to safety, sanitation and such other matters as the Minister considers necessary for the efficient operation of a day-care centre or pre-school;

(d) regulating the fees to be charged by a day-care centre or pre-school for its services;

(e) prescribing the forms of application, registration, reports and documents to be used under this Act;

(f) regulating the manner in which and the conditions subject to which the services of a day-care centre or pre-school shall be performed;

(g) prescribing the hours during which the day-care centre or pre-school may remain open;

(h) prescribing guidelines for the nutrition programmes to be implemented by day-care centres or pre-schools;

(i) regulating the manner in which a child may be disciplined in a day-care centre or pre-school;

(j) prescribing any other matter or anything which may be or is required by this Act to be prescribed.

Penalty where no express penalty.

26. A person who contravenes or fails to comply with any of the provisions of this Act, for which penalty is expressly provided by this Act commits an offence and is liable upon summary conviction to a penalty of one thousand dollars and in default of payment to imprisonment for a term of thirty days.

Registration of existing day-care centres or pre-schools.

27. (1) A person who, on the date of commencement of this Act, is the owner or operator of a day-care centre or pre-school shall apply in the prescribed manner within nine months after that date —

(a) to be registered as an operator of a day-care centre or pre-school; and

(b) to have that day-care or pre-school registered pursuant to this Act.

(2) Every application under this section shall be made in writing and shall include the following particulars —

(a) the name of the owner of the day-care centre or pre-school to which the application relates;

(b) the address and location of the day-care centre or pre-school;

(c) the name of the person having control of or in charge of the day-care centre or pre-school if different from the owner;

(d) the number of employees employed in the day-care centre or pre-school as at the date of the application; and

(e) the type of training received in the care and education of children by the owner and employees who care for the children.

(3) Where an application is made pursuant to subsection (1), the operation of the day-care centre or pre-school to which it relates may be continued pending the determination of the application.

(4) The Council shall within ninety days after the receipt of an application made pursuant to subsection (1), make a determination in respect of that application and if the applicant is qualified for registration under section 9, such applicant shall be duly registered.

(5) Where it appears to the Council that an applicant for registration is not qualified under section 9, the Council may, upon payment of the prescribed fee issue to that person a provisional licence subject to such conditions as

the Council may determine which shall entitle him to operate a day-care centre or pre-school as he would have been entitled to do if he had been registered and licensed in accordance with the Act.

(6) A provisional licence shall, unless it is sooner canceled, remain in force for a period not exceeding two years.

(7) The Minister shall cancel a provisional licence at any time on the direction of the Council.

The Crown.

28. This Act binds the Crown.

Non-derogation of certain Acts. Ch. 231. 40 of 1961.

29. Nothing in this Act shall derogate from any provisions of the Health Services Act, the Town Planning Act* and the Building Code published by the Minister responsible for Buildings Regulation.

* This Act (formely Ch. 255) has been repealed by The Planning and Subdivision Act (No. 40 of 2010) – now Ch. 255.

FIRST SCHEDULE (Section 3)

CONSTITUTION AND PROCEDURE OF THE COUNCIL

Constitution of the Council.

5 of 2014, s. 7(a).

1. The Council shall consist of a minimum of twelve members including —

(a) the Director of Education, or a designate;

(b) the Director of Public Works or a representative of the Minister responsible for Works;

(c) the Director of Environmental Health Services or a representative of the Minister responsible for Environmental Health Services;

(d) the Chief Medical Officer or a representative;

(e) the Director of Social Services or a representative of the Minister responsible for Social Services;

(f) five persons appointed by the Minister;

(g) two members of the Day-Care and Pre-School Association, including one member from the Family Islands; and

(h) a representative of a Parent Teacher Association.

Tenure of office.

5 of 2014, s. 7(b).

2. (1) A member of the Council other than, the Director of Education shall, hold office for a period not exceeding three years, and shall be eligible for re-appointment.

(2) Notwithstanding subparagraph (1) of this paragraph, no member of the Council other than the Director of Education shall hold office for more than two consecutive terms, but such member is eligible for re-appointment after the expiration of one year thereafter.

Chairman.

5 of 2014, s. 7(c).

3. (1) The Minister shall appoint a chairman of the Council for a term not exceeding two years.

(2) The Council shall elect from among its members a deputy chairman for a term not exceeding two years and such person shall be eligible for re-election.

(3) The chairman shall preside at all meetings of the Council at which he is present and in his absence the deputy chairman shall preside.

Resignation.

5 of 2014, s. 7(d).

4. Any member of the Council may at any time resign his office by instrument in writing addressed to the Minister, and upon receipt by the Minister of such instrument such member shall cease to be a member of the Council.

Dismissal.

5. (1) The Minister may at any time revoke the appointment of any member of the Council, except the Director of Education.

(2) Prior to the revocation of the appointment of a member appointed under subparagraph (f) of paragraph 1 of this Schedule, the Minister shall consult the Association about the revocation.

Vacancies and acting appointments.

6. (1) If any vacancy occurs in the membership of the Council, such vacancy, shall be filled by the appointment of another member who shall, subject to the provision of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment, of the previous member.

(2) If the Minister is satisfied that the chairman or any other member of the Council is unable to act, the Minister shall appoint any person to act in place of that member, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the member replaced.

Gazetting of appointments.

7. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Seals, etc.

8. (1) The seal of the Council shall be kept in the custody of the chairman or the registrar and shall be affixed to instruments pursuant to a resolution of the Council in the presence of the chairman or any other member of the Council and the Registrar.

(2) The seal of the Council shall be authenticated by the signature of the chairman and any other member authorised to act in that behalf and the Registrar, and the seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of the Council may he signified under the hands of the chairman or any other member authorised to act in that behalf, and the Registrar.

Interest of member.

9. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.

(2) A disclosure under subparagraph (1) shall be recorded in the minutes of the meeting of the Council and that member shall not, unless the Council otherwise determines —

(a) be present during any deliberation of the Council with respect to that matter; or

(b) take part in any decision of the Council with respect to that matter.

(3) For the purpose of the making of a determination by the Council under subparagraph (2) in relation to a member who has made a disclosure under subparagraph (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not —

(a) be present during any deliberation of the Council for the purpose of making the determination; or

(b) take part in the making by the Council of the determination.

Procedures of meetings.

10. (1) The Council shall meet as often as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Council may determine.

(2) The chairman may at any time call a special meeting of the Council and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any four members of the Council.

(3) The chairman shall preside at all meetings of the Council at which he is present and, in the case of the chairman's absence from any meeting the deputy chairman shall preside. If both the chairman and the deputy chairman are absent the members present constituting a quorum shall elect a chairman from among their number to preside at that meeting.

(4) Six members of the Council shall form a quorum.

(5) The decisions of the Council shall be by a majority of votes, and, in addition to an original vote the chairman or other person presiding at the meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting shall be kept by the Council.

(7) Subject to the provisions of this Schedule, the Council may regulate its own proceedings.

Validity of decisions of Council.

11. No decision or act of the Council or act done under the authority of the Council shall be invalid by reason of the fact that —

(a) the full number of members for which provision is made in paragraph 1 of this Schedule was not appointed or there was a vacancy or vacancies amongst such members; or

(b) a disqualified person acted as a member of the Council at the time the decision was taken or the act was done or authorised,

if the decision was taken or the act was done or authorised by a majority vote of the persons who at the time were entitled to act as members.

Committees.

12. The Council may appoint from among its members and the general public such committees as it may think fit and may delegate to any such committee the power and authority to carry out on its behalf such duties as the Council may determine.

Protection of members.

13. (1) No member of the Council shall be personally liable for any act or default of the Council done or omitted to be done in good faith in the course of the operations of the Council.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this paragraph, the Council shall be liable to the extent that it would be if the member was a servant or agent of the Council.

SECOND SCHEDULE (section 17)

THE APPEAL TRIBUNAL

Constitution of Tribunal.

1. The Appeal Tribunal shall, subject to paragraph 2, consist of three members appointed by the Minister, one of whom shall be the Chairman.

Power of one member to sit alone.

2. For the hearing of any appeal under this Act the Appeal Tribunal may consist of one member sitting alone if the parties to the appeal agree.

Tenure of office.

3. The members of the Appeal Tribunal shall, subject to the provisions of this Schedule hold office, for such period not exceeding two years as the Minister may determine and shall be eligible for re-appointment.

Acting appointment of Chairman.

4. The Minister may appoint any person to act in the place of the Chairman or any other member of the Appeal Tribunal in case of the absence or inability to act of the Chairman or any other member.

Resignation.

5. (1) Any member of the appeal Tribunal other than the Chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman and from the date of the receipt by the Minister of such instrument that member shall cease to be a member of the Appeal Tribunal.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.

Revocation of appointment.

6. The Minister may at any time revoke the appointment of any member of the Appeal Tribunal if he thinks it expedient so to do.

Filling of vacancies.

7. If any vacancy occurs in the membership of the Appeal Tribunal such vacancy shall be filled by the appointment of another member.

Publication of membership.

8. The names of all members of the Appeal Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Remuneration.

9. There shall be paid to the Chairman and other members of the Appeal Tribunal, in respect of each appeal, such remuneration, whether by way of honorarium, salary or fees and such allowances as the Minister may determine.

10. The decision of the Appeal Tribunal shall be by a majority of votes of the members and in addition to an original vote, the Chairman shall have a casting vote in any case in which the voting is equal.

Voting.

11. Subject to the provisions of this Schedule, the Appeal Tribunal shall regulate its own proceedings.

Power to regulate proceedings.

12. The office of Chairman or member of the Appeal Tribunal shall not be a public office for the purpose of Article 137 of the Constitution of The Bahamas.

Office of Chairman or member of Tribunal not a public office.