



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**CHILDREN AND YOUNG
PERSONS ACT 1993**

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Children and Young Persons Act 1993

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

Section

1. Short title
2. Interpretation
3. Administration and enforcement of Act
4. Principles

PART 2

PROTECTION OF CHILDREN AND YOUNG PERSONS

Welfare

5. When child or young person in need of care or protection
6. Ill-treatment of child or young person
7. Contribution to delinquency of child or young person
8. Sexual exploitation of child or young person
9. Power to obtain and communicate information
10. Power to order child or young person to be produced for assessment or treatment, etc.
11. Power to remove child or young person to place of temporary care and protection, etc.
12. Assessment, examination and treatment of child or young person, etc.
13. Warrant to search for or remove child or young person
14. Restrictions on children and young persons taking part in public entertainment
15. Voluntary care agreements

Trafficking in children and young persons

16. Unlawful transfer of possession, custody or control of child or young person

Section

17. Importation of child or young person by false pretences
18. Power to examine children and persons in charge of them
19. Consent to marriage
20. Power of Director-General and protector to require security
21. Inspection
22. Powers of arrest

General

23. Powers of entry, etc., for enforcement purpose
24. When court may try offence
25. Court may determine and declare age of child or young person
26. Offences and penalties
27. Certificate of Director-General or protector to be evidence
28. Maintenance of child or young person when committed to care of any person
29. Contribution orders by Director-General or protector
30. Powers of District Court
31. Provision of places of temporary care and protection

PART 2A

FOSTERING

32. Committee on Fostering
33. Disclosure of information on child or young person by foster parent

PART 3

YOUTH COURT

34. General consideration
35. Children and young persons not to associate with adult offenders
36. Bail of children and young persons arrested
37. Attendance at court of parent or guardian of child or young person charged with offence, etc.
38. Constitution of Youth Court
39. Jurisdiction of Youth Court
40. Place of sitting and persons who may be present
41. Removal of disqualification or disability on conviction
42. Restrictions on punishment of children and young persons
43. Punishment of certain grave crimes

Section

- 44. Power to order parent or guardian to pay fine, etc., instead of child or young person
- 45. Power of other courts to remit juvenile offenders to Youth Court
- 46. Words “conviction” and “sentence” not to be used
- 47. Procedure in Youth Court
- 48. Presumption as to age
- 49. Powers of Youth Court on proof of offence
- 50. Power to convene juvenile case conference to deal with child or young person guilty of offence
- 51. Maximum age limit for detention in place of detention, juvenile rehabilitation centre or place of safety
- 52. Appeals
- 53. Procedure
- 54. Powers of Youth Court in respect of children and young persons in need of care or protection
- 55. Making of decisions that affect child or young person under court order made under section 54(1)(b)
- 56. Youth Court powers in respect of children and young persons in need of enhanced care or protection
- 57. Application of section 56 to children and young persons under voluntary care agreements
- 58. Making of decisions that affect child or young person under court order made under section 56(2) or 57 (read with section 56)

Family guidance orders

- 59. Power of Youth Court to make family guidance orders
- 60. Additional orders which may be made by Youth Court in relation to child or young person
- 61. Failure to comply with requirements of family guidance order

PART 3A

LICENSING OF HOMES FOR CHILDREN
AND YOUNG PERSONS

- 62. Homes for children and young persons to be licensed
- 63. Application for licence
- 64. Fee for and duration of licence
- 65. Display of licence
- 66. Transfer of licence
- 67. Inspection of homes for children and young persons

Section

- 68. Review Board
- 69. Director-General may direct remedial measures
- 70. Duty to furnish information
- 71. Director-General may order closure of home for children and young persons
- 72. Cancellation of licence at request of licensee
- 73. Revocation and suspension of licence
- 74. Effect of cancellation, revocation or suspension of licence
- 75. Discharge or transfer of children and young persons
- 76. Appeal
- 77. Exemption
- 78. Regulations for this Part

PART 4

REMAND HOMES

- 79. Custody of children and young persons not released on bail
- 80. Remand of or committal to custody in remand home

PART 5

PLACES OF DETENTION

- 81. Provision of places of detention

PART 6

JUVENILE REHABILITATION CENTRES
AND PLACES OF SAFETY

- 82. Minister may appoint juvenile rehabilitation centres and places of safety
- 83. Person-in-charge may make regulations with approval of Minister
- 84. Person-in-charge must send monthly report to Director-General
- 85. Minister may cancel certificate
- 86. Person-in-charge or his or her executor or administrator may cancel certificate
- 87. Duties of persons-in-charge
- 88. Effect of cancellation of certificate
- 89. Discharge or transfer of juveniles
- 90. Minister may establish juvenile rehabilitation centres and places of safety

Section

91. Control and management of juvenile rehabilitation centres and places of safety established under section 90
92. Director-General may make regulations for juvenile rehabilitation centres and places of safety

PART 7

PROVISIONS APPLICABLE TO PERSONS BEING DETAINED
IN JUVENILE REHABILITATION CENTRES, PLACES OF
SAFETY, REMAND HOMES AND PLACES OF DETENTION

93. Duties and powers of person-in-charge of juvenile rehabilitation centre, place of safety, remand home or place of detention
94. Use of mechanical restraint
95. Minister may discharge or transfer any person from one juvenile rehabilitation centre, place of safety or place of detention to another
96. Illness of child or young person detained
97. Return from approved hospital to juvenile rehabilitation centre, place of safety, remand home or place of detention
98. Duty to inform person-in-charge
99. Special custody in hospital
100. Power of Director-General or protector to give consent to medical examination or medical treatment to child or young person in need thereof
101. Saving of powers of General Division of High Court
102. Review of cases of persons ordered to be detained in juvenile rehabilitation centres or places of safety
103. Escape from juvenile rehabilitation centres or places of safety
104. Penalties for assisting or inducing persons to escape and for harbouring or concealing escaped persons
105. Prohibition against conveying certain articles to persons being detained in juvenile rehabilitation centre, place of safety, remand home or place of detention
106. Evidence of orders of Minister
107. Presumption
108. Evidence

PART 8

EXPENSES AND CONTRIBUTIONS

109. Contributions by parents or guardians

Section

110. Contribution order

PART 9

MISCELLANEOUS

111. Restriction on publication of information leading to identification of child or young person who is subject of investigation, etc.
112. Restriction on publication of information relating to proceedings involving children and young persons
113. Powers of Youth Court conferred on other courts
114. Protection from personal liability
115. Information relating to children and young persons in need of care or protection
116. Confidentiality of information relating to children and young persons
117. Offences by bodies corporate, etc.
118. Regulations
119. Family Justice Rules

An Act to provide for the welfare, care, protection and rehabilitation of children and young persons who are in need of such care, protection or rehabilitation, to regulate homes for children and young persons and to consolidate the law relating to children and young persons.

[3/2011]

[21 March 1993]

PART 1

PRELIMINARY

Short title

1. This Act is the Children and Young Persons Act 1993.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

“approved institution” means an institution approved under section 12 of the Probation of Offenders Act 1951 for the reception of persons who may be required to reside therein by a probation order;

“approved welfare officer” means a person who is appointed by the Director-General under section 3(4) to carry out any investigation, assessment, supervision, consultation or evaluation in relation to any child or young person or the parent, guardian or family members thereof for the purpose of determining the welfare and state of development of such child or young person or for any other purpose under this Act;

“assessment” means an assessment to determine either the state of the health or development of the child or young person or whether the child or young person is in need of care or protection or both, and includes a forensic medical examination;

“care-giver” —

(a) in relation to a child or young person who is the subject of a voluntary care agreement, means a person to whose care the child or young person is committed under the voluntary care agreement;

(b) in relation to a child or young person who is the subject of an order made under section 54, means —

(i) if the child or young person is committed to the care of a fit person — the fit person; or

- (ii) if the child or young person is committed to a place of safety or place of temporary care and protection — the person-in-charge of the place of safety or place of temporary care and protection (as the case may be), or such employee at the place of safety or place of temporary care and protection (as the case may be) whom the Director-General or a protector thinks is competent to provide care, protection and supervision to the child or young person;
- (c) in relation to a child or young person who is the subject of an order made under section 56(2), or section 57 (read with section 56), means the fit person to whose care the child or young person is committed under the order; and
- (d) in relation to a child or young person who is the subject of an order made under section 59, means —
 - (i) if the child or young person is committed to the care of a fit person — the fit person; or
 - (ii) if the child or young person is committed to a place of safety — the person-in-charge of the place of safety, or such employee at the place of safety whom the Director-General or a protector thinks is competent to provide care, protection and supervision to the child or young person;

“child” means a person who is below 14 years of age;

“development” means physical, intellectual, psychological, emotional, social or behavioural development;

“Director-General” means the Director-General of Social Welfare;

“emotional harm”, in relation to a child or young person, means any serious impairment to the growth, development, or behavioural, cognitive or affective functioning, of the child or young person, and includes —

- (a) delayed mental and physical development of the child or young person;
- (b) a child or young person assessed by the Director-General, a protector or an approved welfare officer to be of danger to himself or herself or to other persons;
- (c) a child or young person assessed by the Director-General, a protector or an approved welfare officer to be severely withdrawn, anxious or depressed; and
- (d) a child or young person diagnosed by a medical practitioner as having a mental health condition such as post-traumatic stress disorder, anxiety, depression or psychosomatic disorder;

“fit person” means —

- (a) a foster parent; or
- (b) such other person whom the court, the Director-General or a protector, having regard to the character of the person, thinks is competent to provide care, protection and supervision to a child or young person;

“foster parent”, in relation to a child or young person, means a person —

- (a) whom the Director-General or a protector, having regard to the character of the person, thinks is competent to provide care, protection and supervision to the child or young person; and
- (b) who gives an undertaking to the Director-General or protector (as the case may be) to provide care, protection and supervision to the child or young person;

“guardian”, in relation to a child or young person, includes any person who, in the opinion of the court having cognizance of any case in relation to the child or young person, or in which

the child or young person is concerned, has for the time being the charge of, or control over, the child or young person;

“health” means physical or mental health;

“home for children and young persons” means any establishment the object of which is, or is held out to be, the provision of residential accommodation with board and personal care for children or young persons, for the purposes of their protection or rehabilitation or both;

“ill-treatment”, in relation to a child or young person, has the meaning assigned to it in section 6;

“juvenile” means a person who is 10 years of age or older but below 16 years of age;

“juvenile rehabilitation centre” means any institution or part thereof appointed or established under Part 6 as a juvenile rehabilitation centre;

“licence” means a licence issued under section 63 and licensee is to be construed accordingly;

“licensed home for children and young persons” means a home for children and young persons in respect of which a licence is issued under section 63;

“person-in-charge”, in relation to a juvenile rehabilitation centre, home for children and young persons, place of detention, place of safety, place of temporary care and protection or remand home, means —

(a) a director, manager or superintendent of that centre, home or place; or

(b) any other person having the management or control of that centre, home or place;

“place” includes any vessel, conveyance, house, building, enclosure, street, land or open space;

“place of detention” means a place provided or appointed by the Minister as a place of detention under section 81(1);

“place of safety” means any institution or part thereof appointed or established under Part 6 as a place of safety;

“place of temporary care and protection” means any place or institution designated to be a place of temporary care and protection under section 31 or any other suitable place the occupier of which is willing temporarily to receive a child or young person committed under section 10, 11 or 54;

“protector” means any public officer or other person who is appointed or authorised by the Director-General under section 3(3) to exercise the powers and perform the duties of a protector under this Act;

“registered medical practitioner” means a medical practitioner registered under the Medical Registration Act 1997, and includes a dentist registered under the Dental Registration Act 1999;

“relevant offence” means —

- (a) any offence under Part 2;
- (b) any offence under Chapter 16 of the Penal Code 1871; or
- (c) any offence involving the causing of bodily injury to a child or young person;

“remand home” means any home or institution or part thereof provided or appointed by the Minister as a remand home under section 79(1) for the detention of juveniles sent there under the provisions of this Act;

“Review Board” means the Review Board appointed under section 68;

“voluntary care agreement” means a care agreement entered into between the Director-General and the parent or guardian of a child or young person under section 15 to secure the safety and welfare of the child or young person;

“young person” means —

- (a) for the purpose of section 35, 36(1), 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 49, 50, 60(1), 79, 80 or 81, a person who is 14 years of age or older but below 16 years of age; and
- (b) for the purpose of any other provision in this Act, a person who is 14 years of age or older but below 18 years of age.

[22/2007; 3/2011; 30/2019]

(2) In reckoning the age of a person for the purposes of this Act —

- (a) the person is taken to have attained a particular age expressed in years on the relevant anniversary of the person’s birth;
- (b) a reference to the anniversary of the birth of the person in paragraph (a) is a reference to the day on which the anniversary occurs; and
- (c) where a person was born on 29 February in any year, then, in any subsequent year that is not a leap year, the anniversary of that person’s birth is taken to be 28 February in that subsequent year.

[30/2019]

(3) For the purposes of this Act —

- (a) “category 1 matter” means any matter relating to the day-to-day care of a child or young person but does not include such other matter as may be prescribed;
- (b) “category 2 matter” means any matter that does not relate to the day-to-day care of a child or young person but is ordinarily made in the course of providing care for the child or young person (as prescribed in regulations); and
- (c) “category 3 matter” means a matter prescribed, being neither a category 1 matter nor a category 2 matter.

[30/2019]

Administration and enforcement of Act

3.—(1) [*Deleted by Act 30 of 2019*]

(2) The Director-General is responsible for the administration and enforcement of this Act, subject to the general or special directions of the Minister.

[30/2019]

(3) The Director-General may —

(a) appoint any public officer; or

(b) with the approval of the Minister, in writing authorise any other person,

to perform any of the duties or exercise any of the powers of the Director-General or a protector under this Act, subject to such conditions and limitations as may be specified by the Director-General.

[30/2019]

(4) The Director-General may appoint any suitably qualified person as an approved welfare officer to carry out any investigation, assessment, supervision, consultation or evaluation in relation to any child or young person or the parent, guardian or family members thereof for the purpose of determining the welfare and state of development of such child or young person or for any other purpose under this Act.

[30/2019]

(5) The Director-General and any public officer or other person appointed or authorised by the Director-General under subsection (3) and any approved welfare officer are deemed to be public servants within the meaning of the Penal Code 1871.

[30/2019]

Principles

4. The following principles apply for the purposes of this Act:

(a) the parents or guardian of a child or young person are primarily responsible for the care and welfare of the child or young person and they should discharge their responsibilities to promote the welfare of the child or young person; and

- (b) in all matters relating to the administration or application of this Act, the welfare and best interests of the child or young person must be the first and paramount consideration.

[3A
[3/2011]

PART 2

PROTECTION OF CHILDREN AND YOUNG PERSONS

Welfare

When child or young person in need of care or protection

5.—(1) For the purposes of this Act, a child or young person is in need of care or protection if —

- (a) the child or young person has no parent or guardian;
- (b) the child or young person has been abandoned by his or her parent or guardian and despite reasonable inquiries the parent or guardian cannot be found, and no other suitable person is willing and able to exercise care or guardianship in respect of the child or young person;
- (c) the parent or guardian of the child or young person —
 - (i) is unable or has neglected to provide adequate food, clothing, medical aid, lodging, care or other necessities of life for the child or young person; or
 - (ii) is unfit or unable or has neglected to exercise proper supervision and control over the child or young person, and the child or young person is falling into bad association, or is exposed to moral danger, or is beyond control;
- (d) the child or young person has been, is being or is at risk of being ill-treated —
 - (i) by his or her parent or guardian; or
 - (ii) by any other person, and his or her parent or guardian, although knowing of such ill-treatment

or risk, has not protected or is unlikely or unwilling to protect the child or young person from such ill-treatment;

- (e) the child or young person needs to be examined, investigated or treated for the purpose of restoring or preserving his or her health or development and his or her parent or guardian neglects or refuses to have him or her so examined, investigated or treated;
- (f) the child or young person behaves in a manner that is, or is likely to be, harmful to himself or herself or to any person and —
 - (i) his or her parent or guardian is unable or unwilling to take necessary measures to remedy the situation; or
 - (ii) the remedial measures taken by the parent or guardian fail;
- (g) the child or young person suffers or is likely to suffer from emotional harm because the child or young person has been or is subject to emotional or psychological abuse by his or her parent or guardian;
- (h) the child or young person —
 - (i) is a person in respect of whom a relevant offence has been or is believed to have been committed; or
 - (ii) is a member of the same household as another child or young person in respect of whom a relevant offence has been or is believed to have been committed, and the child or young person appears to be in danger of a similar offence being committed against him or her,

and either the person who committed or is believed to have committed the offence or who has been convicted of the offence is the parent or guardian of the child or young person or a member of the same household as the child or young person, or the parent or guardian of the child or

young person is unable, unlikely or unwilling to protect the child or young person from such offence; or

- (i) the child or young person is found to be —
- (i) destitute or wandering without any settled place of abode and without visible means of subsistence;
 - (ii) begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale) or loitering for the purpose of so begging or receiving alms;
 - (iii) engaged in carrying out illegal lotteries, illegal hawking, gambling or other undesirable activities; or
 - (iv) using or inhaling any intoxicating substance (as defined in the Intoxicating Substances Act 1987) for the purpose of inducing or causing in himself or herself a state of intoxication.

[3/2011; 30/2019]

(2) Without limiting subsection (1)(g), the circumstances in which a child or young person may be regarded as being subject to emotional or psychological abuse by his or her parent or guardian under that subsection include any of the following:

- (a) the parent or guardian subjects the child or young person to persistent acts of rejection or degradation that are harmful to the child's or young person's wellbeing or sense of self-worth;
- (b) the parent or guardian threatens to physically hurt, kill or abandon the child or young person, or places the child or young person or a related person of the child or young person in any dangerous situation;
- (c) the parent or guardian isolates the child or young person by consistently denying opportunities for the child or young person to communicate with any person;
- (d) the parent or guardian confines the child or young person in any small space for the purpose of disciplining the child or young person;

- (e) the parent or guardian influences the child or young person to develop self-destructive, anti-social, criminal, deviant or other maladaptive behaviour;

Illustrations

- (a) The parent or guardian models, permits or encourages anti-social behaviour such as prostitution, performance in pornographic media, initiation of criminal activities, substance abuse or committing violence to any person.
- (b) The parent or guardian models, permits or encourages developmentally inappropriate behaviour by infantilising the child or young person.
- (c) The parent or guardian models, permits or encourages any other behaviour that would result in the exploitation or corruption of the child or young person.

- (f) the parent or guardian exposes the child or young person to, or places the child or young person at any risk of exposure to, any violence against a related person of the child or young person.

[30/2019]

(3) In this section, “related person”, in relation to a child or young person, means another person about whose safety or wellbeing the child or young person would reasonably be expected to be seriously concerned.

[4

[30/2019]

Ill-treatment of child or young person

6.—(1) A person shall be guilty of an offence if, being a person who has the custody, charge or care of a child or young person, he or she ill-treats the child or young person or causes, procures or knowingly permits the child or young person to be ill-treated by any other person.

(2) For the purposes of subsection (1) —

- (a) a person (*A*) knowingly permits a child or young person (*B*) to be ill-treated by another person (*C*) if *A* being a person who has the custody, charge or care of *B*, knows or has reason to believe that *B* was at risk of being ill-treated by *C*,

and failed to take such steps as *A* could reasonably have been expected in *A*'s circumstances to take to protect *B* from that risk; and

- (b) *A*'s circumstances mentioned in paragraph (a) include but are not limited to *A*'s past or present experiences of being ill-treated by *C*, if any.

[15/2019]

(3) For the purposes of this Act, a person ill-treats a child or young person if that person, being a person who has the custody, charge or care of the child or young person —

- (a) subjects the child or young person to physical or sexual abuse;
- (b) wilfully or unreasonably does, or causes the child or young person to do, any act which endangers or is likely to endanger the safety of the child or young person or which causes or is likely to cause the child or young person —
- (i) any unnecessary physical pain, suffering or injury;
 - (ii) any emotional harm; or
 - (iii) any injury to his or her health or development; or
- (c) wilfully or unreasonably neglects, abandons or exposes the child or young person with full intention of abandoning the child or young person or in circumstances that are likely to endanger the safety of the child or young person or to cause the child or young person —
- (i) any unnecessary physical pain, suffering or injury;
 - (ii) any emotional harm; or
 - (iii) any injury to his or her health or development.

[30/2019]

(4) For the purpose of subsection (3)(c), the parent or guardian of a child or young person is deemed to have neglected the child or young person in a manner likely to cause him or her physical pain, suffering or injury or emotional harm or injury to his or her health or development if the parent or guardian wilfully or unreasonably neglects to provide adequate food, clothing, medical aid, lodging, care or other necessities of life for the child or young person.

[30/2019]

(5) A person may be convicted of an offence under this section despite —

- (a) that any actual suffering or injury on the part of the child or young person or the likelihood of any suffering or injury on the part of the child or young person was obviated by the action of another person; or
- (b) the death of the child or young person in respect of whom the offence is committed.

(6) Subject to subsection (7), any person who is guilty of an offence under this section shall be liable on conviction —

- (a) in the case where death is caused to the child or young person, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 14 years or to both; and
- (b) in any other case, to a fine not exceeding \$8,000 or to imprisonment for a term not exceeding 8 years or to both.

[15/2019]

(7) The court may, in lieu of or in addition to any punishment specified in subsection (6), order the person guilty of an offence under this section to execute a bond, with or without sureties, as the court may determine, to be of good behaviour for such period as the court thinks fit, and may include in such bond a condition requiring such person to undergo such counselling, psychotherapy or other programme as may be specified therein.

(8) If a person who is ordered to execute a bond of good behaviour under subsection (7) fails to comply with any of the conditions of such bond, the person must —

- (a) if such bond is in lieu of a penalty under subsection (6), be liable to the penalty provided for in that subsection; or
- (b) if such bond is in addition to a penalty under subsection (6), be liable to a further fine not exceeding \$20,000 or to a further term of imprisonment not exceeding 7 years or to both.

[5]

Contribution to delinquency of child or young person

7.—(1) Any person who causes or procures any child or young person or, having the custody, charge or care of a child or young person, allows that child or young person to be in any place for the purpose of —

- (a) begging or receiving alms, or of inducing the giving of alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale; or
- (b) carrying out of illegal hawking, illegal lotteries, gambling or other illegal activities or activities detrimental to the health or welfare of the child or young person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

[3/2011; 30/2019]

(2) If a person having the custody, charge or care of a child or young person is charged with an offence under this section and it is proved that the child or young person was in any place for any such purpose and that the person charged allowed the child or young person to be in the place, the person is presumed to have allowed the child or young person to be in the place for that purpose unless the contrary is proved.

[6]

[3/2011]

Sexual exploitation of child or young person

8.—(1) A person shall be guilty of an offence if —

(a) the person, in public or private —

(i) commits or abets the commission of; or

(ii) procures or attempts to procure the commission by another person of,

any obscene or indecent act with any child or young person below 16 years of age; or

(b) the person, in public or private, procures or attempts to procure the commission of any obscene or indecent act by any child or young person below 16 years of age.

[30/2019]

(2) A person (*A*) shall be guilty of an offence if —

(a) *A*, in public or private —

(i) commits or abets the commission of; or

(ii) procures or attempts to procure the commission by another person of,

any obscene or indecent act with any young person (*B*) of 16 years of age or older but below 18 years of age; and

(b) either —

(i) *B* does not consent to the obscene or indecent act; or

(ii) *A* is in a relationship that is exploitative of *B*.

[30/2019]

(3) A person (*A*) shall be guilty of an offence if *A*, in public or private —

(a) procures or attempts to procure the commission of any obscene or indecent act by any young person (*B*) of 16 years of age or older but below 18 years of age; and

(b) either —

(i) *B* does not consent to the obscene or indecent act; or

(ii) *A* is in a relationship that is exploitative of *B*.

[30/2019]

(4) For the purposes of subsections (2)(b)(i) and (3)(b)(i), it is a defence that *A*, by reason of mistake of fact or in ignorance of a fact in good faith, believed that *B* had consented to that obscene or indecent act.

[30/2019]

(5) For the purposes of subsections (2)(b)(ii) and (3)(b)(ii), it is not necessary for the prosecution to prove that *B* did or did not consent to the obscene or indecent act mentioned in subsection (2)(a) or (3)(a), as the case may be.

[30/2019]

(6) In deciding whether an accused's relationship with a young person of 16 years of age or older but below 18 years of age is exploitative of the young person for the purposes of subsections (2) and (3), the court is to have regard to all of the following:

- (a) the age of the minor;
- (b) the difference between the age of the accused and the young person;
- (c) the nature of the relationship;
- (d) the degree of control or influence exercised by the accused over the young person.

[30/2019]

(7) To avoid doubt, the court is not confined to consideration of the matters specified in subsection (6) and may take into account such other matters and evidence as may be relevant in the circumstances of each case.

[30/2019]

(8) For the purposes of subsection (6) and subject to subsection (9), it is presumed until the contrary is proved that an accused's relationship with a young person of 16 years of age or older but below 18 years of age is exploitative where the relationship is any of the following:

- (a) the accused is a parent, step-parent, guardian or foster parent of the young person;

- (b) the accused is the de facto partner of a parent, guardian or foster parent of the young person;
- (c) the accused is a member of the teaching or management staff of the school or educational institution at which the young person is a student;
- (d) the accused has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction to the young person;
- (e) the accused is a custodial officer of an institution in which the young person is detained;
- (f) the accused is a registered medical practitioner, a registered traditional Chinese medicine practitioner or a psychologist and the young person is a patient of the accused;
- (g) the accused is an advocate and solicitor or a counsellor and the young person is a client of the accused.

[30/2019]

(9) However, the presumption in subsection (8) does not apply to a person who is lawfully married to a young person of 16 years of age or older but below 18 years of age even though the relationship may fall within any of the relationships mentioned in subsection (8).

[30/2019]

(10) Any person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) if the offence committed involves a child other than as an accused, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 7 years or to both or, if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 10 years or to both; and
- (b) if the offence committed involves a young person other than as an accused, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both or, if the person is a repeat offender, to a fine not exceeding

\$20,000 or to imprisonment for a term not exceeding 7 years or to both.

[30/2019]

(11) Any person who is guilty of an offence under subsection (2) or (3) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both or, if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 7 years or to both.

[30/2019]

(12) In subsections (10) and (11), “repeat offender”, in relation to an offence under subsection (1)(a) or (b), (2) or (3), means a person who is convicted or found guilty of that offence (called the current offence) and who was previously convicted or found guilty of —

(a) an offence under subsection (1)(a) or (b), (2) or (3); or

(b) an offence under the repealed section 7 as in force immediately before 1 July 2020,

on at least one previous occasion before the date on which the person is convicted or found guilty of the current offence.

[7

[30/2019]

Power to obtain and communicate information

9.—(1) The Director-General or a protector may exercise the powers conferred by subsection (2) for any of the following purposes:

(a) the Director-General or protector has reasonable grounds to believe that a relevant offence has been, is being or will be committed against a child or young person, and the Director-General or protector has reason to believe that a particular person can provide any information regarding the commission of the relevant offence;

(b) the Director-General or protector has reasonable grounds to believe that a child or young person is in need of care or protection, and the Director-General or protector has reason to believe that a particular person can provide any information which will assist him or her in ascertaining —

- (i) whether the child or young person is in need of care or protection; and
 - (ii) the nature of care or protection that the child or young person needs;
- (c) where a child or young person (*A*) is the subject of a voluntary care agreement or an order made under section 54(1) or 56(2), section 57 (read with section 56) or section 59(4), and the Director-General or protector has reason to believe that a particular person can provide any information —
- (i) relating to the suitability of the fit person to whom, or the place of safety or place of temporary care and protection to which, *A* is committed;
 - (ii) relating to the standard of care, protection and supervision that *A* or any other child or young person who is a member of *A*'s household, is receiving;
 - (iii) that will assist the Director-General or protector in formulating a proper care plan to cater to *A*'s safety and sense of wellbeing; or
 - (iv) that will assist the Director-General or protector in exercising any power or carrying out any duty under the Act with respect to *A* or any other child or young person who is a member of *A*'s household;
- (d) where upon the termination of a voluntary care agreement or an order made under section 54(1) or 56(2), section 57 (read with section 56) or section 59(4) for a child or young person (*B*), *B* is returned to the care and custody of *B*'s parent or guardian, and the Director-General or protector has reason to believe that a particular person can provide any information relating to the welfare and safety of *B* or any other child or young person who is a member of *B*'s household.

[30/2019]

(2) The Director-General or protector may, by written order —

- (a) require the particular person mentioned in subsection (1)(a), (b), (c) or (d) to provide to the Director-General or protector the information within the time and manner specified in the order; or
- (b) require a person given the order to appear before and provide to the Director-General or protector the information within the time and manner specified in the order.

[30/2019]

(3) The Director-General or a protector may communicate any information about a child or young person (whether or not obtained under this section) including a photograph of the child or young person, to any of the following person or persons for a relevant purpose:

- (a) another protector or any other person assisting the Director-General or protector in the administration of this Act in respect of the child or young person;
- (b) any other person or class of persons as may be prescribed.

[30/2019]

(4) No liability shall lie personally against a person for providing any information under subsection (2), or communicating any information under subsection (3).

[30/2019]

(5) An individual cannot rely on —

- (a) the common law privilege against self-incrimination or exposure to the imposition of a penalty; or
- (b) any rule of law relating to legal professional privilege or any other privilege, or the public interest,

to refuse to provide the information required under subsection (2) by the Director-General or protector, as the case may be.

[30/2019]

(6) However, any information is not admissible in evidence against the individual in any criminal proceeding other than a proceeding for

an offence under section 26(b) or section 177 of the Penal Code 1871, if the information might in fact tend to incriminate the individual.

[30/2019]

(7) In this section, “relevant purpose” means either of the following:

- (a) a purpose mentioned in subsection (1)(a), (b), (c) or (d);
- (b) for a child or young person who is the subject of —
 - (i) a voluntary care agreement;
 - (ii) an order made under section 54(1)(b) read with section 55;
 - (iii) an order made under section 56(2) read with section 58; or
 - (iv) an order made under section 57 read with sections 56 and 58,

to enable the Director-General, a protector or a care-giver of the child or young person to make a decision on a matter relating to the child or young person and to give effect to such decision.

[8

[30/2019]

Power to order child or young person to be produced for assessment or treatment, etc.

10.—(1) Where the Director-General, a protector or a police officer is satisfied on reasonable grounds that a child or young person is in need of care or protection, the Director-General, protector or police officer may by written notice order any person to —

- (a) produce the child or young person before the Director-General, protector or police officer at a specified time and place; or

- (b) produce the child or young person before a registered medical practitioner, a psychologist or an approved welfare officer for an assessment or for any medical or other treatment as may be necessary,

following which the Director-General, protector or police officer may, if he or she thinks necessary, remove the child or young person and commit the child or young person to a place of temporary care and protection or to the care of a fit person until the child or young person can be brought before a Youth Court to be dealt with under section 54.

[30/2011; 27/2014; 30/2019]

(2) For the purposes of this section and sections 11 and 12, a reference to a police officer is a reference to a police officer not below the rank of sergeant.

[8A
[3/2011]

Power to remove child or young person to place of temporary care and protection, etc.

11.—(1) Where the Director-General, a protector or a police officer is satisfied on reasonable grounds that a child or young person is in need of care or protection, the Director-General, protector or police officer may without warrant and with such assistance and by such force as is necessary, by day or by night enter any place in which the child or young person is to be found and —

- (a) remove the child or young person and commit him or her to a place of temporary care and protection or to the care of a fit person until the child or young person can be brought before a Youth Court to be dealt with under section 54; or
- (b) remove the child or young person and, before committing him or her to a place of temporary care and protection or to the care of a fit person under paragraph (a), present the child or young person before a registered medical practitioner, a psychologist or an approved welfare officer for an assessment or for any medical or other treatment as may be necessary.

[3/2011; 27/2014; 30/2019]

(2) Subject to subsection (3), every child or young person who is removed by the Director-General, a protector or a police officer under section 10 or this section must, unless he or she is sooner returned to the custody of his or her parent or guardian, be brought before a Youth Court within 3 working days from the date of his or her being so removed in order that he or she may be dealt with under section 54.

[3/2011; 27/2014; 30/2019]

(3) If for any reason it is not possible for the child or young person to be brought before a Youth Court within the time specified in subsection (2) —

- (a) the Director-General, protector or police officer (as the case may be) who removed the child or young person under subsection (1) must, within 3 working days from the date of the removal of the child or young person, inform the Youth Court of the removal and the reason for which it is not possible to comply with subsection (2); and
- (b) the Youth Court may make such order as the circumstances may admit and require in relation to the custody, charge and care of the child or young person until such time as the child or young person may be brought before the Youth Court.

[3/2011; 27/2014; 30/2019]

(4) Where the Director-General or a protector is of the view that any contact or access between the child or young person removed under subsection (1) and any other person is not in the best interests of the child or young person, the Director-General or protector may order that —

- (a) the other person concerned must not make any contact or have access to the child or young person during the period before the child or young person is brought before the Youth Court under subsection (2); or
- (b) the other person concerned may only have contact or access to the child or young person subject to such conditions as the Director-General or protector may impose.

[9

[3/2011; 27/2014; 30/2019]

Assessment, examination and treatment of child or young person, etc.

12.—(1) A registered medical practitioner, a psychologist or an approved welfare officer to whom a child or young person is brought under section 10 or 11 —

- (a) must conduct the requisite assessment of the child or young person and report his or her assessment to the Director-General, protector or police officer (as the case may be) who presented the child or young person for assessment; and
- (b) may, with the consent of the parent or guardian of the child or young person or, if such consent cannot be obtained or if there is immediate risk to the health of the child or young person, with the authorisation of the Director-General, protector or police officer —
 - (i) administer or cause to be administered to the child or young person such procedures and tests as may be necessary to diagnose the condition of the child or young person; and
 - (ii) provide or cause to be provided to the child or young person such treatment (including any surgical treatment) as the registered medical practitioner, psychologist or approved welfare officer considers necessary as a result of his or her assessment or diagnosis.

[3/2011; 30/2019]

(2) If the registered medical practitioner, psychologist or approved welfare officer conducting the assessment of the child or young person under subsection (1) believes on reasonable grounds that the child or young person is suffering from any physical pain, suffering or injury, or emotional harm or injury to his or her health or development as a result of being ill-treated, the registered medical practitioner, psychologist or approved welfare officer must immediately notify the Director-General, protector or police officer

(as the case may be) who presented the child or young person for assessment.

[3/2011; 30/2019]

(3) Section 115 applies to a registered medical practitioner, a psychologist or an approved welfare officer who makes a notification under this section as if it were a notification made under section 115(1).

[3/2011]

(4) If the registered medical practitioner conducting the assessment of the child or young person under this section is of the opinion that the hospitalisation of the child or young person is necessary for the purpose of treating the child or young person, the Director-General, protector or police officer may authorise the hospitalisation of the child or young person.

[9A

[3/2011; 30/2019]

Warrant to search for or remove child or young person

13.—(1) If a Magistrate's Court, upon receiving any information or complaint, has reason to believe that a relevant offence has been or is being committed in respect of a child or young person, the Court may issue a warrant authorising any police officer named therein to search for the child or young person, if necessary, and remove the child or young person and commit him or her to a place of temporary care and protection until he or she can be brought before a Youth Court to be dealt with under section 54.

[3/2011; 27/2014]

(2) A warrant issued by a Magistrate's Court under this section may authorise the police officer named therein, before committing the child or young person concerned to a place of temporary care and protection, to present the child or young person before a registered medical practitioner or an approved welfare officer for an assessment or for any medical or other treatment as may appear to be necessary.

[3/2011]

(3) Sections 11(2), (3) and (4) and 12(1) to (4) apply, with the necessary modifications, in the case where a child or young person is

removed under this section as they apply in the case where a child or young person is removed under section 11.

[3/2011]

(4) A Magistrate's Court issuing a warrant under this section may, by the same warrant, cause any person accused of any offence in respect of the child or young person to be apprehended and brought before the Court and proceedings to be taken against that person according to law.

(5) Any police officer authorised by warrant under this section to search for any child or young person or to remove any child or young person, with or without search, may enter, by the use of force if necessary, any house, building or other place specified in the warrant and may remove the child or young person therefrom.

(6) Every warrant issued under this section —

(a) must be addressed to and executed by a police officer who must be accompanied by the person laying the information, if that person so desires, unless the Magistrate's Court by which the warrant is issued otherwise directs; and

(b) may, if the Court by which the warrant is issued so directs, also be accompanied by a registered medical practitioner appointed by the Director-General for the purpose.

[30/2019]

(7) It is not necessary in any information or warrant under this section to name the child or young person, but, in such case, the child or young person must be described as particularly as the knowledge of the informant or the Magistrate's Court permits.

[10]

Restrictions on children and young persons taking part in public entertainment

14.—(1) No child or young person may take part in any public entertainment —

(a) which is of an immoral nature;

(b) which is dangerous to life or prejudicial to the health, physical fitness and kind treatment of the child or young person; or

(c) without the consent of his or her parent or guardian.

(2) Any person who causes or procures such a child or young person, or being his or her parent or guardian allows the child or young person, to take part in any public entertainment in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

[3/2011]

(3) If the person convicted under subsection (2) is the holder of a licence under the Public Entertainments Act 1958, the court may also order the cancellation of the licence or its suspension for such period as the court may think fit.

[28/2017]

(4) In this section —

“entertainment” includes an exhibition or performance;

“public entertainment” means an entertainment to which the public or any section of the public is admitted or in connection with which a charge, whether for admission or otherwise, is made.

[11

Voluntary care agreements

15.—(1) The Director-General may enter into a voluntary care agreement —

(a) with both the parents of a child or young person; or

(b) where a child or young person has one or more guardians, with all the guardians,

subject to such conditions as may be prescribed, if the Director-General is of the view that the voluntary care agreement will promote the welfare of the child or young person.

[30/2019]

(2) Despite subsection (1), where any parent or guardian of a child or young person —

- (a) cannot be contacted by the Director-General after reasonable attempts have been taken to contact the parent or guardian; or
- (b) is incapable or unwilling to decide whether or not to enter into a voluntary care agreement,

the Director-General may enter into a voluntary care agreement in respect of the child or young person with the other parent, or guardian or guardians, as the case may be.

[30/2019]

(3) The Director-General may extend the validity period of the voluntary care agreement by up to 3 years without the consent of both the parents or all the guardians of the child or young person (whether the voluntary care agreement was entered before, on or after 1 July 2020, if —

- (a) the voluntary care agreement expires in less than one month unless it is extended;
- (b) either —
 - (i) both the parents or all the guardians of the child or young person cannot be contacted by the Director-General despite reasonable attempts by the Director-General to do so; or
 - (ii) both the parents or all the guardians of the child or young person are incapable or unwilling to decide whether or not to extend the voluntary care agreement; and
- (c) the Director-General is of the view that it is in the best interests of the child or young person to extend the validity period of the voluntary care agreement.

[30/2019]

(4) A voluntary care agreement in respect of a child or young person may be terminated by —

- (a) the Director-General giving written notice to the parent or parents, or guardian or guardians who are party to the voluntary care agreement;
- (b) any parent or guardian who is a party to the voluntary care agreement giving written notice to the Director-General; or
- (c) the parent or guardian who is not a party to the voluntary care agreement, giving written notice to the Director-General and the other parent or guardian or guardians.

[30/2019]

(5) The voluntary care agreement in respect of which one or more written notices mentioned in subsection (4) are given terminates on the expiry of the prescribed period after the date of the service of the notice on the last person.

[11A
[30/2019]

Trafficking in children and young persons

[30/2019]

Unlawful transfer of possession, custody or control of child or young person

16.—(1) Every person who takes any part in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, temporarily or permanently, the possession, custody or control of a child or young person for any valuable consideration shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 4 years.

[30/2019]

(2) Every person who, without lawful authority or excuse, harbours or has in his or her possession, custody or control any child or young person with respect to whom the temporary or permanent possession, custody or control has been transferred or conferred for valuable consideration by any other person within or outside Singapore shall be guilty of an offence and shall be liable on conviction to a fine not

exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

[3/2011; 30/2019]

(3) It is a defence in any prosecution under this section to prove that the transfer took place in contemplation of or pursuant to a bona fide marriage or adoption and that at least one of the natural parents of the child or young person or the legal guardian of the child or young person, was a consenting party to the marriage or to the adoption by the adopting party, and had expressly consented to the marriage or adoption.

[30/2019]

(4) In this section, “legal guardian”, in relation to a child or young person, means a person lawfully appointed by deed or will or by the order of a competent court to be the guardian of that child or young person.

[12]

Importation of child or young person by false pretences

17. Any person who, by or under any false pretence, false representations or fraudulent or deceitful means made or used either within or outside Singapore, brings or assists in bringing any child or young person into Singapore shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

[13]

[3/2011; 30/2019]

Power to examine children and persons in charge of them

18.—(1) The Director-General, a protector or any person authorised in that behalf by the Director-General or a protector in writing may require any child or young person and any person who may appear to have the custody or control of the child or young person to appear before the Director-General or protector at any reasonable time and at any convenient place.

[30/2019]

(2) The Director-General or a protector may examine the child or young person as to his or her reasons for entering or being in Singapore and may examine the person respecting the child or young

person, and the child or young person and that person are legally bound to answer such questions truthfully to the best of their ability.

[14

[30/2019]

Consent to marriage

19. No female below 18 years of age who is or has been detained or in respect of whom a bond or security has been taken under the provisions of this Act may contract any form of marriage without the previous written consent of a protector.

[15

Power of Director-General and protector to require security

20. If the Director-General or a protector has reasonable cause to believe that any child or young person —

- (a) has been brought into Singapore either after having been transferred for valuable consideration or by fraud, misrepresentation or any false pretence;
- (b) has been transferred to the custody or control of any person for valuable consideration either within or outside Singapore;
- (c) is being detained against his or her will by some person other than his or her parents or lawful guardian; or
- (d) is a trafficked victim, as defined in section 2 of the Prevention of Human Trafficking Act 2014,

the Director-General or protector may either —

- (e) order any person in whose custody or under whose control the child or young person appears to be —
 - (i) to furnish him or her with copies of the photographs of the child or young person and the photographs of that person; and
 - (ii) to furnish security to his or her satisfaction that the child or young person will not leave Singapore without the previous written consent of the Director-General or protector (as the case may be),

and that the child or young person will be produced before the Director-General or protector (as the case may be) whenever he or she requires it; or

- (f) in the first instance, or if default be made in complying with any order made under sub-paragraph (e), order that the child or young person be taken out of the custody of the person in whose care, custody or control the child or young person is and commit the child or young person to a place of temporary care and protection or, on such security and on such conditions as the Director-General or protector (as the case may be) may require, to the custody of a relative or other fit person until the child or young person attains 18 years of age or for any shorter period.

[16

[3/2011; 45/2014; 30/2019]

Inspection

21.—(1) A protector or any officer generally or specially authorised in that behalf in writing by a protector may at any time visit and inspect the place where any child or young person in respect of whom security has been furnished under section 20 lives or is believed to live or to be.

(2) The protector or any such officer may inquire into the condition and circumstances of the child or young person and for the purposes of the inquiry, the protector or such officer may require any person to answer any question he or she may think proper to ask and that person is legally bound to answer such questions truthfully to the best of that person's ability.

(3) Any person who obstructs or hinders or attempts to obstruct or hinder a protector or any such officer in the exercise of the powers conferred by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

[17

[3/2011]

Powers of arrest

22. The Director-General or a protector may, during or after any inquiry referred to in section 9, 18 or 21, arrest or cause to be arrested any person reasonably believed to have committed an offence under section 6, 8, 16 or 17 and seize and detain any article or document which he or she may have reason to believe relates to the offence.

[18
[30/2019]

*General***Powers of entry, etc., for enforcement purpose**

23.—(1) The Director-General, a protector or any officer generally or specially authorised in that behalf in writing by the Director-General or a protector may, for an enforcement purpose, do all or any of the following:

- (a) enter, and for that purpose, use such force as may be reasonably necessary, and search any premises where he or she has reasonable cause to suspect that an offence under this Act has been or is being committed;
- (b) take any document or other thing at the premises mentioned in paragraph (a), if the Director-General, protector or authorised officer considers it necessary to do so for the purpose of obtaining evidence of an offence under this Act;
- (c) photograph or film, or make audio recordings or make sketches, of any part of the premises mentioned in paragraph (a) or anything at the premises or of any person whom the Director-General, protector or authorised officer reasonably believes is acquainted with any facts or circumstances relevant to the enforcement purpose;
- (d) photograph any child or young person who is found at the premises mentioned in paragraph (a) or anywhere else, and whom the Director-General, protector or authorised officer is satisfied on reasonable grounds that the child or young person is in need of care or protection.

[30/2019]

- (2) In this section, “enforcement purpose” means —
- (a) ensuring that the provisions of this Act are being complied with; or
 - (b) investigating an offence under this Act or a contravention of a provision under this Act.

[19
[30/2019]

When court may try offence

24. No court may try any offence punishable under this Act except with the consent of the Public Prosecutor or a Deputy Public Prosecutor or upon a complaint made by —

- (a) the Director-General or a protector;
- (b) a Justice of the Peace;
- (c) a police officer not below the rank of sergeant; or
- (d) any other person authorised in writing by the Minister, the Director-General or a protector, either by name or office, to make complaint of any offence under this Act.

[20
[15/2010; 30/2019]

Court may determine and declare age of child or young person

25.—(1) Where, in any proceedings under this Act, a person is alleged to be a child or young person, the court may, after making such inquiry as it thinks fit as to the age of that person, determine and declare his or her age.

(2) For the purposes of this Act, the age declared by the court under subsection (1) is deemed to be the true age of that person, unless the contrary is proved, in the same or any subsequent proceedings brought in relation to that person.

(3) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age, it is a defence to prove that the person was actually of, or above, that age.

[21

Offences and penalties**26.** Any person who —

- (a) refuses to answer, to the best of his or her knowledge and belief, any question which he or she is legally bound to answer and which is asked of him or her by any officer appointed or authorised under this Act;
- (b) makes, signs or delivers or causes to be made, signed or delivered any wilfully false or incorrect notification, report or statement;
- (c) refuses to allow an officer appointed or authorised under this Act such entry or access to any place as he or she is required by this Act to allow; or
- (d) contravenes any order made by the Director-General or a protector under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

[22

*[3/2011; 30/2019]***Certificate of Director-General or protector to be evidence**

27. A certificate purporting to be under the hand of the Director-General or a protector as to any entry in a register or any other record or as to any matter or thing which he or she is authorised by this Act to make or to do is prima facie evidence of the entry having been made and of the contents thereof and of the matter or thing having been done or not done.

[23

*[30/2019]***Maintenance of child or young person when committed to care of any person**

28.—(1) Where under this Act a child or young person is committed to the care of any person —

- (a) that person, while the order of committal is in force, has the like control over the child or young person as if that person were the parent of the child or young person and is responsible for the maintenance of the child or young person; and
 - (b) the child or young person continues in the care of that person even though the child or young person is claimed by his or her parent or guardian or any other person.
- (2) Any person who —
- (a) without lawful authority removes a child or young person from the custody of the person to whose care the child or young person has been committed under this Act;
 - (b) knowingly assists or induces, directly or indirectly, a child or young person to escape from the person to whose care he or she has been committed under this Act; or
 - (c) knowingly —
 - (i) harbours or conceals a child or young person who has escaped from the person to whose care he or she has been committed under this Act;
 - (ii) prevents such child or young person from returning to the person to whose care he or she has been committed under this Act; or
 - (iii) assists any other person in doing any of the acts mentioned in sub-paragraphs (i) and (ii),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[3/2011]

(3) For the purposes of this section, a child or young person who, under this Act, is committed or sent to a juvenile rehabilitation centre, place of safety, remand home, place of detention or place of temporary care and protection is deemed to have been committed to the care of the person-in-charge of the juvenile rehabilitation

centre, place of safety, remand home, place of detention or place of temporary care and protection, as the case may be.

[24

[3/2011; 30/2019]

Contribution orders by Director-General or protector

29.—(1) Where an order has been made by the Director-General or a protector under section 20(f), the Director-General or protector may at the time of or subsequent to the making of the order make a further order (called in this section a contribution order) requiring the parent or guardian or the person having the custody of the child or young person at the time of the making of the contribution order to contribute such weekly or monthly sum as the Director-General or protector, having regard to the means of the parent or guardian, thinks fit for the maintenance of the child or young person.

[30/2019]

(2) It is the duty of the parent or guardian or other person to comply with the terms of a contribution order made by the Director-General or a protector, as the case may be.

[30/2019]

(3) The Director-General or a protector must not make a contribution order without giving the person ordered to contribute an opportunity to be heard.

[30/2019]

(4) A contribution order made by the Director-General or a protector remains in force for so long as the committal order in respect of the child or young person is in force except that such order —

(a) may be varied, revoked or suspended by the Director-General or protector, as the case may be; but

(b) must not be so varied as to increase any contribution payable thereunder without giving the person making the contribution an opportunity to be heard.

[30/2019]

(5) If any person wilfully neglects to comply with a contribution order made by the Director-General or a protector under this section, a court may, for every breach of the order, by warrant direct the

amount due to be levied in the manner by law provided for levying fines imposed by a Magistrate's Court, or may sentence the person to imprisonment for a term not exceeding one month for each month's contribution remaining unpaid.

[25
[30/2019]

Powers of District Court

30. Any power exercisable by a Magistrate's Court under this Part may also be exercised by a District Court.

[26

Provision of places of temporary care and protection

31. The Minister may designate any orphanage, hospital, home for children and young persons, institution or other place to be a place of temporary care and protection for the purposes of this Act.

[27
[30/2019]

PART 2A

FOSTERING

Committee on Fostering

32.—(1) The Minister may establish a Committee on Fostering consisting of such persons as the Minister thinks fit.

[30/2019]

(2) The members of the Committee on Fostering may be appointed by the Minister for such period as the Minister determines.

[30/2019]

(3) The functions of the Committee on Fostering are —

- (a) to periodically review cases where a child or young person is committed to the care of a foster parent under a voluntary care agreement or an order made under section 54(1)(b) or 56(2), or section 57 read with section 56; and

- (b) to advise the Director-General or a protector on —
- (i) whether a proper care plan is implemented by the foster parent for the child or young person; and
 - (ii) if so, whether the foster parent is providing care, protection and supervision to the child or young person in accordance with the proper care plan.

[30/2019]

(4) In this section, “proper care plan” means a plan for the care of a child or young person which —

- (a) is formulated by the Director-General; or
- (b) if formulated by a protector or an approved welfare officer, meets such requirements as may be specified by the Director-General.

[27B

[30/2019]

Disclosure of information on child or young person by foster parent

33. A foster parent of a child or young person may disclose any information relating to the child or young person to any person (whether with or without the consent of any parent or guardian of the child or young person) if the disclosure is necessary —

- (a) for the care, protection and supervision of the child or young person; or
- (b) to enable the foster parent to claim the following where the foster parent is eligible:
 - (i) childcare leave or extended childcare leave under section 12B of the Child Development Co-Savings Act 2001;
 - (ii) unpaid infant care leave under section 12D of the Child Development Co-Savings Act 2001;
 - (iii) childcare leave under section 87A of the Employment Act 1968.

[27C

[30/2019]

PART 3
YOUTH COURT

General consideration

34.—(1) Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection, or as an offender or otherwise, is to do the following:

- (a) in a proper case, take steps for removing the child or young person from undesirable surroundings, and for securing that proper provision is made for the education or training of the child or young person;
- (b) facilitate the protection and rehabilitation of the child or young person, and his or her reintegration with his or her family and with society;
- (c) have regard to the needs of, and risks faced by, the child or young person, and facilitate the prevention of —
 - (i) any recurrence of ill-treatment of the child or young person; or
 - (ii) any contravention or further contravention of any written law by the child or young person.

[30/2019]

(2) A court is not to order a child below 10 years of age to be sent to a juvenile rehabilitation centre, remand home or place of detention unless for any reason, including the want of a fit person of his or her own religious persuasion who is willing to undertake the care of him or her, the court is satisfied that he or she cannot suitably be dealt with otherwise.

[28
[3/2011]

Children and young persons not to associate with adult offenders

35. No child or young person while detained in a police station or while being conveyed to or from any court, or while waiting before or after attending in any criminal court, may be permitted to associate with an adult (not being a relative) who is charged with an offence

other than an offence with which the child or young person is jointly charged.

[29]

Bail of children and young persons arrested

36.—(1) Where a person apparently below 16 years of age is arrested with or without warrant and he or she is not released, he or she must be brought before a Youth Court.

[3/2011; 27/2014]

(2) Where the person cannot be brought immediately before a Youth Court as required under subsection (1), the police officer or other officer from a law enforcement agency making the arrest must, without unnecessary delay and within 48 hours after the person is arrested, take or send the person arrested before a Magistrate.

[3/2011; 27/2014; 30/2019]

(3) The Youth Court or Magistrate (as the case may be) before whom a person is brought under subsection (1) or (2) is to inquire into the case and is to determine whether —

- (a) the charge is one of an offence triable only by the General Division of the High Court;
- (b) it is necessary in the interest of the person to remove him or her from association with any undesirable person;
- (c) the person is likely to abscond;
- (d) the person may commit further offences;
- (e) it is necessary to —
 - (i) prevent the loss or destruction of evidence relating to the offence with which the person is charged; or
 - (ii) prevent interference with any witness in respect of any such offence; or
- (f) there is reason to believe that the release of that person would otherwise defeat the ends of justice.

[3/2011; 27/2014; 40/2019]

(4) If none of the circumstances referred to in subsection (3) exist, the Youth Court or Magistrate is to release the person on a bond, with

or without sureties, for such amount as will, in the opinion of the Youth Court or Magistrate, secure the attendance of the person upon the hearing of the charge.

[3/2011; 27/2014]

(5) The bond must be entered into by the parent or guardian of the person or any other person responsible for the care and control of the person.

[30
[3/2011]

Attendance at court of parent or guardian of child or young person charged with offence, etc.

37.—(1) Subject to subsection (2), where a child or young person is charged with any offence or is brought before a court under the provisions of this Act or any other Act —

- (a) his or her parent or guardian must, unless the court otherwise orders, attend before the court during all stages of the proceedings; and
- (b) the court may compel the attendance of the parent or guardian as if he or she were required as a witness in the proceedings.

(2) If it appears to a court to be necessary to do so in the interest of a child or young person, the court may require his or her parent or guardian to withdraw from the court.

[31]

Constitution of Youth Court

38.—(1) A judge of a Youth Court, when determining the method of dealing with a child or young person in respect of whom a written report is obtained by the Youth Court regarding his or her background, family history, school record or such other matters, is to sit with 2 advisers from a panel of advisers appointed by the President except that where it appears that the Court cannot without adjournment be fully constituted and that an adjournment would be inexpedient in the interests of justice, the judge may sit with one adviser or he or she may sit alone.

[27/2014; 30/2019]

(2) The function of the panel of advisers referred to in subsection (1) is to inform and advise the Youth Court with respect to —

- (a) any matter or consideration which may affect the treatment of any child or young person; or
- (b) any order that may be made in respect of any child or young person brought before the Youth Court.

[3/2011; 27/2014]

(3) Except as modified or extended by this Act, the provisions of the Criminal Procedure Code 2010 apply to a Youth Court as if that Court were a District Court.

[32

[27/2014]

Jurisdiction of Youth Court

39.—(1) Subject to the provisions of this section, no child or young person may be charged with or tried for any offence by a court of summary jurisdiction except a Youth Court.

[27/2014]

(2) Where a child or young person is charged with any offence triable only by the General Division of the High Court, he or she must be tried by the General Division of the High Court unless —

- (a) the Public Prosecutor applies to the Youth Court to try such offence; and
- (b) the legal representative of the child or young person concerned consents to the offence being tried by the Youth Court.

[27/2014; 40/2019]

(3) Where a charge is made jointly against a child or young person and a person who has attained 16 years of age, the charge must be heard by a court of appropriate jurisdiction other than a Youth Court.

[27/2014]

(4) Where, in the course of any proceedings before any court of appropriate jurisdiction other than a Youth Court, it appears that the person to whom the proceedings relate is a child or young person, the

court may, despite subsection (1), proceed with the hearing and determination of the proceedings if it thinks fit.

[27/2014]

(5) A Youth Court has jurisdiction to try all offences which, but for subsections (1) and (2), would be triable only by a Magistrate's Court, a District Court or the General Division of the High Court.

[27/2014; 40/2019]

(6) A person who has attained 16 years of age on the date of commencement of the hearing of the charge must not be tried for any offence by a Youth Court.

[27/2014]

(7) Where in the course of any trial before a Youth Court the child or young person to whom the trial relates attains 16 years of age, nothing in subsection (6) prevents the Youth Court, if it thinks fit, from proceeding with the trial and dealing with the child or young person in accordance with the provisions of this Act.

[27/2014]

(8) In this section, "legal representative", in relation to a child or young person who is charged with an offence, includes any person assisting the child or young person in his or her defence to the charge.

[33]

Place of sitting and persons who may be present

40.—(1) A Youth Court is to sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on it by this or any other Act.

[27/2014]

(2) A Youth Court is to sit either in a different building or room from that in which sittings of courts other than Youth Courts are held, or on different days from those on which sittings of the other courts are held, and no person may be present at any sitting of a Youth Court except —

- (a) members and officers of the Court;
- (b) parties to the case before the Court, their solicitors and counsel and witnesses and other persons directly concerned in that case; and

- (c) such other persons, including representatives of newspapers or news agencies, as the Court may specially authorise to be present.

[34

[27/2014; 30/2019]

Removal of disqualification or disability on conviction

41. A conviction or finding of guilt of a child or young person is disregarded for the purposes of any Act under which any disqualification or disability is imposed upon convicted persons.

[36

Restrictions on punishment of children and young persons

42.—(1) A child must not be sentenced or ordered to be imprisoned for any offence or be committed to prison in default of payment of a fine or costs.

(2) A young person must not be ordered to be imprisoned for any offence, or be committed to prison in default of a fine, damages or costs, unless the court certifies that he or she is of so unruly a character that he or she cannot be detained in a place of detention or juvenile rehabilitation centre.

[3/2011]

(3) Despite the provisions of any other written law, no child or young person may be sentenced by any court other than the General Division of the High Court to corporal punishment.

[37

[40/2019]

Punishment of certain grave crimes

43.—(1) Where a child or young person is convicted of murder, or of culpable homicide not amounting to murder, or of attempted murder, or of voluntarily causing grievous hurt, and the court is of opinion that none of the other methods by which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence.

(2) Where a sentence has been passed under subsection (1), the child or young person is, during that period, despite anything in the

other provisions of this Act, liable to be detained in such place and on such conditions as the Minister may direct.

(3) A person detained pursuant to the directions of the Minister under this section is, while so detained, deemed to be in legal custody.

(4) Any person so detained may, at any time, be released by the Minister on licence.

(5) A licence referred to in subsection (4) may be in such form and contain such conditions as the Minister may direct and may at any time be revoked or varied by the Minister.

(6) Where a licence has been revoked, the person to whom the licence relates must return to such place as the Minister may direct, and if the person fails to do so he or she may be apprehended without warrant and taken to that place.

[38

Power to order parent or guardian to pay fine, etc., instead of child or young person

44.—(1) Where a child or young person is charged before a Youth Court with any offence for the commission of which a fine may be imposed and damages or costs or both may be awarded, and the Court is of the opinion that the case would be best met by the imposition of all or any of those penalties whether with or without any other punishment, the Court may, in such case, and must, if the offender is a child or young person, order that the fine imposed and damages or costs awarded be paid by the parent or guardian of the child or young person, unless the Court is satisfied that the parent or guardian cannot be found or that the parent or guardian has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

[27/2014; 30/2019]

(2) Where a child or young person is charged with any offence, a Youth Court may order his or her parent or guardian to give security for the good behaviour of the child or young person.

[27/2014]

(3) Where a Youth Court thinks that a charge against a child or young person is proved, the Court may make an order on the parent or guardian under this section for the payment of damages or costs or requiring him or her to give security for the good behaviour of the child or young person, without proceeding to record a finding of guilt against the child or young person.

[27/2014]

(4) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, subject to subsection (1), no such order may be made without giving the parent or guardian an opportunity to be heard.

(5) Any sum imposed and ordered to be paid by the parent or guardian under this section, or on forfeiture of any such security, may be recovered from the parent or guardian in the manner provided by the Criminal Procedure Code 2010 in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

[39]

Power of other courts to remit juvenile offenders to Youth Court

45.—(1) Any court by or before which a child or young person is found guilty of an offence may, if it thinks fit, remit the case to a Youth Court.

[27/2014]

(2) Where any such case is so remitted, the offender must be brought before a Youth Court accordingly, and the Youth Court may deal with the offender in any way in which it might have dealt with the offender if he or she had been tried and found guilty by the Youth Court.

[27/2014]

(3) No appeal lies against an order of remission made under subsection (1) but nothing in this subsection affects any right of appeal against the verdict or finding on which such an order is founded.

(4) A person aggrieved by the order of the Youth Court to which the case is remitted may appeal therefrom to the General Division of the

High Court as if the person has been tried by, and had pleaded guilty before, the Youth Court.

[27/2014; 40/2019]

(5) A court by which an order remitting a case to a Youth Court is made under this section —

- (a) may give such directions as appear to be necessary with respect to the custody of the offender or for the offender's release on bail until the offender can be brought before a Youth Court; and
- (b) must cause to be transmitted to the Youth Court to which the case has been remitted a certificate setting out the nature of the offence and stating that the case has been remitted for the purpose of being dealt with under this section.

[40

[27/2014]

Words “conviction” and “sentence” not to be used

46.—(1) The words “conviction” and “sentence” cease to be used in relation to children and young persons dealt with by a Youth Court.

[27/2014]

(2) Any reference in any written law to a person convicted, a conviction or a sentence is, in the case of a child or young person, construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be.

[41

Procedure in Youth Court

47.—(1) Where a child or young person is brought before a Youth Court for any offence, it is the duty of the Court as soon as possible to explain to him or her in simple language suitable to his or her age and understanding the substance of the alleged offence.

[27/2014]

(2) After explaining the substance of the alleged offence, the Youth Court is to ask the child or young person whether he or she admits the facts constituting the offence.

[27/2014]

(3) If the child or young person does not admit the facts constituting the offence, the Youth Court is to then hear the evidence of the witnesses in support thereof.

[27/2014]

(4) At the close of the evidence in chief of each witness, the witness may be cross-examined by or on behalf of the child or young person.

(5) The Youth Court is to, except in any case where the child or young person is legally represented, allow his or her parents or guardian or, in their absence, any relative or other responsible person to assist the child or young person in conducting his or her defence.

[27/2014]

(6) If in any case where the child or young person is not legally represented or assisted in his or her defence as provided for in subsection (5), the child or young person, instead of asking questions by way of cross-examination, makes assertions, the Youth Court is to then put to the witness such questions as it thinks necessary on behalf of the child or young person and may, for this purpose, question the child or young person in order to bring out or clear up any point arising out of those questions.

[27/2014]

(7) If it appears to the Youth Court that a prima facie case is made out, the Court is to explain to the child or young person the substance of the evidence against him or her and, in particular, any points therein which specially tell against him or her or require explanation and the child or young person must be allowed to give evidence upon oath or affirmation or to make a statement if he or she so desires and the evidence of any witness for the defence must be heard.

[27/2014]

(8) If the child or young person admits the offence or the Youth Court is satisfied that it is proved, he or she and his or her parent or guardian, if present, must then be asked if they desire to say anything in extenuation or mitigation of the penalty or otherwise.

[27/2014]

(9) Before deciding how to deal with the child or young person, the Youth Court may obtain such information as to his or her family background, general conduct, home surroundings, school record, medical history and state of development, as may enable it to deal with the case in the best interests of the child or young person, and may put to him or her any question arising out of such information.

[27/2014]

(10) The information referred to in subsection (9) may include any written report of a probation officer, an approved welfare officer, a registered medical practitioner or any other person whom the Youth Court thinks fit to provide a report on the child or young person, and may be received and considered by the Court without being read aloud.

[27/2014; 30/2019]

(11) For the purpose of subsection (9), the Youth Court may —

- (a) require either or both the child or young person and the parent or guardian of the child or young person to furnish such information or render such assistance to the Youth Court as the Court thinks necessary;
- (b) require either or both the child or young person and the parent or guardian of the child or young person to undergo such medical, psychological or other assessment as the Youth Court thinks necessary; and
- (c) from time to time release the child or young person on bail or remand him or her in a place of detention in order to facilitate the carrying out of any requirement of the Youth Court under paragraph (a) or (b).

[27/2014]

(12) The costs of and incidental to any assessment under subsection (11)(b) must be borne by the parent or guardian of the child or young person, unless the Youth Court directs otherwise.

[27/2014]

(13) Where the Youth Court has received and considered a written report of a probation officer, an approved welfare officer, a registered medical practitioner or any other person whom the Court thinks fit to provide a report on the child or young person —

- (a) the child or young person is to be told the substance of any part of the report bearing on his or her character or conduct which the Court considers to be material to the manner in which he or she should be dealt with;
- (b) the parent or guardian, if present, is to be told the substance of any part of the report which the Court considers to be material to the manner in which the child or young person should be dealt with and which has reference to his or her character or conduct, or the character, conduct, home surroundings, or health of the child or young person; and
- (c) if the child or young person or his or her parent or guardian having been told the substance of any part of any such report desires to produce evidence with reference thereto, the Court, if it thinks the evidence material, may adjourn the proceedings for the production of further evidence and may, if necessary, require the attendance at the adjourned hearing of the person who made the report.

[27/2014]

(14) If in any case the Youth Court considers it necessary in the interests of the child or young person, the Court may require the parent or guardian of the child or young person (as the case may be) to withdraw from the Court.

[42

[27/2014]

Presumption as to age

48.—(1) Where, in a charge for an offence triable under this Act, it is alleged that the person by whom the offence was committed was below or had attained any specified age, and he or she appears to the court to have been at the date of the commission of the alleged offence below or to have attained the specified age (as the case may be) he or she is for the purposes of this Act presumed at that date to have been below or to have attained that age (as the case may be) and any order made therein is not invalidated by any subsequent proof that the age has been incorrectly stated.

(2) Where the court or a police officer dealing with any person by whom an offence is alleged to have been committed is in doubt as to the exact age of that person, the certificate of a registered medical practitioner who has assessed that person, stating to the effect that, in the medical practitioner's opinion, that person has or has not attained a specified age, may be given in evidence.

[43]

Powers of Youth Court on proof of offence

49.—(1) Subject to the provisions of this section, where a Youth Court is satisfied that an offence has been proved, or where the child or young person (called in this section the offender) admits the facts constituting the offence, the Court, in addition to any other powers exercisable by virtue of this Act or any other written law for the time being in force, has power —

- (a) to discharge the offender;
- (b) to discharge the offender upon the offender entering into a bond to be of good behaviour and to comply with such order as may be imposed;
- (c) to commit the offender to the care of a relative or other fit person for a period to be specified by the Court;
- (d) to order the offender's parent or guardian to execute a bond to exercise proper care and guardianship and to abide by such order as the Court may make in relation to the welfare, maintenance and rehabilitation of the offender;
- (e) to make a probation order requiring the offender to be under the supervision of a probation officer or a volunteer probation officer for a period of not less than 6 months and not more than 3 years;
- (f) to make an order, in accordance with the prescribed requirements, requiring the offender to perform community service, not exceeding 240 hours in aggregate, of such nature and at such time and place and subject to such conditions as may be specified by the Court;

- (g) to order the offender to be detained in a place of detention for a period not exceeding 6 months;
- (h) to order the offender to be detained in a place of detention or an approved institution over such number of weekends, not exceeding 26, as the Court thinks fit;
- (i) to order the offender to be sent to a juvenile rehabilitation centre for a period of not more than 3 years;
- (j) to order the offender to pay a fine, damages or costs;
- (k) to deal with the offender, or order the offender to be brought before a District Court to be dealt with, under section 305 of the Criminal Procedure Code 2010 if the offender —
 - (i) has attained 16 years of age; or
 - (ii) having attained 14 years of age but being below 16 years of age, has previously been dealt with by a court in connection with another offence and had, in respect of that other offence, been ordered under paragraph (i) to be sent to a juvenile rehabilitation centre established under section 90,

and the Youth Court is satisfied that it is expedient with a view to the offender's reformation that the offender should undergo a period of training in a reformatory training centre.

[3/2011; 27/2014]

- (2) For the purpose of subsection (1), the Youth Court has power —
- (a) to make the orders referred to in subsection (1)(b), (c), (d), (e), (f), (g), (h), (i) and (j) singly, or combine, in such manner as it thinks just and expedient in the circumstances —
 - (i) any 2 or more of the orders referred to in subsection (1)(b), (c), (d), (e), (f) and (j);
 - (ii) any order under subsection (1)(g) with any one or more of the orders referred to in subsection (1)(d), (e) and (j);

- (iii) any order under subsection (1)(h) with any one or more of the orders referred to in subsection (1)(c), (d), (e), (f) and (j); or
 - (iv) any order under subsection (1)(i) with any one or more of the orders referred to in subsection (1)(d) and (j); and
- (b) without prejudice to paragraph (a)(ii) or (iii), to make an order under subsection (1)(h) to run consecutively to an order under subsection (1)(g).

[27/2014]

(3) Where the Youth Court makes an order under subsection (1)(g) for the detention of an offender in a place of detention in combination with a probation order under subsection (1)(e), the period of the offender's detention must not exceed 3 months.

[27/2014]

(4) If an offender, without reasonable excuse, contravenes any order made by the Youth Court under subsection (1) (called hereinafter the original order) or any condition thereof, the Youth Court may make such order as is necessary for the offender to be produced before it and thereafter, deal with the offender by —

- (a) making any order that the Court is empowered to make under subsection (1);
- (b) varying the original order or any condition of the order; or
- (c) directing the offender to comply with the original order or any condition of the order to the extent that the original order or condition of the order has not been complied with.

[27/2014]

(5) Where an offender, while being detained in a place of detention or juvenile rehabilitation centre pursuant to an order under subsection (1)(g) or (i), is found guilty of another offence by the Youth Court, the Court may, instead of making a fresh order against the offender under subsection (1)(g) or (i), extend the period of detention that is being served by the offender.

[3/2011; 27/2014]

(6) Where a Youth Court is satisfied, on the representations of the person-in-charge of a juvenile rehabilitation centre, place of detention or place of safety, that a person ordered to be detained in the juvenile rehabilitation centre, place of detention or place of safety is of so unruly a character that he or she cannot be so detained, the Court may —

- (a) order the person to be transferred to and detained in a juvenile rehabilitation centre or in another juvenile rehabilitation centre (as the case may be) which the Court considers more suitable for him or her and to be detained there for the whole or any part of the unexpired period of detention; or
- (b) deal with the person, or order the person to be brought before a District Court to be dealt with, under section 305 of the Criminal Procedure Code 2010 if the person —
 - (i) has attained the age of 16 years; or
 - (ii) having attained 14 years of age but being below the age of 16 years, has previously been dealt with by a court in connection with another offence and had, in respect of that other offence, been ordered under subsection (1)(i) to be sent to a juvenile rehabilitation centre,

and the Youth Court is satisfied, having regard to the person's character, previous conduct and the circumstances of the offence, that to reform the person and to prevent crime, he or she should undergo a period of training in a reformatory training centre.

[44

[3/2011; 27/2014; 30/2019]

Power to convene juvenile case conference to deal with child or young person guilty of offence

50.—(1) Without affecting section 49, the Youth Court may, for the purpose of dealing with a child or young person who has been found guilty of committing an offence (called in this section the offender), convene a juvenile case conference in accordance with the prescribed

requirements and a juvenile case conference so convened may deal with the offender by —

- (a) reprimanding the offender;
- (b) administering a formal caution to the offender in the prescribed manner against further committing any offence;
- (c) requiring the offender to pay compensation to the victim of the offence in such manner and of such amount as may be determined by the juvenile case conference;
- (d) requiring the offender, in accordance with the prescribed requirements, to perform community service, not exceeding 240 hours in the aggregate, of such nature and at such time and place and subject to such conditions as may be specified by the juvenile case conference;
- (e) requiring the offender to apologise to the victim of the offence in such manner as may be specified by the juvenile case conference; or
- (f) requiring the offender to do such other act as the juvenile case conference thinks appropriate in the circumstances.

[3/2011; 27/2014]

(2) In exercising its powers under this section, the juvenile case conference must —

- (a) comply with the prescribed procedure; and
- (b) have regard to the orders which may be made by the Youth Court under section 49 for dealing with a person who has been found guilty by the Court of a comparable offence.

[3/2011; 27/2014]

(3) If the offender fails —

- (a) to attend at the time and place appointed for a juvenile case conference; or
- (b) to comply with any requirement of the juvenile case conference,

the juvenile case conference must report the matter to the Youth Court and the Court may thereupon make such order as is necessary for the

offender to be produced before the Court and thereafter deal with the offender as the Court thinks fit in accordance with section 49.

[3/2011; 27/2014]

(4) A person who attends a juvenile case conference (not being the offender, the parent or guardian of the offender or any other member of the offender's family) must not divulge any personal information obtained at the conference relating to any of those persons.

[3/2011]

(5) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[45

[3/2011]

Maximum age limit for detention in place of detention, juvenile rehabilitation centre or place of safety

51. Subject to section 103 —

- (a) a person must not be detained in a place of detention after he or she has attained 18 years of age;
- (b) a person must not be detained in a juvenile rehabilitation centre after he or she has attained 19 years of age; and
- (c) a person must not be detained in a place of safety after he or she has attained 21 years of age.

[47

[30/2019]

Appeals

52. Any child or young person or his or her parent or guardian, or the Director-General or a protector, who is dissatisfied with any judgment or order of a Youth Court may appeal to the General Division of the High Court against the judgment or order in accordance with the provision of any law in force for the time being regulating appeals to the General Division of the High Court from a District Court.

[48

[27/2014; 30/2019; 40/2019]

Procedure

53.—(1) An application to a Youth Court under section 54 or 56, section 57 (read with section 56) or section 59 (called in this section a relevant application) must —

- (a) be made in the same manner as an application for a summons is made to a District Court or Magistrate’s Court under the Criminal Procedure Code 2010; and
- (b) be dealt with —
 - (i) as if the relevant application is a complaint for the purposes of that Code; but
 - (ii) in accordance with only such provisions of that Code, and with such provisions of any other written law, as may be prescribed by the Family Justice Rules.

[30/2019]

(2) An affidavit sworn for the purposes of a relevant application may contain statements of information or belief with the sources and grounds of the information or belief.

[30/2019]

(3) Any matter relating to the service of summons issued by a Youth Court in connection with any proceedings under section 54 or 56, section 57 (read with section 56) or section 59 may be prescribed by the Family Justice Rules.

[30/2019]

(4) To avoid doubt, proceedings under section 54 or 56, section 57 (read with section 56) or section 59 are not to be treated as criminal proceedings.

[3/2011; 30/2019]

(5) All Family Justice Rules mentioned in this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

[48B
[30/2019]

Powers of Youth Court in respect of children and young persons in need of care or protection

54.—(1) Subject to the provisions of this section and on the application made by the Director-General or a protector, if a Youth Court is satisfied that any person brought before it is a child or young person in need of care or protection, the Court may —

- (a) order the parent or guardian of the child or young person to enter into a bond to exercise proper care and guardianship of the child or young person for such period as may be specified by the Court;
- (b) order —
 - (i) the child or young person to be committed, for such period as the Court may specify, to the care of one of the following care-providers as may be determined by the Director-General or a protector:
 - (A) a fit person;
 - (B) a place of safety;
 - (C) a place of temporary care and protection; and
 - (ii) that the Director-General, a protector and the care-giver of the child or young person may, without the consent of any parent or guardian of the child or young person but under the supervision of the Court, make decisions affecting the child or young person in accordance with section 55; or
- (c) without making any order, or in addition to an order, under paragraph (a) or (b), make an order placing the child or young person under the supervision of the Director-General, a protector, an approved welfare officer or any other person appointed for that purpose by the Court, for such period as may be specified by the Court.

[30/2019]

(2) For the purposes of an order under subsection (1)(b), the Youth Court may further order that the determination by the Director-General or protector as to the fit person to whom, or the place of safety or place of temporary care and protection to which, the child or young person is committed may be varied by the Director-General or a protector (who may or may not have made the determination) during the period of the child's or young person's committal, even though the variation may result in the child or young person being committed to a different care-provider, if the Director-General or protector (as the case may be) thinks that it is in the best interests of the child or young person to do so.

[30/2019]

(3) Where —

(a) a Youth Court has ordered the committal of a child or young person to the care of a fit person, or a place of safety or place of temporary care and protection (called in this subsection and subsection (4) the principal care-provider) under subsection (1)(b); and

(b) the principal care-provider is unable to provide care for the child or young person for a period that is at least 8 weeks, the Director-General or protector may arrange for the child or young person to be committed to the temporary care of another fit person, or a place of safety or place of temporary care and protection during that period, whether or not the arrangement would result in the child or young person being committed to a different care-provider.

[30/2019]

(4) An arrangement by the Director-General or a protector under subsection (3) is not to be treated as a variation under subsection (2) if the child or young person is returned to the principal care-provider before the end of the arrangement under subsection (3).

[30/2019]

(5) Where any parent or guardian of the child or young person disagrees with a determination of the Director-General or a protector under subsection (1)(b) or a variation of the determination under subsection (2), the parent or guardian (as the case may be) may apply to the Youth Court to review the determination or variation.

[30/2019]

(6) After reviewing a determination under subsection (1)(b) or variation under subsection (2), the Youth Court may order that the child or young person be committed to the care of such fit person, or to such place of safety or place of temporary care and protection as specified by the Court.

[30/2019]

(7) Where 3 variations have been made by the Director-General or a protector under subsection (2) in respect of a child or young person before the expiry of the period specified by the Youth Court under subsection (1)(b)(i), and the Director-General or a protector is of the view that a further variation during that period is necessary, the Director-General or protector must apply to the Court for an order as to the appropriate fit person to whom, or the appropriate place of safety or place of temporary care and protection to which, the child or young person is to be committed.

[30/2019]

(8) A Youth Court may, in making any order under subsection (1), impose such conditions or give such directions as it thinks fit for the purpose of ensuring the safety and well-being of the child or young person in respect of whom such order is made, and every person upon whom such conditions are imposed or to whom such directions are given must comply with such conditions or directions.

[27/2014]

(9) No order under subsection (1) may be made without giving the parent or guardian of the child or young person an opportunity to attend and be heard.

(10) Where the Youth Court considers the presence of a child or young person or his or her parent or guardian to be necessary or expedient for the purposes of the proceedings, the Court may compel the attendance of the child or young person or his or her parent or guardian by summons.

[3/2011; 27/2014]

(11) The Youth Court may dispense with the attendance of a child or young person in Court if it considers that the prejudicial effects (if any) of dispensing with his or her attendance is outweighed by any harm or injury to or any other detrimental effect on the welfare of the

child or young person that will or may be caused to him or her by his or her attendance in Court.

[3/2011; 27/2014]

(12) Despite subsection (9), an order under subsection (1) may be made if the parent or guardian of the child or young person, having been required to attend, has failed to do so or cannot be found within a reasonable time.

(13) In determining what order to be made under subsection (1), the Youth Court is to treat the welfare of the child or young person as the paramount consideration and is to endeavour to obtain such information as to the family background, general conduct, home environment, school record, medical history and state of development of the child or young person as may enable the Court to deal with the case in the best interests of the child or young person.

[3/2011; 27/2014]

(14) For the purpose of subsection (13), the Youth Court may —

- (a) require any person who, in the opinion of the Court, is able to furnish any information regarding the child or young person to furnish to the Court such information as the Court may specify;
- (b) require the parent or guardian of the child or young person to render such assistance to the Court as the Court thinks necessary;
- (c) order the child or young person to be sent for an assessment by a registered medical practitioner or an approved welfare officer;
- (d) require the parent or guardian of the child or young person to undergo such medical, psychiatric, psychological or other assessment as the Court thinks necessary; and
- (e) from time to time adjourn the case for such period as it thinks necessary and make in respect of the child or young person, as an interim order having effect only during the period of adjournment, any order which it could have made under subsection (1).

[3/2011; 27/2014]

(15) Where the Youth Court requires any child or young person or the parent or guardian of a child or young person to undergo any assessment under subsection (14)(c) or (d) —

- (a) the person carrying out the assessment must provide a written report to the Court, the Director-General or a protector stating the results of the person's assessment, and such report may be received and considered by the Court without being read aloud; and
- (b) the costs of and incidental to any such assessment must be borne by the parent or guardian of the child or young person, unless the Court directs otherwise.

[3/2011; 27/2014; 30/2019]

(16) If the Youth Court is not satisfied that the child or young person brought before it is in need of protection, the Court may order that the child or young person be returned to the care and custody of his or her parent or guardian.

[27/2014]

(17) The Youth Court may, at any time before the expiry of an order made under subsection (1) and on the application of the Director-General or a protector, vary the period of the order or discharge the order if the Court is satisfied that it would be in the best interests of the person in respect of whom the order was made.

[3/2011; 27/2014; 30/2019]

(18) To avoid doubt, where an order to be varied or discharged under subsection (17) is an order made under subsection (1)(b) or (c) and involves a person who is older than 18 years of age (but below 21 years of age) at the time the order is to be varied or discharged, the Youth Court is not to extend the period for which the person is to be committed to the care of a fit person or to a place of safety or place of temporary care and protection, or placed under the supervision of the Director-General, a protector, an approved welfare officer or a person appointed by the Court, as the case may be.

[30/2019]

(19) If the parent or guardian of the child or young person fails to enter into the bond within the time specified in the order made under subsection (1)(a) or breaches any condition of the bond, the parent or

guardian shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[49
[3/2011]

Making of decisions that affect child or young person under court order made under section 54(1)(b)

55.—(1) Where an order is made by a Youth Court under section 54(1)(b) in respect of a child or young person —

- (a) the Director-General, a protector or the care-giver of the child or young person may decide on any category 1 matter relating to the child or young person;
- (b) the Director-General or a protector may decide on any category 2 matter relating to the child or young person if—
 - (i) either of the following grounds is satisfied:
 - (A) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person cannot be contacted by the Director-General or a protector after reasonable attempts have been made by the Director-General or protector to contact the parents or guardians;
 - (B) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person are incapable or unwilling to decide on the matter; or
 - (ii) the Director-General or a protector makes an application to the Court under subsection (2) for an order to enable the Director-General or a protector to decide on any category 2 matter relating to the child or young person, and the Court grants the application;

- (c) the care-giver of the child or young person may decide on any category 2 matter relating to the child or young person if —
- (i) all the following conditions are satisfied:
 - (A) either of the grounds mentioned in paragraph (b)(i) is satisfied;
 - (B) the Director-General or a protector has authorised the care-giver in writing to decide on any category 2 matter relating to the child or young person;
 - (C) the care-giver has consulted with such person as may be prescribed (if any) with respect to any particular category 2 matter; or
 - (ii) the Director-General or a protector makes an application to the Court under subsection (2) for an order to enable the care-giver to decide on any category 2 matter relating to the child or young person, and the Court grants the application; and
- (d) if the Director-General or a protector is of the view that a decision made by the care-giver of the child or young person under paragraph (a) or (c) is not in the best interests of the child or young person, the Director-General or protector may (where feasible) vary or reverse the decision of the care-giver.

[30/2019]

(2) Where an order is made by a Youth Court under section 54(1)(b) in respect of a child or young person and neither of the grounds mentioned in subsection (1)(b)(i) is satisfied, the Court may, on the application of the Director-General or a protector, make an order to enable the Director-General, a protector or care-giver of the child or young person to decide on any category 2 matter relating to the child or young person.

[30/2019]

(3) Where an order is made by the Youth Court under section 49(1)(b) or (c) of this Act as in force immediately before 1 July 2020 in respect of a child or young person, the Court may, on the application of the Director-General or a protector, make an order that subsections (1) and (2) apply in respect of the making of decisions that affect the child or young person.

[30/2019]

(4) Where an order is made by a Youth Court —

(a) under section 49(1)(b) or (c) of this Act as in force immediately before 1 July 2020; or

(b) under section 54(1)(b) on or after that date,

in respect of a child or young person, the Court may, on the application of the Director-General or a protector, make an additional order to enable the Director-General or a protector to decide on a category 3 matter relating to the child or young person, if —

(c) one of the following grounds is satisfied:

(i) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person cannot be contacted by the Director-General or a protector after reasonable attempts have been made by the Director-General or protector to contact the parents or guardians;

(ii) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person are incapable or unwilling to decide on the category 3 matter;

(iii) any parent or guardian of the child or young person has decided or is likely to decide on the category 3 matter in a manner that is detrimental to the interests of the child or young person; and

(d) the Court is of the view that it is in the best interests of the child or young person for the Director-General or protector to decide on the category 3 matter.

[30/2019]

(5) Any parent or guardian of a child or young person who disagrees with any decision made by the Director-General, a protector or the care-giver of the child or young person under this section may apply to the Youth Court for the Court's determination of the matter.

[49A
[30/2019]

Youth Court powers in respect of children and young persons in need of enhanced care or protection

56.—(1) The Director-General or a protector may apply to a Youth Court for an order mentioned in subsection (2) in respect of a child or young person who is the subject of an order made under section 49(1)(b) or (c) of this Act as in force immediately before 1 July 2020, or section 54(1)(b).

[30/2019]

(2) On the application of the Director-General or a protector, a Youth Court may, on being satisfied of the conditions mentioned in subsection (3), make an order that —

- (a) the child or young person be committed to the care of a fit person as determined by the Director-General or protector, until the child or young person attains 21 years of age or for such shorter period as the Court may specify; and
- (b) the Director-General, a protector and the care-giver of the child or young person may, without the consent of any parent or guardian of the child or young person but under the supervision of the Court, make decisions affecting the child or young person in accordance with section 58.

[30/2019]

(3) For the purposes of subsection (2), the conditions are —

- (a) the child or young person has, as at the date of the application, been the subject of one or more orders under section 49(1)(b) or (c) of this Act as in force immediately before 1 July 2020, or section 54(1)(b) for a cumulative period that is the specified period or longer;

- (b) both the parents of the child or young person, or where the child or young person has one or more guardians, all the guardians of the child or young person are not fit to provide care for the child or young person; and
- (c) it is not appropriate to return the child or young person to the care and custody of any of his or her parents, or where the child or young person has one or more guardians, any of his or her guardians at any time before the child or young person attains 21 years of age, or such younger age as the Youth Court may determine.

[30/2019]

(4) For the purposes of subsection (3)(c), the circumstances in which it is not appropriate to return the child or young person to the care and custody of his or her parent or guardian under that subsection include the following:

- (a) the parent or guardian had on one or more occasions previously failed to comply with the requirements of a proper care plan formulated by the Director-General or a protector for the child or young person;
- (b) the parent or guardian had on one or more occasions previously failed or refused to undergo any mediation, counselling, psychotherapy or other assessment programme, treatment or such other activity that is conducted pursuant to a voluntary care agreement or an order made under —
 - (i) section 51(1) of this Act as in force immediately before 1 July 2020; or
 - (ii) section 60(4),for the purpose of facilitating the return of the child or young person to the care and custody of his or her parent or guardian;
- (c) the parent or guardian is incapable or unwilling to comply with the requirements of a proper care plan for the child or young person.

[30/2019]

(5) No order under subsection (2) may be made without giving the parent or guardian of the child or young person an opportunity to attend and be heard.

[30/2019]

(6) Where the Youth Court considers the presence of a child or young person or his or her parent or guardian to be necessary or expedient for the purposes of the proceedings, the Court may compel the attendance of the child or young person or his or her parent or guardian by summons.

[30/2019]

(7) The Youth Court may dispense with the attendance of a child or young person in Court if it considers that the prejudicial effects (if any) of dispensing with his or her attendance is outweighed by any harm or injury to or any other detrimental effect on the welfare of the child or young person that will or may be caused to him or her by his or her attendance in Court.

[30/2019]

(8) Despite subsection (5), an order under subsection (2) may be made if the parent or guardian of the child or young person, having been required to attend, has failed to do so or cannot be found within a reasonable time.

[30/2019]

(9) In determining what order to be made under subsection (2), the Youth Court is to treat the welfare of the child or young person as the paramount consideration and is to endeavour to obtain such information as to the family background, general conduct, home environment, school record, medical history and state of development of the child or young person as may enable the Court to deal with the case in the best interests of the child or young person.

[30/2019]

(10) The Youth Court may, at any time before the expiry of an order made under subsection (2) and on the application of any of the following persons, vary or discharge the order if the Court is satisfied that there has been any material change in the circumstances and it would be in the best interests of the child or young person:

(a) the Director-General or a protector;

- (b) any parent or guardian of the child or young person with the leave granted by the Court under subsection (11).

[30/2019]

(11) The Youth Court may, on the application of a parent or guardian of a child or young person in respect of whom an order is made under subsection (2), grant leave for the parent or guardian to apply to vary or discharge the order.

[30/2019]

(12) In this section and section 57, “specified period” means —

- (a) where the child or young person is below 3 years of age — 12 months; or
- (b) where the child or young person is 3 years of age or older — 24 months.

[49B

[30/2019]

Application of section 56 to children and young persons under voluntary care agreements

57.—(1) Despite section 56(1), where —

- (a) a child or young person has been committed to the care and custody of a care-giver other than his or her parent or guardian under one or more voluntary care agreements, whether entered into before, on or after 1 July 2020, for a cumulative period that is the specified period or longer; and
- (b) the child or young person is currently the subject of a voluntary care agreement,

the Director-General or a protector may apply to a Youth Court for an order mentioned in section 56(2) in respect of the child or young person.

[30/2019]

(2) For the purposes of subsection (1), section 56(2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) applies to an application mentioned in subsection (1) except that —

- (a) any reference to a child or young person in that section is to be read as a reference to a child or young person mentioned in subsection (1); and
- (b) section 56(3)(a) is omitted.

[49C
[30/2019]

Making of decisions that affect child or young person under court order made under section 56(2) or 57 (read with section 56)

58.—(1) Where an order is made by a Youth Court under section 56(2) or 57 (read with section 56) in respect of a child or young person —

- (a) the Director-General, a protector or the care-giver of the child or young person may decide on any category 1 matter relating to the child or young person;
- (b) the Director-General or a protector may decide on any category 2 matter relating to the child or young person;
- (c) the care-giver of the child or young person may decide on any category 2 matter relating to the child or young person if —
 - (i) the Director-General or a protector has authorised the care-giver in writing to decide on any category 2 matter relating to the child or young person; and
 - (ii) the care-giver has consulted with such person as may be prescribed (if any) with respect to any particular category 2 matter; and
- (d) if the Director-General or a protector is of the view that a decision made by the care-giver of the child or young person under paragraph (a) or (c) is not in the best interests of the child or young person, the Director-General or protector may (where feasible) vary or reverse the decision of the care-giver.

[30/2019]

(2) Where an order is made by a Youth Court under section 56(2) or 57 (read with section 56) in respect of a child or young person, the Court may, on the application of the Director-General or a protector, make an additional order to enable the Director-General or a protector to decide on a category 3 matter relating to the child or young person, if —

(a) one of the following grounds is satisfied:

- (i) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person cannot be contacted by the Director-General or a protector after reasonable attempts have been made by the Director-General or protector to contact the parents or guardians;
- (ii) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person are incapable or unwilling to decide on the category 3 matter;
- (iii) any parent or guardian of the child or young person has decided or is likely to decide on the category 3 matter in a manner that is detrimental to the interests of the child or young person; and

(b) the Court is of the view that it is in the best interests of the child or young person for the Director-General or protector to decide on the category 3 matter.

[30/2019]

(3) Any parent or guardian of a child or young person who disagrees with any decision made by the Director-General, a protector or the care-giver of the child or young person under this section may make an application to the Youth Court for its determination.

[49D
[30/2019]

*Family guidance orders**[30/2019]***Power of Youth Court to make family guidance orders**

59.—(1) On the application made by a parent or guardian of a child or young person, a Youth Court may make an order described in subsection (4), where —

- (a) the parent or guardian is unable to guide the child or young person and the child or young person needs to be guided by a person other than the parent or guardian;
- (b) the parent or guardian, and the child or young person have completed a family programme; and
- (c) the Court is satisfied that the parent or guardian understands the consequences which will follow from, and consents to, the making of the order.

[30/2019]

(2) An application made under subsection (1) must be accompanied by a recommendation of an approved welfare officer.

[30/2019]

(3) A Youth Court may in any appropriate case do either or both of the following:

- (a) dispense with the requirement mentioned in subsection (1)(b);
- (b) if the Court dispenses with the requirement mentioned in subsection (1)(b), order the parent or guardian, and the child or young person to complete the family programme at any stage of the proceedings.

[30/2019]

(4) For the purposes of subsection (1), the Youth Court may order that the child or young person —

- (a) be placed under the supervision of an approved welfare officer or some other person appointed for the purpose by the Court for a period not exceeding 3 years;
- (b) be committed to the care of a fit person for a period not exceeding 3 years; or

- (c) be committed to the care of a place of safety for a period not exceeding 3 years.

[30/2019]

- (5) An order under subsection (4)(b) or (c) may provide that —

(a) the fit person to whom, or the place of safety to which, the child or young person is to be committed (called in this section a care-provider), be determined by the Director-General or a protector; and

(b) the determination under paragraph (a) may be varied by the Director-General, a protector or an approved welfare officer (who may or may not have made the determination) during the period of the child's or young person's committal, in accordance with such requirements as may be prescribed, even though the variation may result in the child or young person being committed to a different care-provider, if the Director-General, protector or approved welfare officer (as the case may be) thinks that it is in the best interests of the child or young person to do so.

[30/2019]

(6) Where the Youth Court considers the presence of a child or young person or his or her parent or guardian to be necessary or expedient for the purposes of the proceedings, the Court may compel the attendance of the child or young person or his or her parent or guardian by summons.

[30/2019]

(7) Where the Youth Court requires further information to be provided as to the family background, general conduct, home environment, school record, medical history and state of development of the child or young person, the Court may order that the child or young person be committed to the care of such fit person or such place as may be determined by the Director-General or a protector pending the receipt of such information by the Court.

[30/2019]

- (8) Where —

(a) a Youth Court has ordered the committal of a child or young person to the care of a fit person or a place of safety

(called in this subsection and subsection (9) the principal care-provider) under subsection (4)(b) or (c); and

(b) the principal care-provider is unable to provide care for the child or young person for a period of at least 8 weeks,

the Director-General, a protector or an approved welfare officer may arrange for the child or young person to be committed to the temporary care of another fit person or a place of safety, whether or not the arrangement would result in the child or young person being committed to a different care-provider for that period.

[30/2019]

(9) An arrangement by the Director-General, a protector or an approved welfare officer under subsection (8) is not to be treated as a variation under subsection (5)(b) if the child or young person is returned to the principal care-provider before the end of the arrangement under subsection (8).

[30/2019]

(10) Where 3 variations have been made by the Director-General, a protector or an approved welfare officer under subsection (5)(b) in respect of a child or young person before the expiry of the period specified by the Youth Court under subsection (4)(b) or (c) (as the case may be), and the Director-General, a protector or an approved welfare officer is of the view that a further variation during that period is necessary, the Director-General, protector or approved welfare officer must apply to the Court for an order as to the appropriate fit person to whom, or the appropriate place of safety to which, the child or young person is to be committed.

[30/2019]

(11) The Youth Court has the power to make one order or a combination of orders mentioned in subsection (4)(a), (b) and (c) in relation to a child or young person concerned.

[30/2019]

(12) The duration of any order or any combination of orders made by the Youth Court under subsection (4) must not exceed a continuous period of 3 years.

[30/2019]

(13) Where a Youth Court makes any order mentioned in subsection (4)(a), (b) and (c) —

- (a) a report on the living conditions of the child or young person, the standard of care and supervision provided to the child or young person, the progress made by the child or young person and such other matters as may be prescribed must be submitted to the Court within 6 months after the order is made, or such other period as the Court may specify in the order, by —
- (i) if the Court makes an order mentioned in subsection (4)(a) — an approved welfare officer or a person appointed by the Court;
 - (ii) if the Court makes an order mentioned in subsection (4)(b) —
 - (A) in the case where the fit person to whom the child or young person is committed is a relative of the child or young person — an approved welfare officer; or
 - (B) in any other case — the fit person; or
 - (iii) if the Court makes an order mentioned in subsection (4)(c) — the care-giver of the child or young person or an approved welfare officer;
- (b) the Court may, upon receiving the report mentioned in paragraph (a), order for one or more further reports to be submitted to the Court at such frequency as the Court may specify, for the purpose of monitoring the progress of the child or young person; and
- (c) the Court may order a parent or guardian of the child or young person to enter into a bond to undertake to commit his or her best efforts to exercise proper care and guardianship.

[30/2019]

(14) The provisions of section 54(8), (13), (14) and (15) apply, with the necessary modifications, in respect of an order made by the Youth Court under subsection (4) as they apply in respect of an order made by the Court under section 54(1).

[30/2019]

(15) The Youth Court may, on the application of the Director-General, a protector or a parent or guardian of a child or young person in respect of whom an order under subsection (4) has been made, vary the period of the order or discharge the order if the Court is satisfied that it is in the best interests of the child or young person to do so.

[30/2019]

(16) To avoid doubt, where an order to be varied or discharged under subsection (15) involves a person who is older than 16 years of age (but below 19 years of age) at the time the order is to be varied or discharged, the Youth Court is not to extend the period for which the person is to be committed to the care of a fit person or to a place of safety, or placed under the supervision of an approved welfare officer or a person appointed by the Court, as the case may be.

[30/2019]

(17) An application made under subsection (1) may only be withdrawn with the consent of the Youth Court.

[30/2019]

(18) Where a parent or guardian of a child or young person fails to comply with any order of the Youth Court made under subsection (3)(b), the parent or guardian shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[30/2019]

(19) In this section —

“family programme” means such family programme that is approved and specified by the Director-General and which seeks to —

- (a) resolve any relationship problem between a child or young person and any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person;
- (b) rehabilitate or assist in the rehabilitation of a child or young person;
- (c) enable any parent of a child or young person, or where the child or young person has one or more

guardians, any of his or her guardians to manage the child or young person; or

- (d) enhance, promote or protect the physical, social and emotional wellbeing and safety of a child or young person;

“recommendation”, in relation to a child or young person, means a document specifying the following:

- (a) the risks and requirements of the child or young person at a particular point in time;
- (b) the proposed activities and programmes that the child or young person or his or her parent or guardian, or both, should attend for the purpose of enabling the parent or guardian to address the risks and requirements raised about the child or young person at that point in time;
- (c) such other matters as may be prescribed;

“young person” means a person who is 14 years of age or older but below 16 years of age.

[50
[30/2019]

Additional orders which may be made by Youth Court in relation to child or young person

60.—(1) Where a child or young person has been dealt with, whether before, on or after 1 July 2020, in connection with an offence —

- (a) by a court; or
- (b) in a juvenile case conference where a Youth Court has exercised any of its powers mentioned in section 50(1)(a), (b), (c), (d), (e) and (f) in respect of the child or young person,

a Youth Court may, on its own motion or on the application of the Director-General or a protector, make either or both of the orders

mentioned in subsection (4) as an additional order or additional orders.

[30/2019]

- (2) Where an order has been made by a Youth Court under —
- (a) section 54(1), whether before, on or after 1 July 2020;
 - (b) section 56(2); or
 - (c) section 57, read with section 56,

in respect of a child or young person, the Court may, on its own motion or on the application of the Director-General or a protector, make either or both of the orders mentioned in subsection (4) as an additional order or additional orders.

[30/2019]

(3) Where an application has been made under section 59 to a Youth Court in respect of a child or young person, the Court may, before or after the application is heard or at any time when the application is being heard, on its own motion or on the application of the Director-General or a protector, make either or both of the orders mentioned in subsection (4).

[30/2019]

(4) For the purposes of subsections (1), (2) and (3), the orders are as follows:

- (a) an order requiring the child or young person, either or both the parents of the child or young person, or where the child or young person has one or more guardians, all or any of those guardians, to undergo such mediation, counselling, psychotherapy or other assessment, programme or treatment or to partake in such activity as the Youth Court thinks necessary for the purpose of —
 - (i) resolving any relationship problem between the child or young person and any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person;
 - (ii) rehabilitating or assisting in the rehabilitation of the child or young person;

- (iii) enabling any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person to manage the child or young person; or
 - (iv) enhancing, promoting or protecting the physical, social and emotional wellbeing and safety of the child or young person;
- (b) an order requiring all or any of the following persons to attend a family conference:
- (i) the child or young person;
 - (ii) either or both the parents, or where the child or young person has one or more guardians, all or any of those guardians, of the child or young person;
 - (iii) such other persons as may be specified by the Youth Court.

[30/2019]

(5) In making an order under subsection (1), (2) or (3), the Youth Court may require any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person to enter into a bond to comply with such order.

[30/2019]

(6) Where a parent or guardian of a child or young person fails to comply with any order of the Youth Court made under subsection (1), (2) or (3), or the requirement mentioned in subsection (5), the parent or guardian shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[30/2019]

(7) In this section, “family conference” means a discussion among the participants of the conference on what is necessary to —

- (a) resolve any relationship problem between the child or young person and any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person; or

- (b) resolve any concern relating to the care, protection and supervision of the child or young person.

[51
[30/2019]

Failure to comply with requirements of family guidance order

61. If it appears on information to the Youth Court that a child or young person against whom an order made under section 59 is in force has failed to comply with any of the requirements of the order, the Court may make a fresh order against the child or young person under that section.

[52
[27/2014; 30/2019]

PART 3A

LICENSING OF HOMES FOR CHILDREN AND YOUNG PERSONS

[3/2011]

Homes for children and young persons to be licensed

62.—(1) No person may operate a home for children and young persons except under the authority of and in accordance with the terms and conditions of a licence issued by the Director-General.

[3/2011; 30/2019]

(2) Any —

- (a) person who operates a home for children and young persons without a licence issued by the Director-General under subsection (1); or
- (b) licensee who breaches any term or condition of the licence in respect of a licensed home for children and young persons,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

[52A
[3/2011; 30/2019]

Application for licence

63.—(1) An application for the issuance or renewal of a licence must be made to the Director-General in such form as may be prescribed.

[3/2011; 30/2019]

(2) A licensee who wishes to renew his, her or its licence must make an application for the renewal of his, her or its licence at least 6 months before the licence expires.

[3/2011]

(3) On receipt of an application, the Director-General may, in his or her discretion —

- (a) issue or renew a licence subject to such terms and conditions as the Director-General thinks fit to impose; or
- (b) refuse to issue or renew the licence.

[3/2011; 30/2019]

(4) The Director-General may refuse to issue or renew a licence if —

- (a) the Director-General is not satisfied that —
 - (i) the applicant is a fit or proper person to hold or continue to hold a licence in respect of a home for children and young persons; or
 - (ii) where the applicant is a body corporate, any member of the board of directors, the committee, board of trustees or other governing body of the body corporate is a fit and proper person;
- (b) the premises are unfit to be used as a home for children and young persons by reason of the situation, construction, accommodation, staffing, cleanliness or equipment or any other condition of the premises of the proposed home;
- (c) the premises to be used as a home for children and young persons do not comply with the prescribed requirements;
- (d) the home for children and young persons would not be under the continuous personal management and supervision of a person of sufficient qualifications and

experience to ensure the satisfactory operation of the home; or

- (e) it is not in the public interest to issue or renew the licence.
[3/2011; 30/2019]

(5) In deciding for the purposes of this section whether a person is a fit and proper person, the Director-General may consider any of the following matters as indicating that the person may not be a fit and proper person:

- (a) that the person associates with a criminal in a way that indicates involvement in an unlawful activity;
- (b) that in dealings in which the person has been involved, the person or officer —
- (i) has shown dishonesty or lack of integrity; or
 - (ii) has used harassing tactics;
- (c) that the person is or was suffering from a mental disorder; or
- (d) that the person is an undischarged bankrupt or has entered into a composition with the person's debtors.
[3/2011; 30/2019]

(6) Subsection (5) is not to be construed so as to limit the circumstances in which a person or an officer of a business entity may be considered by the Director-General not to be a fit and proper person.
[3/2011; 30/2019]

(7) Where the Director-General refuses to issue a licence, he or she must state in writing the reasons for his or her refusal.

[52B

[3/2011; 30/2019]

Fee for and duration of licence

64.—(1) On the issue or renewal of a licence, the licensee must pay a fee of such amount as may be prescribed.

[3/2011]

(2) Unless earlier revoked, a licence is valid for a period of 2 years from the date of its issue or such shorter period as may be specified in the licence in any particular case.

[52C
[3/2011]

Display of licence

65.—(1) Every licensee must cause his, her or its licence to be permanently displayed in a conspicuous place in the home for children and young persons to which the licence relates where the licence can readily be seen by all persons having access to that home for children and young persons.

[3/2011]

(2) Any licensee who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

[52D
[3/2011]

Transfer of licence

66.—(1) On a written application signed by the licensee of any licensed home for children and young persons and by the person to whom the licensee desires to transfer the licence (called in this section the transferee), the Director-General may, if the Director-General thinks fit, either by way of endorsement on the licence or otherwise in writing, transfer the licence to the transferee, and thereupon the transferee becomes the licensee of the home for children and young persons.

[3/2011; 30/2019]

(2) The Director-General may refuse to approve the transfer of a licence on any of the grounds on which the Director-General —

- (a) could have refused to issue a licence to the transferee under section 63; or
- (b) could have revoked the licence under section 73.

[52E
[3/2011; 30/2019]

Inspection of homes for children and young persons

67.—(1) The Director-General and any officer authorised by the Director-General may —

- (a) at any time, enter and inspect —
 - (i) any licensed home for children and young persons;
or
 - (ii) any premises which he or she has reason to suspect are used for the purposes of a home for children and young persons without a licence;
- (b) require any person taking part in the operation or management of a licensed home for children and young persons to —
 - (i) produce any record, document or other article relating to the management of that home for children and young persons or to any other activity in respect of the home for children and young persons; and
 - (ii) furnish any other information relating to such management or activity;
- (c) remove for further examination any record, document or other article which the Director-General or authorised officer has reason to suspect is evidence of the commission of an offence under this Act, or is evidence of a ground for —
 - (i) the suspension or revocation of the licence of a person in respect of a home for children and young persons; or
 - (ii) where the home for children and young persons is a juvenile rehabilitation centre or place of safety, the cancellation of the certificate of appointment of the juvenile rehabilitation centre or place of safety; and
- (d) do such other things as are necessary for the inspection of a licensed home for children and young persons.

[3/2011; 30/2019]

(2) Any person who prevents or obstructs the Director-General or any officer authorised by the Director-General in the execution of his or her powers, or refuses to produce any record, document, article or other information upon being required to do so under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

[3/2011; 30/2019]

(3) In this section, a reference to a record, document, article or information includes any record, document, article or information which exists in any form or medium.

[52F
[3/2011]

Review Board

68.—(1) The Minister may, by notification in the *Gazette*, appoint such persons as the Minister may think fit to be the members of the Review Board.

[3/2011]

(2) The members of the Review Board are to hold office for such period as may be specified in the notification referred to in subsection (1).

[3/2011]

(3) The functions of the Review Board are to —

- (a) review the living conditions in and the standard of care and supervision provided by any licensed home for children and young persons to the children and young persons residing in the licensed home;
- (b) review all cases of children and young persons admitted to a licensed home for children and young persons with a view to ensuring that a proper care plan is in place for such children and young persons; and
- (c) advise the Director-General on —
 - (i) whether any child or young person who has been placed in a juvenile rehabilitation centre or place of safety, may be released on licence from the juvenile

rehabilitation centre or place of safety at any time before the completion of his or her full period of detention; and

- (ii) the conditions subject to which such child or young person should be released.

[3/2011; 30/2019]

(4) Every member of the Review Board appointed under subsection (1) may enter at any time any licensed home for children and young persons and make such inquiries or examination therein as appear to the member necessary and must also make such reports as may be required by the Minister.

[3/2011]

(5) Any person who refuses admittance to any such member of the Review Board appointed under subsection (1) or offers any hindrance or obstruction to such member after his or her identity is reasonably established shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

[3/2011]

(6) For the purpose of this section, a proper care plan must meet such requirements as may be specified by the Director-General.

[52G

[3/2011; 30/2019]

Director-General may direct remedial measures

69.—(1) The Director-General may, in respect of any licensed home for children and young persons, by written notice, give such directions as the Director-General thinks necessary to ensure that —

- (a) it is operated and managed satisfactorily;
- (b) the welfare of the children and young persons residing in the home is properly safeguarded and promoted; and
- (c) the provisions of this Act are complied with.

[3/2011; 30/2019]

(2) To avoid doubt, a direction under subsection (1) may include a direction requiring the licensee of a licensed home for children and young persons to suspend any staff of the home from his or her duties.

[3/2011]

- (3) A notice under subsection (1) must —
- (a) be served upon the licensee of the home for children and young persons; and
 - (b) specify the period of time within which a direction must be complied with.

[52H
[3/2011]

Duty to furnish information

70.—(1) The Director-General may, from time to time, by written notice, require the licensee of a home for children and young persons to furnish any information as the Director-General may require relating to —

- (a) the staff and residents;
- (b) the condition or treatment of any resident;
- (c) the premises of the home, the accommodation provided at the home and the environment at the home; and
- (d) any matter relevant to the administration or enforcement of this Act.

[3/2011; 30/2019]

- (2) A licensee who on receipt of any notice under subsection (1) —
- (a) refuses or fails to furnish any information required by the Director-General; or
 - (b) gives any false or misleading information,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[52I
[3/2011; 30/2019]

Director-General may order closure of home for children and young persons

- 71.**—(1) If the Director-General has reason to believe that —
- (a) the premises of a licensed home for children and young persons are unfit or unsafe for use as such; or

(b) the safety or welfare of the children and young persons residing in the home is being endangered,
the Director-General may, by written order, direct the immediate closure of the home for children and young persons.

[3/2011; 30/2019]

(2) The Director-General may make an order under subsection (1) even though the licence in respect of the home for children and young persons has not been cancelled, revoked or suspended.

[3/2011; 30/2019]

(3) An order under this section must be served on the licensee of the home for children and young persons and takes effect from the date of the service of the order.

[3/2011]

(4) It is sufficient service of an order under this section if —

- (a) it is delivered personally to the licensee;
- (b) it is sent by registered post to the last known residential or business address of the licensee; or
- (c) a copy of the order is posted in a conspicuous place on or in the premises of the home for children and young persons to which the order relates.

[3/2011]

(5) Any person who fails to comply with an order served on the person under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

[52J

[3/2011]

Cancellation of licence at request of licensee

72.—(1) The licensee of any licensed home for children and young persons may, upon giving 6 months' prior notice of the licensee's intention to do so, apply for the cancellation of the licence issued in respect of the licensed home for children and young persons.

[3/2011]

(2) The executor or administrator of a deceased licensee, may, upon giving one month's prior written notice of his or her intention to do

so, apply for the cancellation of the licence issued in respect of the licensed home for children and young persons.

[3/2011]

(3) Where a notice has been given under subsection (1) or (2) and has not been withdrawn, the licence is deemed to be cancelled upon the expiry of the notice period referred to in that subsection.

[52K

[3/2011]

Revocation and suspension of licence

73.—(1) The Director-General may revoke or suspend a licence to use any premises as a home for children and young persons —

- (a) on any of the grounds on which the Director-General could have refused to issue a licence under section 63;
- (b) if the licensee fails to comply with any direction given by the Director-General under section 69;
- (c) if the premises has ceased to be used as a home for children and young persons;
- (d) if in the opinion of the Director-General —
 - (i) the standard of care available to or provided to any resident in the home is unsatisfactory;
 - (ii) any resident has been ill-treated or neglected in a manner likely to cause unnecessary suffering to the resident or has been kept in an environment that is injurious to the resident's mental or physical health;
 - (iii) the premises of the home are in such a condition, or the home is managed or conducted in such a manner, that the revocation of the licence is required in the interests of the residents or in the public interest;
- (e) if a licensee is convicted of any offence under this Act; or
- (f) if a licensee has contravened or failed to comply with any of the provisions of this Act or any condition specified in the licence issued to the licensee.

[3/2011; 30/2019]

(2) Before revoking or suspending a licence, the Director-General must give notice to the licensee of the ground or grounds on which he or she proposes to revoke or suspend the licence and must give the licensee an opportunity to show cause as to why the licence should not be revoked or suspended.

[3/2011; 30/2019]

(3) A licensee who wishes to show cause against the revocation or suspension of the licence must submit his, her or its reasons in writing to the Director-General within 14 days after the date of the notice given by the Director-General under subsection (2), failing which the Director-General may nonetheless proceed to revoke or suspend the licence, as the case may be.

[3/2011; 30/2019]

(4) The Director-General must give written notice to the licensee of the Director-General's decision to revoke or suspend a licence.

[52L

[3/2011; 30/2019]

Effect of cancellation, revocation or suspension of licence

74.—(1) Where the licence of a home for children and young persons is cancelled under section 72, or revoked or suspended under section 73, the home ceases to be used as such with effect from the date on which the licence is cancelled, revoked or suspended, as the case may be.

[3/2011]

(2) To avoid doubt, subsection (1) has effect despite any appeal by the licensee to the Minister under section 76.

[52M

[3/2011]

Discharge or transfer of children and young persons

75. When the licence of a home for children and young persons is cancelled, revoked or suspended, or the Director-General has ordered its immediate closure under section 71, the children and young persons residing therein must, by order of the Minister, either be

discharged or transferred to another licensed home for children and young persons specified in the order.

[52N
[3/2011; 30/2019]

Appeal

76. Any person aggrieved by any decision of the Director-General under section 63 or 73 may, within 21 days after the date of the written notice of the decision, appeal to the Minister whose decision is final.

[52O
[3/2011; 30/2019]

Exemption

77.—(1) Subject to subsection (2), this Part does not apply to —

- (a) any home for children and young persons which is operated by the Government;
- (b) any early childhood development centre licensed under the Early Childhood Development Centres Act 2017;
- (c) any school which is registered under the Education Act 1957;
- (d) any home for children and young persons which is, and is operated exclusively as, an approved institution under the Probation of Offenders Act 1951;
- (e) any place where a child or young person is being cared for by a parent, family member or foster parent; and
- (f) such other home for children and young persons as may be prescribed.

[3/2011; 2/2012; 19/2017]

(2) Sections 67 and 68 apply to a home for children and young persons under the management or control of the Government.

[52P
[3/2011]

Regulations for this Part

78.—(1) The Minister may make regulations for the purposes of this Part and, in particular, for the management of licensed homes for children and young persons and for the maintenance of order and discipline of the staff and of the persons residing in such homes.

[3/2011]

(2) Without limiting subsection (1), the Minister may make regulations providing for all or any of the following matters:

- (a) the forms, fees and registers for the purposes of this Act;
- (b) the operation, management and supervision of a licensed home for children and young persons;
- (c) the duties and responsibilities of licensees of licensed homes for children and young persons;
- (d) the standard of care and supervision of children and young persons residing in a licensed home for children and young persons;
- (e) the control and supervision of activities in a licensed home for children and young persons;
- (f) the keeping of records;
- (g) the reports and information to be supplied to the Director-General in respect of a licensed home for children and young persons;
- (h) the prescribing of anything which may be prescribed under this Part.

[3/2011 ; 30/2019]

(3) The Director-General may, by written notice to the licensee of a licensed home for children and young person, vary or waive wholly, partly or conditionally the requirements of any regulation in respect of that home for children and young persons and may amend or withdraw any such notice.

[52Q

[3/2011; 30/2019]

PART 4

REMAND HOMES

Custody of children and young persons not released on bail

79.—(1) The Minister may provide or appoint such remand homes as may be required for the purposes of this Act.

(2) Whenever any person apparently below the age of 16 years has been arrested and is not released on bail, any police officer must, despite anything to the contrary in any other written law, cause that person to be remanded in a remand home until he or she can be brought before a court unless the officer certifies —

- (a) that it is impracticable to do so;
- (b) that he or she is of so unruly a character that he or she cannot be safely so remanded; or
- (c) that by reason of his or her state of health or of his or her mental or bodily condition it is inadvisable to so remand him or her.

(3) The certificate must be produced to the court before which the person is brought.

[53

Remand of or committal to custody in remand home

80.—(1) Despite anything to the contrary in any other written law, a court on remanding a child or young person who is not released on bail, instead of remanding him or her in custody in a prison, is to remand him or her in custody in a remand home named in the order of remand for the period for which he or she is remanded or until he or she is from that place delivered in due course of law.

(2) Despite anything to the contrary in any other written law, a court committing for trial a child or young person who is not released on bail, instead of committing him or her to prison, is to commit him or her to a remand home, to be remanded there for the period for which he or she is committed or until he or she is delivered from that place in due course of law.

(3) Where an order made by the Youth Court in respect of a child or young person under section 49(1) has been contravened, the Youth Court may, even though the person is above the age of 16 years (but below the age of 19 years) at the time of the contravention, order that the person be remanded in a remand home pending any further order by the Court on how he or she is to be dealt with.

[3/2011; 27/2014]

(4) Despite subsection (1), any person while being subject to the jurisdiction of the Youth Court who has attained the age of 16 years but is below the age of 19 years may be remanded at a remand home.

[27/2014]

(5) Despite subsections (1) and (2), in the case of a young person it is not obligatory on the court to remand him or her in or commit him or her to a remand home under those subsections if the court certifies that it is impracticable to do so, or that he or she is of so unruly a character that he or she cannot be safely so remanded or committed, and in that case the court may remand the young person to custody in, or may commit him or her to, a prison.

(6) An order of remand or committal under this section may be varied or, in the case of a young person who proves to be of so unruly a character that he or she cannot be safely remanded in a remand home, revoked by any court; and if it is revoked the young person may be remanded in custody in, or committed to, a prison.

(7) The order or judgment pursuant to which a child or young person is committed to custody in a remand home must be delivered with the child or young person to the person-in-charge of the remand home and is sufficient authority for his or her remand in that place in accordance with the tenor thereof.

[30/2019]

(8) A child or young person while so remanded, and while being conveyed to and from the remand home, is deemed to be in lawful custody, and if he or she escapes may be apprehended without warrant and brought back to the remand home in which he or she was remanded.

[54]

PART 5

PLACES OF DETENTION

Provision of places of detention

81.—(1) The Minister may provide or appoint such places of detention as may be required for the purposes of this Act.

(2) The order or judgment pursuant to which a child or young person is committed to custody in a place of detention must be delivered with the child or young person to the person-in-charge of the place of detention and is sufficient authority for the detention of the child or young person in that place in accordance with the tenor thereof.

[30/2019]

(3) A child or young person while so detained and while being conveyed to and from the place of detention is deemed to be in lawful custody, and if he or she escapes may be apprehended without warrant and brought back to the place of detention in which he or she was detained.

(4) When any person is, under the provisions of this Act, committed by an order or judgment of a court to a place of detention, the order or judgment is not invalidated by any subsequent proof that the person is not a child or young person; but in that case it is lawful for the court before which such proof is brought to order the production of the person before it for inquiry and, if it thinks fit, to revoke the order of committal; and the order is thereupon cancelled.

[55]

PART 6
JUVENILE REHABILITATION CENTRES
AND PLACES OF SAFETY

[3/2011]

Minister may appoint juvenile rehabilitation centres and places of safety

82.—(1) The person-in-charge of any institution intended for the reception, care and rehabilitation of persons to be sent there under this Act may apply to the Minister to appoint the institution as a juvenile rehabilitation centre or place of safety.

[3/2011; 30/2019]

(2) The Minister may, after directing the Director-General to make such inquiries as the Minister thinks fit, so appoint the institution and issue a certificate of appointment and approval to the person-in-charge thereof, and such certificate must be published in the *Gazette*.

[30/2019]

(3) Any institution appointed under subsection (2) is, while that certificate remains in force, an appointed juvenile rehabilitation centre or place of safety for the purposes of this Act.

[56

[3/2011]

Person-in-charge may make regulations with approval of Minister

83. The person-in-charge of an appointed juvenile rehabilitation centre or place of safety may, with the approval of the Minister, make regulations for the regulation and management of the institution under his or her charge.

[57

[3/2011; 30/2019]

Person-in-charge must send monthly report to Director-General

84. The person-in-charge of an appointed juvenile rehabilitation centre or place of safety must send a monthly report to the

Director-General containing such particulars as may be required by the regulations for the juvenile rehabilitation centre or place of safety.

[58

[3/2011; 30/2019]

Minister may cancel certificate

85.—(1) A report on the condition of any appointed juvenile rehabilitation centre or place of safety must be made to the Minister by the Director-General if the Director-General is dissatisfied with the condition of the juvenile rehabilitation centre or place of safety.

[3/2011; 30/2019]

(2) The Minister may, upon consideration of this report, cancel his or her certificate and, upon written notice of such cancellation having been given to the person-in-charge thereof, the juvenile rehabilitation centre or place of safety ceases to be an appointed juvenile rehabilitation centre or place of safety from such time as is specified in the notice, and such cancellation must be notified in the *Gazette*.

[59

[3/2011; 30/2019]

Person-in-charge or his or her executor or administrator may cancel certificate

86.—(1) The person-in-charge of any appointed juvenile rehabilitation centre or place of safety may, upon giving 6 months' previous notice, and the executors and administrators of a deceased person-in-charge may, upon giving one month's previous written notice of his, her or their intention to do so, apply for the cancellation of the certificate given to the juvenile rehabilitation centre or place of safety.

[3/2011; 30/2019]

(2) Where a notice has been given under subsection (1) and has not been withdrawn, the certificate is deemed on the expiry of the notice to be cancelled, and such cancellation must be published in the *Gazette*.

[60

Duties of persons-in-charge

87. The person-in-charge of an appointed juvenile rehabilitation centre or place of safety must carry out all duties necessary for the reception, care and rehabilitation of any child or young person sent to him or her under this Act for the period which the child or young person is liable to be detained or until the certificate is cancelled.

[61

*[30/2011; 30/2019]***Effect of cancellation of certificate**

88. Whenever the certificate of an appointed juvenile rehabilitation centre or place of safety is cancelled under section 85, no child or young person may be received into the juvenile rehabilitation centre or place of safety, under any of the provisions of this Act, after written notice of such cancellation is given to the person-in-charge of the juvenile rehabilitation centre or place of safety.

[62

*[3/2011; 30/2019]***Discharge or transfer of juveniles**

89.—(1) When the certificate of an appointed juvenile rehabilitation centre or place of safety is cancelled, the persons resident there must be, by order of the Minister, either discharged or transferred to some other appointed juvenile rehabilitation centre or place of safety or to a juvenile rehabilitation centre or place of safety established under section 90.

[3/2011]

(2) The whole period of detention for which any person was sent to such juvenile rehabilitation centre or place of safety must not be increased by the transfer.

[63

[3/2011]

Minister may establish juvenile rehabilitation centres and places of safety

90.—(1) The Minister may, by order in the *Gazette*, establish such juvenile rehabilitation centres and places of safety as may be necessary for the purposes of this Act.

[3/2011]

(2) Every such order must specify the premises in which the juvenile rehabilitation centre or place of safety to which it refers is to be established and must state whether the same is to be used for male or female persons, or both.

[64

[3/2011]

Control and management of juvenile rehabilitation centres and places of safety established under section 90

91.—(1) Juvenile rehabilitation centres and places of safety established by the Minister under section 90 are under the control and management of —

- (a) the Director-General; or
- (b) a governing board consisting of such persons as may be appointed by the Minister.

[3/2011; 30/2019]

(2) In controlling and managing any juvenile rehabilitation centre or place of safety established under section 90, the Director-General or a governing board appointed under subsection (1)(b) has the powers, functions and duties conferred or imposed on the person-in-charge of a juvenile rehabilitation centre or place of safety by this Act.

[65

[3/2011; 30/2019]

Director-General may make regulations for juvenile rehabilitation centres and places of safety

92. The Director-General may, with the approval of the Minister, make regulations for the management of juvenile rehabilitation centres or places of safety established under the provisions of this Act

and for the maintenance of order and discipline of the staff and the persons detained therein.

[66
[3/2011; 30/2019]

PART 7

PROVISIONS APPLICABLE TO PERSONS BEING DETAINED IN JUVENILE REHABILITATION CENTRES, PLACES OF SAFETY, REMAND HOMES AND PLACES OF DETENTION

Duties and powers of person-in-charge of juvenile rehabilitation centre, place of safety, remand home or place of detention

93.—(1) Without affecting section 87, the person-in-charge of a juvenile rehabilitation centre, place of safety, remand home or place of detention has the following duties in respect of persons who are detained therein under this Act:

- (a) to prevent the escape of such persons from lawful custody;
- (b) to prevent, detect and report on, the commission or attempted commission by such persons of any other unlawful acts;
- (c) to ensure good order and discipline on the part of such persons;
- (d) to attend to the well-being of such persons; and
- (e) to carry out in respect of such persons such other duties as may be prescribed.

[3/2011; 30/2019]

(2) For the purpose of discharging his or her duties under subsection (1), the person-in-charge of a juvenile rehabilitation centre, place of safety, remand home or place of detention may —

- (a) give to any person being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention any order that the person-in-charge believes on reasonable grounds to be necessary —

- (i) for the security or good order in the juvenile rehabilitation centre, place of safety, remand home or place of detention;
 - (ii) for the welfare or safe custody of that person or the other persons being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention; or
 - (iii) for ensuring that that person or any other person being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention does not commit any offence or any breach of discipline;
- (b) require any person being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention to provide any information or answer any question that may be relevant to any duty being performed by the person-in-charge;
- (c) search any person being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention and any article in the possession of such person;
- (d) use such force as is reasonable and necessary —
- (i) to compel a person being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention to obey any order or requirement given or made by the person-in-charge under this section; or
 - (ii) to restrain any such person who is attempting or preparing to commit or is committing any offence or any breach of discipline; and
- (e) exercise such other powers as may be conferred on the person-in-charge by this Act.

[3/2011; 30/2019]

(3) In this section, the reference to the person-in-charge of a juvenile rehabilitation centre, place of safety, remand home or place

of detention includes any person assisting the person-in-charge of the juvenile rehabilitation centre, place of safety, remand home or place of detention in the management thereof.

[68

[3/2011; 30/2019]

Use of mechanical restraint

94.—(1) The person-in-charge of any home for children and young persons that is operated by or under the management or control of the Government may use, or authorise any person who is assisting the person-in-charge of the home to use, mechanical restraint on a person detained in the home for the purposes (called in this section a detainee) mentioned in subsection (2).

[30/2019]

(2) The purposes mentioned in subsection (1) are —

- (a) to prevent a detainee from escaping from custody, including while transferring that detainee to a prescribed place or from a prescribed place to the home; and
- (b) to prevent a detainee from inflicting any bodily injury on himself or herself, or any other detainee or person within the home.

[30/2019]

(3) For the purposes of subsection (1) read with subsection (2) —

- (a) the person-in-charge of a home for children and young persons and such person authorised by the person-in-charge of the home under subsection (1) may carry or have in their possession or under their control any mechanical restraint in any public place; and
- (b) the mechanical restraint must be removed from a detainee immediately once it is no longer necessary.

[30/2019]

(4) To avoid doubt, the person-in-charge of a home for children and young persons or such person authorised by the person-in-charge of the home under subsection (1) must not use a mechanical restraint on a detainee as punishment.

[30/2019]

(5) In this section, “mechanical restraint” means handcuffs, leg braces, flexi cuffs or any other similar means of restraint.

[68A
[30/2019]

Minister may discharge or transfer any person from one juvenile rehabilitation centre, place of safety or place of detention to another

95.—(1) The Minister may at any time, despite any order made by any court, order any person to be discharged from any juvenile rehabilitation centre, place of safety or place of detention or to be transferred from one juvenile rehabilitation centre, place of safety or place of detention to another.

[3/2011]

(2) The whole period of detention for which any person was sent to such juvenile rehabilitation centre, place of safety or place of detention must not be increased by the transfer.

[69
[3/2011]

Illness of child or young person detained

96.—(1) In the case of the serious illness of any child or young person who is detained in a juvenile rehabilitation centre, place of safety, remand home or place of detention under the provisions of this Act, in which there is no suitable facilities for the child or young person, the person-in-charge of such juvenile rehabilitation centre, place of safety, remand home or place of detention may, on the certificate of a registered medical practitioner, make an order for the admittance of a child or young person to an approved hospital.

[3/2011; 30/2019]

(2) So long as any child or young person who has been removed to an approved hospital under subsection (1) remains in the approved hospital, the registered medical practitioner of the approved hospital must, at the end of every month, transmit to the person-in-charge of the juvenile rehabilitation centre, place of safety, remand home or place of detention where the child or young person was detained a certificate signed by the registered medical practitioner that it is in his or her opinion necessary that the child or young person should remain in the approved hospital.

[3/2011; 30/2019]

(3) In this section, “approved hospital” includes any hospital which the Minister may, by notification in the *Gazette*, declare to be a hospital for the purposes of this section.

[70

Return from approved hospital to juvenile rehabilitation centre, place of safety, remand home or place of detention

97.—(1) So soon as, in the opinion of the registered medical practitioner in charge in any approved hospital, it is no longer necessary that any child or young person who has been removed to the approved hospital should remain in the approved hospital, the registered medical practitioner must transmit to the person-in-charge of the juvenile rehabilitation centre, place of safety, remand home or place of detention where the child or young person was detained a certificate stating that the necessity has ceased.

[3/2011; 30/2019]

(2) Upon the transmission of the certificate, the person-in-charge must immediately cause the child or young person to be brought back to the juvenile rehabilitation centre, place of safety, remand home or place of detention if he or she is still liable to be detained therein.

[71

[3/2011; 30/2019]

Duty to inform person-in-charge

98. Where a child or young person detained in a juvenile rehabilitation centre or place of safety is admitted to an approved hospital, it is the duty of a registered medical practitioner or any officer of the approved hospital to inform the person-in-charge of the juvenile rehabilitation centre or place of safety, if he or she has reason to believe that the child or young person may escape.

[72

*[3/2011; 30/2019]***Special custody in hospital**

99.—(1) Where in any case, from the gravity of the offence for which any child or young person may be in custody or for any other reason, the person-in-charge of the place where the child or young person is detained considers it to be desirable to take special measures for the security of the child or young person while under treatment in an approved hospital, it is lawful for the person-in-charge to give the child or young person into the charge of at least one fit and proper person who must always be with the child or young person day and night.

[30/2019]

(2) The person referred to in subsection (1) is vested with full power and authority to do all things necessary to prevent the child or young person from escaping, and is answerable for his or her safe custody until such time as he or she is handed over to the person-in-charge on his or her discharge from the approved hospital or until such time as his or her period of detention expires, whichever is earlier.

[73

*[30/2019]***Power of Director-General or protector to give consent to medical examination or medical treatment to child or young person in need thereof**

100. Where a child or young person who has been committed to the care of a fit person or who is being detained in a juvenile rehabilitation centre, a place of safety, an approved institution, a remand home, a place of detention, a place of temporary care and protection or any other place being used for the reception and care of

children or young persons is in need of any medical examination or medical treatment (including any surgical procedure) and —

- (a) the consent of the parent or guardian of the child or young person to such medical examination or medical treatment cannot be obtained despite all reasonable efforts; and
- (b) any delay in carrying out the medical examination or medical treatment would cause the child or young person unnecessary suffering or endanger his or her health,

the Director-General or a protector may give consent to the carrying out of such medical examination or medical treatment and any consent so given is, for all intents and purposes, sufficient consent and authorisation for the carrying out of the medical examination or medical treatment.

[74

[3/2011; 30/2019]

Saving of powers of General Division of High Court

101. Nothing contained in this Act is to be held to lessen or affect the powers of Judges sitting in the General Division of the High Court to direct persons confined in Singapore to be brought before the General Division of the High Court by an Order for Review of Detention.

[75

[42/2005; 40/2019]

Review of cases of persons ordered to be detained in juvenile rehabilitation centres or places of safety

102.—(1) The person-in-charge of any juvenile rehabilitation centre or place of safety must review all cases of children or young persons committed to the juvenile rehabilitation centre or place of safety under section 49 or 59 and may, after such review, recommend to the Director-General that any child or young person be released on licence.

[3/2011; 30/2019]

(2) The Director-General, on the advice of the Review Board and despite any order made by any court, has power to order the release on licence of any person who has been detained in a juvenile rehabilitation centre or place of safety, at any time before the completion of his or her full period of detention and on such conditions as may be stated by the Director-General in the order, including a condition that he or she is to be under the supervision of such person as may be specified in the order.

[3/2011; 30/2019]

(3) The Director-General may at any time modify or cancel any of the conditions.

[30/2019]

(4) If a person released from a juvenile rehabilitation centre or place of safety on licence by order of the Director-General fails to comply with any condition of his or her licence, the Director-General may order the return of that person to the juvenile rehabilitation centre or place of safety from which he or she was released, to be detained there for the unexpired portion of his or her original period of detention or such shorter period as the Director-General thinks fit.

[3/2011; 30/2019]

(5) Where a person has returned to the juvenile rehabilitation centre or place of safety under subsection (4), the Director-General may, on the advice of the Review Board, order the release on licence of that person if he or she has served a minimum period of 6 months under detention after his or her return.

[3/2011; 30/2019]

(6) If any person while under licence or after his or her recall is sentenced to imprisonment, any period for which he or she is imprisoned under that sentence counts as part of the period for which he or she is liable to detention in a juvenile rehabilitation centre or place of safety under his or her original detention order.

[76

3/2011]

Escape from juvenile rehabilitation centres or places of safety

103.—(1) Every person detained under this Act in a juvenile rehabilitation centre or place of safety must serve the full period of his

or her detention as ordered by the court and is deemed to be in lawful custody until he or she is lawfully discharged therefrom.

[3/2011]

(2) If any person who is being detained under this Act in a juvenile rehabilitation centre or place of safety escapes from the juvenile rehabilitation centre or place of safety before the expiry of his or her period of detention —

- (a) he or she may be apprehended without warrant by a police officer or an approved welfare officer and brought back to the juvenile rehabilitation centre or place of safety by the police officer or approved welfare officer, as the case may be; and
- (b) the period of his or her detention in the juvenile rehabilitation centre or place of safety is extended by the period (as computed by the person-in-charge of the juvenile rehabilitation centre or place of safety) for which he or she was at large.

[3/2011; 30/2019]

(3) Despite anything stated in this section, a person must not be detained in any juvenile rehabilitation centre or place of safety after he or she attains 21 years of age.

[77

[3/2011; 30/2019]

Penalties for assisting or inducing persons to escape and for harbouring or concealing escaped persons

104. Any person who —

- (a) knowingly assists, directly or indirectly, any person legally detained in any juvenile rehabilitation centre, place of safety or place of detention or committed to the care or custody of a person or detained in any approved hospital to escape therefrom;
- (b) induces any such person so to escape; or

- (c) knowing that any such person ordered to be detained or committed has escaped from any such juvenile rehabilitation centre, place of safety or place of detention or from the care or custody of a person or from an approved hospital, harbours or conceals or assists in harbouring or concealing that person, or causes or induces him or her not to return to such school, home, person, place of detention or approved hospital,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

[78
[3/2011]

Prohibition against conveying certain articles to persons being detained in juvenile rehabilitation centre, place of safety, remand home or place of detention

105. Any person who without lawful authority —

- (a) conveys, supplies or causes to be conveyed or supplied to any person being detained in a juvenile rehabilitation centre, place of safety, remand home or place of detention; or
- (b) hides or places in a juvenile rehabilitation centre, place of safety, remand home or place of detention for the use of any person being detained therein,

any letter or document, or any intoxicating liquor, tobacco, drug, opiate, money, clothing, provisions, toiletry or any other article shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

[79
[3/2011]

Evidence of orders of Minister

106. A copy under the hand of the Director-General is evidence of any order, authority or direction given by the Minister under the provisions of this Act.

[80
[30/2019]

Presumption

107. The production of the warrant or other document, pursuant to which a child or young person is directed to be sent to a juvenile rehabilitation centre, place of safety, remand home or place of detention or committed to the care or custody of a person or directed to be sent to an approved hospital, with a statement endorsed thereon or annexed thereto purporting to be signed by the person-in-charge of the juvenile rehabilitation centre, place of safety, remand home, place of detention or approved hospital or by the person to whose care or custody the child or young person is committed (as the case may be) to the effect that the child or young person named therein was duly —

- (a) received into and is at the date of the signing thereof detained in such juvenile rehabilitation centre, place of safety, remand home or place of detention; or
- (b) taken into his or her care or custody and is at the date of signing thereof still in his or her care or custody, or has been otherwise dealt with according to law,

is in all proceedings relating to that child or young person *prima facie* evidence of the identity and of the lawful detention or disposal of the child or young person named in that warrant or document.

[81
[3/2011; 30/2019]

Evidence

108. A copy of the regulations of a juvenile rehabilitation centre, place of safety, remand home or place of detention appointed or established under the provisions of this Act or of an approved

hospital, purporting to be signed by the Director-General is evidence of such regulations in all legal proceedings.

[82
[3/2011; 30/2019]

PART 8

EXPENSES AND CONTRIBUTIONS

Contributions by parents or guardians

109. Where an order has been made by a Youth Court under any of the provisions of this Act committing a child or young person to the care of a fit person, or sending the child or young person to a juvenile rehabilitation centre, place of detention, place of safety or place of temporary care and protection, it is the duty of a parent or guardian or other person having the custody of the child or young person to make contributions in respect of the maintenance of the child or young person.

[83
[3/2011; 27/2014]

Contribution order

110.—(1) When an order has been made by a Youth Court committing a child or young person to the care of a fit person or sending the child or young person to a juvenile rehabilitation centre, place of detention, place of safety or place of temporary care and protection or hostel, the Court which makes the order may, at the same time or subsequently, make an order (called in this section a contribution order) on the parent or guardian or person having the custody of the child or young person requiring him or her to contribute such weekly or monthly sum as the Court, having regard to the means of the parent, guardian or person having the custody of the child or young person, thinks fit.

[3/2011; 27/2014]

(2) An order made under subsection (1) may be made against a parent or guardian or person having the custody of the child or young person, who, having been required to attend, has failed to do so.

(3) Subject to subsection (2), no order under subsection (1) may be made without giving the parent or guardian or person having the custody of the child or young person an opportunity to be heard.

(4) A contribution order remains in force —

- (a) in the case of a child or young person committed to the care of a fit person, so long as the order for his or her committal is in force; and
- (b) in the case of a child or young person ordered to be sent to a juvenile rehabilitation centre, place of detention, place of safety or place of temporary care and protection, until he or she ceases to be under the care of the person in charge for the time being of such a juvenile rehabilitation centre, place of detention, place of safety or place of temporary care and protection.

[3/2011]

(5) No contribution is payable under a contribution order in respect of any period during which a person ordered to be sent to a juvenile rehabilitation centre, place of detention, place of safety or place of temporary care and protection is released on licence from a juvenile rehabilitation centre or place of safety or placed under the supervision of an approved welfare officer.

[3/2011]

(6) A contribution order made under this section —

- (a) may be varied, revoked or suspended by the Youth Court; but
- (b) must not be so varied as to increase any contribution payable thereunder without giving the person making the contribution an opportunity to be heard.

[27/2014]

(7) If any person wilfully neglects to comply with a contribution order made under this section, the Youth Court may, for every breach of the order, by warrant, direct the amount due to be levied in the manner by law provided for levying fines imposed by a Magistrate's Court, or may sentence the person to imprisonment for a term not exceeding one month for each month's contribution remaining unpaid.

[84
[27/2014]

PART 9

MISCELLANEOUS

Restriction on publication of information leading to identification of child or young person who is subject of investigation, etc.

111.—(1) A person must not, without the Director-General's approval, publish or broadcast —

- (a) any information or picture that identifies, or is likely to lead to the identification of any child or young person as a child or young person who —
 - (i) had been or is the subject of any investigation under this Act;
 - (ii) had been or is arrested on or after 1 July 2020, for an offence committed under any written law;
 - (iii) had been or is taken into care or custody by the Director-General, a protector, any officer generally or specially authorised in that behalf in writing by the Director-General or a protector or a police officer under this Act;
 - (iv) had attended or is attending a family programme in relation to an application to be made under section 59; or
 - (v) was or is the subject of an order made by a court under this Act; or

- (b) any information or picture mentioned in paragraph (a) even after the child or young person attains 18 years of age (called in this section the protected person).

[30/2019]

(2) A court may —

- (a) on the application made by the Director-General or a protector, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of section 27A(1) as in force immediately before 1 July 2020 or subsection (1)(a); or
- (b) on the application made by the protected person, order a person to remove the publication, or stop the broadcast, of any information or picture that is published or broadcast in contravention of subsection (1)(b).

[30/2019]

(3) The court may make an order under subsection (2) even if —

- (a) the application is not served on the person against whom the order is to be made (called in this section the respondent) or is not served on the respondent within a reasonable time before the hearing of the application; or
- (b) where the application has been served on the respondent, the respondent does not appear at the hearing of the application,

so long as the court is satisfied, on a balance of probabilities, that the order is necessary for the protection and safety of the child or young person concerned or the protected person, as the case may be.

[30/2019]

(4) If any information or picture is published or broadcast in contravention of subsection (1)(a) or (b) —

- (a) in the case of the publication of any information or picture as part of a newspaper or periodical publication, every proprietor, editor, publisher or distributor of the newspaper or periodical publication;

- (b) in the case of the publication of any information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes it; or
- (c) in the case of the broadcast of any information or picture, every person who transmits or provides the programme in which the information or picture is broadcast, and every person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

shall jointly be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

[30/2019]

(5) A court may, in addition to any punishment mentioned in subsection (4), order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of subsection (1)(a) or (b).

[30/2019]

(6) Where any proceeding is pending before a court as at 1 July 2020 for a contravention of section 27A(1) as in force immediately before that date (called in this subsection the unamended Act), the court may, in addition to any punishment mentioned in section 27A(2) of the unamended Act, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of section 27A(1) of the unamended Act.

[30/2019]

(7) In this section, “broadcast” and “publish” have the same meanings as in section 112(9).

[84A
[30/2019]

Restriction on publication of information relating to proceedings involving children and young persons

112.—(1) Subject to subsection (2), a person must not —

- (a) publish or broadcast any information relating to any proceedings in any court or on appeal from any court that reveals the name, address or school or that includes any particulars that are calculated to lead to the identification of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein;
- (b) publish or broadcast any picture as being or including a picture of any child or young person so concerned in any such proceedings; or
- (c) publish or broadcast any information or picture mentioned in paragraph (a) or (b) even after the child or young person attains 18 years of age (called in this section the protected person).

[30/2019]

(2) A court may, if satisfied that it is in the interests of justice to do so, by order dispense with the requirements of subsection (1) to such extent as may be specified in the order.

[30/2019]

(3) A court may —

- (a) on the application made by the Director-General or a protector, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of —
 - (i) section 35(1)(a) or (b) of this Act as in force immediately before 1 July 2020; or
 - (ii) subsection (1)(a) or (b) on or after that date; or
- (b) on the application made by the protected person, order a person to remove the publication, or stop the broadcast, of

any information or picture that is published or broadcast in contravention of subsection (1)(c).

[30/2019]

(4) The court may make an order under subsection (3) even if —

- (a) the application is not served on the person against whom the order is to be made (called in this section the respondent) or is not served on the respondent within a reasonable time before the hearing of the application; or
- (b) where the application has been served on the respondent, the respondent does not appear at the hearing of the application,

so long as the court is satisfied, on a balance of probabilities, that the order is necessary for the protection and safety of the child or young person concerned or the protected person, as the case may be.

[30/2019]

(5) If any information or picture is published or broadcast in contravention of subsection (1) —

- (a) in the case of the publication of any information or picture as part of a newspaper or periodical publication, every proprietor, editor, publisher or distributor of the newspaper or periodical publication;
- (b) in the case of the publication of any information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes it; or
- (c) in the case of the broadcast of any information or picture, every person who transmits or provides the programme in which the information or picture is broadcast, and every person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

shall jointly be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

[30/2019]

(6) A court may, in addition to any punishment mentioned in subsection (5), order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of subsection (1)(a), (b) or (c).

[30/2019]

(7) Where any proceeding is pending before a court as at 1 July 2020 for a contravention of section 35(1)(a) or (b) of this Act as in force immediately before that date (called in this subsection the unamended Act), the court may, in addition to any punishment mentioned in section 35(3) of the unamended Act, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of section 35(1)(a) or (b) of the unamended Act.

[30/2019]

(8) Subsection (1) is in addition to, and not in derogation from, the provisions of any other written law with respect to the publication of information relating to judicial proceedings.

[30/2019]

(9) In this section —

“broadcast” means sounds or visual images —

- (a) broadcast by wireless telegraphy, or by means of a high frequency distribution system over wire or other paths provided by a material substance, and intended for general reception;
- (b) broadcast through the Internet or any website, web service or Internet application, whether or not intended for general reception; or
- (c) broadcast through any messaging system;

“messaging system” means any system that enables the transmission of short text messages, or of any visual communication, voice communication or electronic mail —

- (a) from a digital mobile telephone to another digital mobile telephone; or
- (b) from an electronic mail address to a digital mobile telephone, and the other way around;

“publish”, in relation to any information or picture, means to bring the information or picture to the notice of the public or a section of the public by any means, including (to avoid doubt) through —

- (a) the Internet or any website, web service or Internet application; or
- (b) any messaging system.

[84B
[30/2019]

Powers of Youth Court conferred on other courts

113. Except as otherwise provided, nothing in this Act affects the powers of a Magistrate’s Court, a District Court or the General Division of the High Court, and all the powers which may be exercised under this Act by a Youth Court may, in like manner, be exercised by a Magistrate’s Court, a District Court or the General Division of the High Court.

[85
[27/2014; 40/2019]

Protection from personal liability

114.—(1) No liability shall lie personally against any of the following persons who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act:

- (a) the Director-General;
- (b) any protector;
- (c) any police officer;
- (d) any approved welfare officer or volunteer welfare officer;
- (e) any probation officer or volunteer probation officer;
- (f) any member of the panel of advisers;
- (g) any foster parent;
- (h) the person-in-charge of any juvenile rehabilitation centre, home for children and young persons, place of detention,

place of safety, place of temporary care and protection or remand home;

- (i) any person appointed by the Director-General or a protector to whose care a child or young person is committed under a voluntary care agreement;
- (j) any member of the Review Board, Committee on Fostering or a governing board;
- (k) any other person acting under the direction of the Director-General or a protector.

[30/2019]

(2) No liability shall lie personally against any person appointed by a court or pursuant to an order of a court, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of any order made by a court under this Act.

[86

[30/2019]

Information relating to children and young persons in need of care or protection

115.—(1) Any person who knows or has reason to suspect that a child or young person is in need of care or protection may make a notification to the Director-General, a protector or a police officer of the facts and circumstances on which his or her knowledge or suspicion is based.

[30/2019]

(2) Where the Director-General, a protector or a police officer not below the rank of sergeant (*A*) receives any notification under subsection (1), *A* may, without affecting any other power conferred on him or her by this Act, communicate any information contained in the notification to —

- (a) where *A* is the Director-General — a protector or any other person assisting the Director-General in the administration or enforcement of this Act in respect of the child or young person;

- (b) where *A* is a protector — the Director-General, another protector or any other person assisting *A* in the administration or enforcement of this Act in respect of the child or young person;
- (c) where *A* is a police officer — the Director-General or a protector; and
- (d) any other person or class of persons as may be prescribed, in order that *A* may take such action as may be necessary in accordance with this Act to ensure that the child or young person concerned receives the care or protection that he or she needs.

[30/2019]

(3) A person who makes a notification under subsection (1) —

- (a) shall not, by virtue of doing so, be held in any proceedings before any court or tribunal or in any other respect to have breached any code of professional etiquette or ethics, or to have departed from any accepted form of professional conduct; and
- (b) insofar as the person has acted in good faith, shall incur no civil or criminal liability in respect of the notification or the provision of any information contained in the notification.

(4) No liability shall lie personally against a person for communicating any information under subsection (2) if the person had done so in good faith and with reasonable care in compliance with that subsection.

[30/2019]

(5) Any person appearing as a witness in any proceedings in any court or tribunal or before a person authorised by law to hear evidence must not be compelled —

- (a) to disclose the identity of any person who has made a notification under subsection (1), or any information likely to lead to the disclosure of the identity of such a person; or
- (b) to produce any report or document which identifies, or is likely to identify, any person who has made a notification under subsection (1).

Confidentiality of information relating to children and young persons

116.—(1) Any person to whom any information relating to a child or young person has been disclosed to the person by the Director-General or a protector in the performance of any duty or the exercise of any power by the person, must not disclose the information to another person unless the disclosure has been authorised by the Director-General or protector, as the case may be.

[30/2019]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[87A

[3/2011]

Offences by bodies corporate, etc.

117.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any act or default on the officer's part, the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[3/2011]

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

[3/2011]

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any act or default on the partner's part, the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[3/2011]

(4) Where an offence under this Act committed by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

[3/2011]

(5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any act or default on the part of such an officer or a member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[3/2011]

(6) In this section —

“body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act 2005;

“officer” —

(a) in relation to a body corporate, means any director, member of the committee of management, chief executive officer, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; and

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of the committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

[3/2011]

(7) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

[87B

[3/2011]

Regulations

118.—(1) The Minister may make regulations for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) Without limiting subsection (1) or any other provision of this Act, the Minister may make regulations for all or any of the following matters:

- (a) the care, maintenance and education of children and young persons committed to the care, custody or control of any person under the provisions of this Act and the duties of persons to whose care, custody or control the children and young persons have been committed;
- (b) the care, detention, temporary absence, maintenance, education, and conduct and discipline of persons below 21 years of age in juvenile rehabilitation centres, places of safety, remand homes, places of detention and places of temporary care and protection;
- (c) the constitution, functions and procedures of a governing board, the Committee on Fostering and the Review Board;

- (d) the inspection of juvenile rehabilitation centres, places of safety, remand homes, places of detention and places of temporary care and protection and returns to be furnished by persons in charge of such places;
- (e) the management of juvenile rehabilitation centres, places of safety, remand homes, places of detention and places of temporary care and protection;
- (f) the considerations, conditions and requirements subject to which a voluntary care agreement may be made;
- (g) the effect of a voluntary care agreement and the validity period of such voluntary care agreement;
- (h) the implementation, variation and termination of a voluntary care agreement.

[88

[3/2011; 30/2019]

Family Justice Rules

119.—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules —

- (a) to regulate and prescribe the procedure and practice to be followed in the Youth Courts; and
- (b) to provide for any matter relating to any such procedure or practice.

(2) The Family Justice Rules may, instead of providing for any matter, refer to any provision made or to be made about that matter by practice directions issued for the time being by the registrar of the Family Justice Courts.

(3) All Family Justice Rules made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

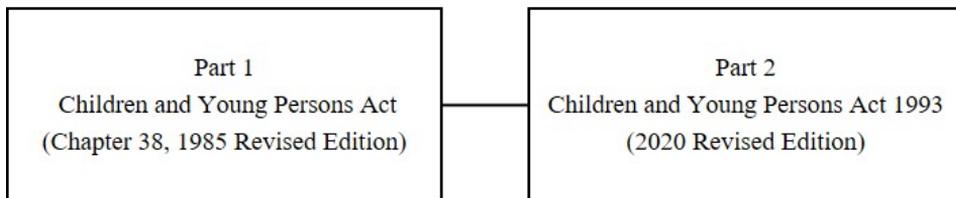
[89

[27/2014]

LEGISLATIVE HISTORY CHILDREN AND YOUNG PERSONS ACT 1993

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1 CHILDREN AND YOUNG PERSONS ACT (CHAPTER 38, 1985 REVISED EDITION)

1. Ordinance 18 of 1949 — Children and Young Persons Ordinance, 1949

Bill	:	G.N. No. S 62/1949
First Reading	:	15 February 1949
Second Reading	:	15 March 1949
Select Committee Report	:	Council Paper No. 35 of 1949
Third Reading	:	17 May 1949
Commencement	:	1 August 1950

2. Ordinance 18 of 1954 — Children and Young Persons (Amendment) Ordinance, 1954

Bill	:	20/1954
First Reading	:	15 June 1954
Second Reading	:	20 July 1954
Third Reading	:	17 August 1954
Commencement	:	10 September 1954

3. Ordinance 40 of 1955 — Labour Ordinance, 1955

(Amendments made by section 175 read with Schedule B to the above Ordinance)

Bill	:	3/1955
First Reading	:	25 May 1955
Second Reading	:	29 June 1955
Select Committee Report	:	Sessional Paper No. L.A. 12 of 1955
Notice of Amendments	:	22 November 1955
Third Reading	:	22 November 1955
Commencement	:	1 December 1955 (section 175 read with Schedule B)

4. 1955 Revised Edition — Children and Young Persons Ordinance (Chapter 128)

Operation	:	1 July 1956
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5. Ordinance 39 of 1956 — Children and Young Persons (Amendment) Ordinance, 1956

Bill	:	78/1956
First Reading	:	20 November 1956
Second Reading	:	5 December 1956
Notice of Amendments	:	5 December 1956
Third Reading	:	5 December 1956
Commencement	:	1 July 1957

6. Ordinance 38 of 1959 — Laws of Singapore (Miscellaneous Amendments) Ordinance, 1959

(Amendments made by section 9 of the above Ordinance)

Bill	:	215/1959
First Reading	:	3 March 1959
Second Reading	:	18 March 1959
Notice of Amendments	:	18 March 1959
Third Reading	:	18 March 1959
Commencement	:	3 June 1959 (section 9)

7. G.N. No. S 223/1959 — Singapore Constitution (Modification of Laws) Order, 1959

Commencement : 3 June 1959

8. Ordinance 71 of 1959 — Transfer of Powers Ordinance, 1959

(Amendments made by section 4 read with the First Schedule to the above Ordinance)

Bill : 30/1959

First Reading : 22 September 1959

Second and Third Readings : 11 November 1959

Commencement : 20 November 1959 (section 4 read with the First Schedule)

9. Ordinance 72 of 1959 — Transfer of Powers (No. 2) Ordinance, 1959

(Amendments made by section 2 read with the First Schedule to the above Ordinance)

Bill : 31/1959

First Reading : 22 September 1959

Second Reading : 11 November 1959

Notice of Amendments : 11 November 1959

Third Reading : 11 November 1959

Commencement : 20 November 1959 (section 2 read with the First Schedule)

10. G.N. No. S (N.S.) 177/1959 — Singapore Constitution (Modification of Laws) (No. 3) Order, 1959

Commencement : 20 November 1959

11. G.N. No. S (N.S.) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order, 1959

Commencement : 20 November 1959

12. Act 14 of 1969 — Statute Law Revision Act, 1969

(Amendments made by section 2 read with the First Schedule to the above Act)

Bill : 22/1969

First Reading : 15 October 1969

Second Reading : 22 December 1969

Notice of Amendments : 22 December 1969

Third Reading	:	22 December 1969
Commencement	:	2 January 1970 (section 2 read with the First Schedule)

13. Act 19 of 1970 — Subordinate Courts Act, 1970

(Amendments made by section 70(1) read with the Second Schedule to the above Act)

Bill	:	10/1970
First Reading	:	26 March 1970
Second and Third Readings	:	7 May 1970
Commencement	:	1 January 1971 (section 70(1) read with the Second Schedule)

14. 1970 Revised Edition — Children and Young Persons Act (Chapter 110)

Operation	:	15 April 1971
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15. 1985 Revised Edition — Children and Young Persons Act (Chapter 38)

Operation	:	30 March 1987
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16. Act 24 of 1987 — Intoxicating Substances Act 1987

(Amendments made by section 29 of the above Act)

Bill	:	17/1987
First Reading	:	28 July 1987
Second and Third Readings	:	31 August 1987
Commencement	:	1 November 1987 (section 29)

PART 2

CHILDREN AND YOUNG PERSONS ACT 1993
(2020 REVISED EDITION)

17. Act 1 of 1993 — Children and Young Persons Act 1993

Bill	:	38/1992
First Reading	:	16 November 1992
Second and Third Readings	:	18 January 1993
Commencement	:	21 March 1993

18. 1994 Revised Edition — Children and Young Persons Act (Chapter 38)

Operation	:	15 March 1994
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19. Act 20 of 2001 — Children and Young Persons (Amendment) Act 2001

Bill	:	12/2001
First Reading	:	22 February 2001
Second and Third Readings	:	20 April 2001
Commencement	:	1 October 2001

20. 2001 Revised Edition — Children and Young Persons Act (Chapter 38)

Operation	:	31 December 2001
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21. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005
(Amendments made by section 6 read with item (3) of the Fourth Schedule to the above Act)

Bill	:	30/2005
First Reading	:	17 October 2005
Second and Third Readings	:	21 November 2005
Commencement	:	1 January 2006 (section 6 read with item (3) of the Fourth Schedule)

22. Act 22 of 2007 — Dentists (Amendment) Act 2007

(Amendments made by section 39 read with item (2) of the Schedule to the above Act)

Bill	:	9/2007
First Reading	:	27 February 2007
Second and Third Readings	:	12 April 2007
Commencement	:	1 January 2008 (section 39 read with item (2) of the Schedule)

23. Act 51 of 2007 — Penal Code (Amendment) Act 2007

(Amendments made by section 107 read with item (1) of the Third Schedule to the above Act)

Bill	:	38/2007
First Reading	:	17 September 2007
Second Reading	:	22 October 2007
Third Reading	:	23 October 2007
Commencement	:	1 February 2008 (section 107 read with item (1) of the Third Schedule)

24. Act 15 of 2010 — Criminal Procedure Code 2010

(Amendments made by section 430 read with item 13 of the Sixth Schedule to the above Act)

Bill	:	11/2010
First Reading	:	26 April 2010
Second Reading	:	18 May 2010
Third Reading	:	19 May 2010
Commencement	:	2 January 2011 (section 430 read with item 13 of the Sixth Schedule)

25. Act 3 of 2011 — Children and Young Persons (Amendment) Act 2011

Bill	:	35/2010
First Reading	:	22 November 2010
Second and Third Readings	:	10 January 2011
Commencement	:	20 July 2011

26. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012

(Amendments made by section 17 of the above Act)

Bill	:	22/2011
First Reading	:	21 November 2011
Second Reading	:	18 January 2012
Notice of Amendments	:	18 January 2012
Third Reading	:	18 January 2012
Commencement	:	1 March 2012 (section 17)

27. Act 27 of 2014 — Family Justice Act 2014

(Amendments made by section 52 of the above Act)

Bill	:	21/2014
First Reading	:	8 July 2014
Second Reading	:	4 August 2014
Notice of Amendments	:	4 August 2014
Third Reading	:	4 August 2014
Commencement	:	1 October 2014 (section 52(a) to (k)) 1 January 2015 (section 52(l))

28. Act 45 of 2014 — Prevention of Human Trafficking Act 2014

(Amendments made by section 25 of the above Act)

Bill	:	39/2014
First Reading	:	7 October 2014
Second and Third Readings	:	3 November 2014
Commencement	:	1 March 2015 (section 25)

29. Act 28 of 2017 — Public Entertainments and Meetings (Amendment) Act 2017

(Amendments made by section 24(4) of the above Act)

Bill	:	22/2017
First Reading	:	3 April 2017
Second and Third Readings	:	8 May 2017
Commencement	:	1 August 2017 (section 24(4))

30. Act 19 of 2017 — Early Childhood Development Centres Act 2017

(Amendments made by section 53(2) of the above Act)

Bill	:	7/2017
First Reading	:	6 February 2017
Second and Third Readings	:	28 February 2017
Commencement	:	2 January 2019 (section 53(2))

31. Act 15 of 2019 — Criminal Law Reform Act 2019

(Amendments made by section 171 of the above Act)

Bill	:	6/2019
First Reading	:	11 February 2019
Second Reading	:	6 May 2019
Notice of Amendments	:	6 May 2019
Third Reading	:	6 May 2019
Commencement	:	1 January 2020 (section 171 except section 171(f))

32. Act 30 of 2019 — Children and Young Persons (Amendment) Act 2019

Bill	:	22/2019
First Reading	:	5 August 2019
Second Reading	:	3 September 2019

Third Reading	:	4 September 2019
Commencement	:	1 July 2020 (except sections 2(1)(i) and (2), 3(b) and (c), 25(a), 27, 32(a), (c) and (e), 34(2), 45, 46(a) and (b), 55, 59(b) and 71)

33. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 19 of the Schedule to the above Act)

Bill	:	32/2019
First Reading	:	7 October 2019
Second Reading	:	5 November 2019
Notice of Amendments	:	5 November 2019
Third Reading	:	5 November 2019
Commencement	:	2 January 2021 (section 28(1) read with item 19 of the Schedule)

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

**COMPARATIVE TABLE
CHILDREN AND YOUNG
PERSONS ACT 1993**

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2001 Ed.
4	3A
5	4
6	5
(2)	(1A)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
7	6
8	7
9	8
10	8A
11	9
12	9A
13	10
14	11
15	11A
16	12
17	13
18	14
19	15

2020 Ed.	2001 Ed.
20	16
21	17
22	18
23	19
24	20
25	21
26	22
27	23
28	24
29	25
30	26
31	27
—	27A [<i>Repealed by Act 30 of 2019</i>]
32	27B
33	27C
34	28
35	29
36	30
37	31
38	32
—	(1) [<i>Deleted by Act 27 of 2014</i>]
—	(2) [<i>Deleted by Act 27 of 2014</i>]
(1)	(3)
(2)	(3A)
(3)	(4)
39	33
40	34
—	35 [<i>Repealed by Act 30 of 2019</i>]

2020 Ed.	2001 Ed.
41	36
42	37
43	38
44	39
45	40
46	41
47	42
48	43
49	44
—	(4) [<i>Deleted by Act 3 of 2011</i>]
(4)	(5)
(5)	(6)
(6)	(7)
50	45
—	46 [<i>Repealed by Act 30 of 2019</i>]
51	47
52	48
—	48A [<i>Repealed by Act 30 of 2019</i>]
53	48B
(2)	(1A)
(3)	(1B)
(4)	(2)
(5)	(3)
—	48C [<i>Repealed by Act 30 of 2019</i>]
54	49
(2)	(1A)
(3)	(1B)
(4)	(1C)

2020 Ed.	2001 Ed.
(5)	(1D)
(6)	(1E)
(7)	(1F)
(8)	(2)
(9)	(3)
(10)	(3A)
(11)	(3B)
(12)	(4)
(13)	(5)
(14)	(6)
(15)	(7)
(16)	(8)
(17)	(9)
(18)	(10)
(19)	(11)
55	49A
56	49B
57	49C
58	49D
59	50
60	51
61	52
62	52A
63	52B
64	52C
65	52D
66	52E
67	52F

2020 Ed.	2001 Ed.
68	52G
69	52H
70	52I
71	52J
72	52K
73	52L
74	52M
75	52N
76	52O
77	52P
78	52Q
79	53
80	54
(3)	(2A)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
81	55
82	56
83	57
84	58
85	59
86	60
87	61
88	62
89	63

2020 Ed.	2001 Ed.
90	64
91	65
92	66
—	67 [<i>Repealed by Act 3 of 2011</i>]
93	68
94	68A
95	69
96	70
97	71
98	72
99	73
100	74
101	75
102	76
—	(4) [<i>Deleted by Act 3 of 2011</i>]
—	(5) [<i>Deleted by Act 3 of 2011</i>]
(4)	(6)
(5)	(7)
(6)	(8)
103	77
104	78
105	79
106	80
107	81
108	82
109	83
110	84
111	84A

2020 Ed.	2001 Ed.
112	84B
113	85
114	86
115	87
(4)	(3A)
(5)	(4)
116	87A
117	87B
118	88
119	89