

Federal Decree-Law No. (51) of 2022 concerning the Regulation of Nurseries

We, Mohamed bin Zayed Al Nahyan, President of the United Arab Emirates,

Having reviewed the Constitution,

And Federal Law No. (1) of 1972 concerning the Competencies of Ministries and Powers of Ministers, and its amendments,

And Federal Law No. (5) of 1983 concerning Nurseries,

And Federal Law No. (29) of 2006 concerning the Rights of Persons with Disabilities, and its amendments,

And Federal Law No. (3) of 2016 concerning Child Rights (Wadeema),

And Federal Law No. (14) of 2016 concerning Violations and Administrative Sanctions in the Federal Government,

And Federal Decree-Law No. (18) of 2020 concerning Private Education,

And Federal Decree-Law No. (33) of 2021 concerning the Regulation of Labour Relations, and its amendments,

And Federal Decree-Law No. (43) of 2022 establishing the Federal Agency for Early Education,

And Federal Decree-Law No. (44) of 2022 establishing the National Center for Education Quality,

And based on the proposal of the Minister of State for Early Education, and the approval of the Cabinet,

We have issued the following Decree-Law:

Article (1)

Definitions

In the application of the provisions of this Decree-Law, the following words and phrases shall have the meanings assigned to each of them, unless the context requires otherwise:

The State	The United Arab Emirates.
The Ministry	The Ministry of Education.

The Agency	The Federal Agency for Early Education.
The President of the Agency	The President of the Federal Agency for Early Education.
Concerned Authorities	The competent government authorities for regulating nurseries in social, cultural, health, or security aspects, or the authorities authorized to issue a commercial license for nurseries to carry out their activities, each within its jurisdiction.
The Child	Every child from the age of one day to (4) four calendar years.
Nursery Activities	Programs and activities related to the care of children, looking after them, and following up on them in all their health and educational dimensions, and developing their physical, cognitive, linguistic, emotional, and social abilities.
The Nursery	Any establishment licensed in accordance with the provisions of this Decree-Law, designated to provide nursery activities, and includes private nurseries, workplace nurseries, and care rooms.
Private Nurseries	Any establishment specialized in providing childcare services, established and supervised by a natural or private legal person, including nurseries attached to private schools and workplace nurseries.
Care Rooms	A place designated for receiving and caring for children from birth until they complete two calendar years.
The License	A document issued by the Agency to carry out nursery activities in accordance with the provisions of this Decree-Law.
The Professional License	A document issued by the Ministry for staff working in the field of education in accordance with the legislation in force in this regard.
The Executive Regulations	The Executive Regulations issued in implementation of the provisions of this Decree-Law.

Article (2)

Objectives of the Decree-Law

This Decree-Law aims to achieve the following:

1. To care for children and prepare them socially, morally, educationally, psychologically, and physically, and to raise them in a sound manner.
2. To regulate the activities and care services provided by nurseries, which would improve the quality of life for the child.
3. To govern the work of nurseries in the State.

Article (3)

Scope of Application of the Decree-Law

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

Article (4)

Licensing

1. The Agency shall be 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 facility for such activities without obtaining a license from the Agency.
3. The Executive Regulations shall specify the procedures for issuing, renewing, and canceling nursery licenses.
4. Notwithstanding the provision of Clause (1) of this Article, nurseries attached to private schools shall be licensed in accordance with the provisions of Federal Decree-Law No. (18) of 2020 concerning Private Education, referred to herein, in coordination with the Agency.

Article (5)

Licensing Conditions

To obtain a nursery license, the following conditions must be met:

1. Submission of a license application to the Agency, including all documents and papers specified by the Executive Regulations.

2. Obtaining the necessary approvals from the Concerned Authorities.
3. The nursery must have a distinctive name in accordance with the controls specified by the Executive Regulations.
4. The location and building of the nursery must comply with the standards and requirements specified by the Executive Regulations.
5. Appointment of a manager to run the nursery who meets the requirements specified by the Executive Regulations.
6. Any other requirements determined by the Agency.

Article (6)

Conditions for a Natural Person Applicant

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

1. Must not be less than (25) twenty-five calendar years of age.
2. Must have full legal capacity.
3. Must not have been previously convicted of a custodial sentence in a felony or a misdemeanor involving moral turpitude or dishonesty, unless rehabilitated.
4. Must have obtained the necessary official approvals.
5. Must be able to meet the financial obligations of the nursery, as specified by the Executive Regulations.
6. Any other requirements specified by the Executive Regulations.

Article (7)

Conditions for a Legal Person Applicant

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

1. Must be licensed by the Concerned Authorities, and its purposes of establishment must include the creation and management of nurseries.
2. Must be able to meet the financial obligations of the nursery, as specified by the Executive Regulations.
3. All partners must meet the conditions set out in Clauses (1, 2, 3, 4) of Article (6) of this Decree-Law.

4. Must have a natural person representative who meets the conditions stipulated in Clauses (1, 2, 3, 4) of Article (6) of this Decree-Law.
5. Any other conditions specified by the Executive Regulations.

Article (8)

Amending License Data or Transferring the License

It is not permitted to transfer the license or amend the licensed activity without the approval of the Agency. The Executive Regulations shall specify the conditions and procedures for amending license data or transferring it.

Article (9)

Obligations of the Nursery

The nursery shall be committed to the following:

1. Not to change the nursery's name, address, partners in the license, building, facilities, or make any substantial modification to its activities without the approval of the Agency.
2. To accept and register all children without discrimination on the basis of race, sex, creed, social level, or otherwise, including children with individual needs and children with disabilities (People of Determination).
3. To ensure that its staff obtain the Professional License, and any other licenses that may be required by the Concerned Authorities in accordance with the regulations in force with those authorities.
4. To provide all educational, administrative, health, and environmental requirements within the nursery premises, as specified by the Executive Regulations.
5. To provide a qualified environment and supportive programs for the acceptance and care of children with special needs in accordance with the controls specified by the Executive Regulations.
6. To establish internal regulations for the nursery in accordance with what is specified by the Executive Regulations.
7. To meet the building requirements, specifications, and necessary standards, and the security and safety conditions for buildings, outdoor areas, indoor areas, and the materials used in the manufacture of tools, furniture, toys, means, machinery, and equipment for each activity as determined by the Agency.

8. To meet the requirements and conditions related to the use of transportation means in accordance with the legislation in force in this regard.
9. To protect the children registered with it, including children with disabilities (People of Determination), and to maintain their safety within the nursery's facilities and its buses or during any activity it carries out outside.
10. To maintain the confidentiality of data and information related to children, and not to publish or share it except in accordance with the controls determined by the Agency.
11. To provide the Agency with the data and information it requests.
12. To facilitate the tasks of authorized employees from the Ministry or the Agency and other Concerned Authorities, as the case may be, to carry out assessment and supervision work.
13. To create records and files for children and staff, as specified by the Executive Regulations.
14. To maintain public order, public morals, Emirati values and traditions, and the national identity.
15. Not to display pictures or paintings of personalities or symbols other than the leaders of the State.
16. Not to use the nursery's facilities for purposes other than those for which it is licensed, and not to carry out any additional activities without the Agency's approval.
17. Any other obligations determined by the Agency by virtue of the decisions issued by it.

Article (10)

Private Nurseries

1. Without prejudice to the obligations stipulated in this Decree-Law, private nurseries must adhere to the following:
 - a. Obtain the Agency's accreditation for the educational curriculum.
 - b. Commit to teaching the Arabic language, Islamic education, national identity, and knowledge of Emirati culture and environment.

c. Not to make any amendment to the accredited educational curriculum or teach any other curriculum alongside the accredited one without the Agency's approval.

2. The Cabinet may, upon the proposal of the President of the Agency, issue a decision specifying the controls for implementing Clause (1) of this Article.

Article (11)

Nursery Enrollment Fees

1. The Agency shall approve the fees charged by nurseries when granting them the license, in accordance with the controls specified by the Executive Regulations.

2. Nurseries are prohibited from amending the value of the fees they impose or imposing any additional fees on their activities without obtaining the Agency's approval.

Article (12)

Staff Affairs

1. The staff working in the nursery are subject to the legislation in force in the State.

2. The nursery is obliged to create a special file for each employee, to which their academic qualifications, experience certificate, employment contract, a copy of their passport, and annual reports are attached, including performance evaluation reports, violations committed, and penalties applied, and any other documents specified by the Agency.

3. The nursery must notify the Agency of a substitute candidate for the nursery manager in the event that the position becomes vacant for any reason.

Article (13)

Code of Ethics for Staff

The Agency shall issue a code of ethics that includes the controls, values, and responsibilities to which all staff working in nurseries must adhere.

Article (14)

Supervision

1. The Agency shall supervise the compliance of nurseries with the provisions of this Decree-Law, its Executive Regulations, and other decisions issued by the Concerned Authorities, in accordance with the controls and standards issued by the Agency in this regard.

2. Notwithstanding the provision of Clause (1) of this Article, nurseries attached to private schools shall be subject to compliance supervision according to the approved national framework for compliance.

Article (15)

Performance Quality Assessment

1. The National Center for Education Quality, in coordination with the Agency, shall establish unified standards for assessing the performance quality of nurseries within the approved national framework for education quality assessment.

2. The National Center for Education Quality or the educational authority, in coordination with the Agency, shall implement performance assessment programs for nurseries, prepare reports on the results, and propose developmental recommendations.

3. The Executive Regulations shall specify the procedures and measures to be taken towards nurseries based on the results of their performance quality assessment.

Article (16)

Gifts and Donations

Nurseries are prohibited from carrying out the following actions without the Agency's approval:

1. Collecting donations or receiving aid or gifts from natural or legal persons or disposing of any of them, whether inside or outside the State.

2. Providing material support to any entity, whether inside or outside the State.

Article (17)

Violations and Penalties

1. Anyone who violates the provisions of this Decree-Law or the decisions issued in its implementation shall be punished with any of the following administrative penalties:

a. A warning.

b. An administrative fine not exceeding AED 200,000 (two hundred thousand dirhams).

c. Temporary closure or suspension of activity for a period not exceeding one year.

d. Permanent closure.

2. The violations and administrative penalties for acts committed in contravention of the provisions of this Decree-Law and the decisions issued in its implementation, the authorities responsible for imposing the penalties, the mechanism for grieving them, and the competent authority for collecting administrative fines shall be determined by a decision of the Cabinet based on the proposal of the President of the Agency after coordination with the Ministry of Finance.

3. The Agency may permanently and immediately close a nursery if it commits any acts contrary to public order or public morals, or if it is detrimental to public security in the State or in breach of security, health, and safety requirements. The Agency may also impose the administrative fine stipulated in paragraph (b) of Clause (1) of this Article.

4. The imposition of the administrative penalties provided for in this Article shall not prejudice the criminal or civil liability that may arise from the same act constituting the violation.

Article (18)

Sanctions

Without prejudice to any more severe penalty provided for in any other law, a penalty of imprisonment for a period not exceeding one year and a fine of not less than AED 10,000 (ten thousand dirhams) and not exceeding AED 1,000,000 (one million dirhams), or one of these two penalties, shall be imposed on anyone who:

1. Carried out any of the nursery's activities or operated any facility to carry out such activities without obtaining a license from the Agency or any entity authorized to exercise the Agency's jurisdiction.

2. Transferred the nursery license or amended the licensed activity without the approval of the Agency or any entity authorized to exercise the Agency's jurisdiction.

3. Amended the value of the fees charged by the nursery or imposed any additional fees without obtaining the approval of the Agency or any entity authorized to exercise the Agency's jurisdiction.

4. Collected donations, received aid or gifts from natural or legal persons, or disposed of any of them, or provided material support to any entity, whether inside or outside the State, without obtaining the approval of the Agency or any entity authorized to exercise the Agency's jurisdiction.

Article (19)

Judicial Officers

The employees who are designated by a decision from the Minister of Justice, upon the recommendation of the President of the Agency, shall have the capacity of judicial officers in proving violations of the provisions of this Decree-Law, its Executive Regulations, and the decisions issued in its implementation, each within their scope of competence.

Article (20)

Reconciliation of Status

All nurseries must reconcile their status in accordance with the provisions of this Decree-Law, its Executive Regulations, and the decisions issued in its implementation within one year from the date of its entry into force.

Article (21)

Service Fees

The Cabinet, upon the proposal of the Minister of Finance, shall issue a decision determining the fees due for the services provided by the Agency within its scope of competence to implement the provisions of this Decree-Law and its Executive Regulations.

Article (22)

Delegation of Competencies and Outsourcing of Tasks and Services

The Agency may, after the approval of the Cabinet, delegate some of its competencies to any federal or local government entity. The Agency may also outsource some of its tasks and services to any other governmental or private entity after the approval of the Cabinet.

Article (23)

Executive Regulations

The Cabinet, upon the proposal of the President of the Agency and after coordination with the educational authorities, shall issue the Executive Regulations.

Article (24)

Implementing Decisions

Without prejudice to the competencies of the Cabinet as stated in this Decree-Law, the President of the Agency shall issue the necessary decisions to implement the provisions of this Decree-Law.

Article (25)

Repeals

1. Federal Law No. (5) of 1983 concerning Nurseries is hereby repealed, as is any provision that contradicts or conflicts with the provisions of this Decree-Law.
2. The regulations and decisions issued before the implementation of this Decree-Law shall remain in force to the extent that they do not conflict with its provisions, until the necessary decisions for its implementation are issued.

Article (26)

Publication and Entry into Force of the Decree-Law

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

Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace - Abu Dhabi - :

On: 9 / Rabi' al-Awwal / 1444H

Article (Six/1) of Federal Decree-Law No. (28) of 2024 stipulated: "The Ministry of Education shall replace the Emirates Schools Establishment and the Federal Agency for Early Education in all legislation related to the competencies specified in Article One of this Decree-Law, and in all rights and obligations, including the rights and obligations contained in contracts, agreements, or memoranda of understanding concluded by the Establishment or the Agency."

Federal Decree-Law No. (42) of 2024 was issued establishing and organizing the Education, Human and Community Development Council. Article (20) thereof stipulated the repeal of Federal Decree-Law No. (44) of 2022 establishing the National Center for Education Quality. Article (8) thereof stipulated: 1- A center called the "National Center for Education Quality" shall be established in the Council.

-3 The Center referred to in Clause (1) of this Article shall replace the National Center for Education Quality established under the aforementioned Federal Decree-Law No. (44) of 2022, and in all legislation related to its competencies.