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PRIVATE EDUCATION ACT 2009
(ACT 21 OF 2009)

PRIVATE EDUCATION
(DISPUTE RESOLUTION SCHEMES)
REGULATIONS 2010

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
2. Definitions
3. Prescribed dispute resolution schemes
4. Prescribed dispute resolution centres
5. Participation in prescribed dispute resolution schemes
6. Terms of reference of prescribed dispute resolution schemes

The Schedules

In exercise of the powers conferred by sections 64(1) and (2) and 71 of the Private Education Act 2009, the Council for Private Education, with the approval of the Minister for Education, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Private Education (Dispute Resolution Schemes) Regulations 2010 and shall come into operation on 10th May 2010.

Definitions

- 2.** In these Regulations, unless the context otherwise requires —
- “dispute resolution centre” means any entity prescribed under regulation 4;
- “dispute resolution proceeding” means a dispute resolution proceeding carried out under a dispute resolution scheme;

“dispute resolution scheme” means any dispute resolution scheme prescribed under regulation 3;

“intending student” means a person who intends to become or has taken any steps towards becoming a student of a private education institution;

“party” means a party to a dispute resolution proceeding, and includes —

- (a) a student in a registered private education institution;
- (b) a former student of a registered private education institution;
- (c) an intending student of a registered private education institution;
- (d) a parent, guardian or any other person who has entered into a contract with a registered private education institution for the provision of education to a student, former student or intending student; and
- (e) a registered private education institution;

“student”, in relation to a registered private education institution, means a person who receives, or is enrolled in the registered private education institution to receive, education offered or provided by the registered private education institution;

“terms of reference” means the terms which define the scope, application, operations and procedures of a dispute resolution scheme.

Prescribed dispute resolution schemes

3. The list of dispute resolution schemes as prescribed by the Council under section 64(1) of the Act for the resolution of disputes arising from or relating to the provision of services by registered private education institutions to students is set out in the First Schedule.

Prescribed dispute resolution centres

4. The list of approved dispute resolution centres as prescribed by the Council under section 64(2)(b) of the Act under each dispute resolution scheme is set out in the Second Schedule.

Participation in prescribed dispute resolution schemes

5.—(1) Every registered private education institution shall participate in the dispute resolution schemes.

(2) Every registered private education institution shall comply with the terms and conditions of the dispute resolution schemes set out in the Third Schedule.

Terms of reference of prescribed dispute resolution schemes

6.—(1) A dispute resolution centre shall administer a dispute resolution scheme in accordance with its terms of reference which have been approved by the Council.

(2) The Council may, in its discretion, amend the terms of reference of a dispute resolution scheme.

(3) The terms of reference shall include the following:

- (a) the types of disputes that may be referred by a party to a dispute resolution centre;
- (b) the procedure for referring a dispute to the dispute resolution centre;
- (c) the procedure for the receipt, processing and resolution of a dispute;
- (d) the fees payable by each party in respect of each dispute referred to the dispute resolution centre;
- (e) the circumstances in which a dispute may be dismissed by the dispute resolution centre without referring the parties for mediation under the dispute resolution scheme;
- (f) the circumstances in which a dispute would be referred for arbitration under the dispute resolution scheme;
- (g) the types of awards that may be made by an arbitrator under the dispute resolution scheme; and
- (h) the procedure for the notification of the outcome of the arbitration of a dispute to the parties.

(4) A dispute resolution centre shall not amend any fee referred to in paragraph (3)(d) except with the approval of the Council.

FIRST SCHEDULE

Regulation 3

PRESCRIBED DISPUTE RESOLUTION SCHEME

1. The Council for Private Education Mediation-Arbitration Scheme.

SECOND SCHEDULE

Regulation 4

PRESCRIBED DISPUTE RESOLUTION CENTRES

*Prescribed Dispute
Resolution Scheme*

*Prescribed Dispute
Resolution Centres*

1. The Council for Private Education Mediation-Arbitration Scheme
 - (a) Singapore Mediation Centre.
 - (b) Singapore Institute of Arbitrators.

THIRD SCHEDULE

Regulation 5

TERMS AND CONDITIONS OF THE COUNCIL FOR PRIVATE EDUCATION MEDIATION-ARBITRATION SCHEME

1. In the Council for Private Education Mediation-Arbitration Scheme, parties to a dispute will first be referred for mediation at the Singapore Mediation Centre, and if the dispute is not resolved through mediation, the dispute will be referred for arbitration by an arbitrator appointed by the Singapore Institute of Arbitrators.

2. A registered private education institution who is a party to a dispute resolution proceeding under the Council for Private Education Mediation-Arbitration Scheme shall comply with the rules governing the mediation and arbitration processes and the timelines as set out by the respective dispute resolution centres.

3. A registered private education institution who is a party to a dispute resolution proceeding under the Council for Private Education Mediation-Arbitration Scheme shall —

- (a) pay 80% of the total mediation fee set out by the Singapore Mediation Centre for that proceeding;
- (b) pay in whole such deposit required by the Singapore Institute of Arbitrators for that proceeding; and
- (c) pay such costs and expenses of that proceeding as may be ordered by the arbitrator conducting the arbitration, which shall be not less than 90% of the total costs and expenses of the arbitration.

4. A student, former student or intending student (or a parent, guardian or other person who had entered into a contract with a registered private education institution for the provision of education to a student, former student or intending student) may choose whether to participate in a dispute resolution proceeding commenced by a registered private education institution.

THIRD SCHEDULE — *continued*

5. A registered private education institution who is a party to a dispute resolution proceeding shall be represented by a manager or any other person authorised to make decisions on behalf of the institution in the conduct of any dispute resolution proceedings under the Council for Private Education Mediation-Arbitration Scheme.

Made this 7th day of May 2010.

LIN CHENG TON
Chairman,
Council for Private Education,
Singapore.

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