

No. S 000 -

**PRIVATE EDUCATION ACT 2009
(ACT 21 OF 2009)**

**PRIVATE EDUCATION
(DISPUTE RESOLUTION SCHEMES)
REGULATIONS 2010**

ARRANGEMENT OF REGULATIONS

Regulation

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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 _____ 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;

“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; 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 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

<i>Prescribed Dispute Resolution Scheme</i>	<i>Prescribed Dispute Resolution Centres</i>
1. The Council for Private Education Mediation-Arbitration Scheme	<ul style="list-style-type: none"> (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 parties 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 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 applicable mediation fee set out by the Singapore Mediation Centre;
- (b) pay such deposit required by the Singapore Institute of Arbitrators; and
- (c) pay such costs as may be ordered by the arbitrator conducting the arbitration, which shall be not less than 90% of the 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) may choose whether to participate in a dispute resolution proceeding commenced by a registered private education institution.

5. Where a student, former student or intending student has participated in a dispute resolution proceeding, the student, former student or intending student may, subject to any legal disability, choose to accept and be bound by the outcome of the dispute resolution proceeding, but is otherwise not bound by the outcome of any dispute resolution proceeding, whether commenced by the student, former student or intending student or a registered private education institution.

6. Where 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 has participated in a dispute resolution proceeding, such a contracting parent, guardian or person may choose to accept and be bound by the outcome of a dispute resolution proceeding, but is otherwise not bound by the outcome of any dispute resolution proceeding, whether commenced by such contracting parent, guardian or person or a registered private education institution.

7. Where a student, former student or intending student, or a contracting parent, guardian or other person referred to in paragraph 6 chooses not to accept the outcome of a dispute resolution proceeding, there is no settlement of the

