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The following Act was passed by Parliament on 18th January 1993 and assented to by the President on 16th February 1993:—

CHILDREN AND YOUNG PERSONS ACT 1993

(No. 1 of 1993)

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REPUBLIC OF SINGAPORE

No. 1 of 1993.

I assent.

**WEE KIM WEE**
*President.**16th February 1993.*

An Act to repeal and re-enact with amendments the Children and Young Persons Act (Chapter 38 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Children and Young Persons Act 1993 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“approved home” means any institution or part thereof appointed or established under Part VI as an approved home;

“approved institution” means an institution approved under section 12 of the Probation of Offenders Act (Cap. 252) for the reception of persons who may be required to reside therein by a probation order;

“approved school” means any institution or part thereof appointed or established under Part VI as an approved school;

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

“Director” means the Director of Social Welfare and includes Deputy Directors and Assistant Directors of Social Welfare and such other person as the Minister may, by notification in the *Gazette*, declare to be a person who may exercise the powers and perform the duties of the Director;

“fit person” means a person whom the court or the protector, having regard to the character of such a person, thinks competent to provide care, protection and supervision of a 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;

“juvenile” means a male or female person who is 7 years of age or above and below the age of 16 years;

“manager” includes a director, manager and superintendent or other person having the management or control of any approved school, approved home, remand home, place of detention or place of safety;

“place of detention” means a place provided or appointed by the Minister as a place of detention under section 53(1);

“remand home” means any home or institution or part thereof provided or appointed by the Minister as a remand home under section 51(1) for the detention of juveniles sent there under the provisions of this Act;

“visitor” means a person appointed to be a member of a board of visitors under section 65;

“young person” means a person who is 14 years of age or above and below the age of 16 years.

PART II

PROTECTION OF CHILDREN AND YOUNG PERSONS

Interpretation

3. In this Part, unless the context otherwise requires —

“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;

“place of safety” means any place or institution appointed or declared to be a place of safety under section 27 or any other suitable place the occupier of which is willing temporarily to receive a child or young person;

“protector” includes the Director of Social Welfare, Deputy Directors and Assistant Directors of Social Welfare and such other person as the Minister may, by notification in the *Gazette*, declare to be a protector for the purposes of this Act.

*Welfare***Cruelty to children and young persons**

4.—(1) If any person above the age of 14 years who has the custody, charge or care of any child, or any person above the age of 18 years who has the custody, charge or care of any young person, wilfully assaults, ill-treats, neglects, abandons or exposes the child or young person or causes or procures or knowingly permits the child or young person to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause that child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of an offence.

(2) For the purposes of subsection (1), a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if the parent or such other person wilfully neglects to provide adequate food, clothing, medical aid or lodging for the child or young person.

(3) If any person who is an employer of any child or any young person wilfully assaults or ill-treats the child or young person or causes or procures or knowingly permits the child or young person to be assaulted or ill-treated in a manner likely to cause that child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of an offence.

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

(a) notwithstanding that actual suffering or injury to health or the likelihood of such suffering or injury to health was obviated by the action of another person; or

(b) notwithstanding the death of the child or young person in respect of whom the offence is committed.

(5) Upon the trial of any person above the age of 14 years charged with culpable homicide of a child of whom he had the custody, charge or care, or upon the trial of any person above the age of 18 years charged with culpable homicide of a young person of whom he had the custody, charge or care, it shall be lawful for the court, if satisfied

that the accused is guilty of an offence under this section in respect of the child or young person, to find the accused guilty of that offence.

(6) 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 \$20,000 or to imprisonment for a term not exceeding 7 years or to both; and
- (b) in any other case, to a fine not exceeding \$4,000 or to imprisonment for a term not exceeding 4 years or to both.

Contribution to delinquency of child or young person

5.—(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 street, premises or 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,

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 one year or to both.

(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 street, premises or place for any such purpose and that the person charged allowed the child or young person to be in the street, premises or place, he shall be presumed to have allowed him to be in the street, premises or place for that purpose unless the contrary is proved.

Sexual exploitation of child or young person

6. Any person who, in public or private, commits or abets the commission of or procures or attempts to procure the commission by

any person of any obscene or indecent act with any child or young person 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 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 4 years or to both.

Protector's power to obtain information

7. A protector may, by notice in writing, require any person who the protector has reason to believe can furnish any information regarding any offence under section 4, 5 or 6 to appear before the protector at any reasonable time and at any convenient place and that person shall be legally bound to attend as required and to answer truthfully and to the best of his ability any question touching the offence.

Detention of child or young person in place of safety

8.—(1) A protector or a police officer or any person authorised by a Magistrate, protector or Justice of the Peace may take to a place of safety any child or young person in respect of whom any offence under this Part or any offence involving bodily injury to a child or young person has been, or there is reason to believe has been, committed.

(2) A child or young person so taken to a place of safety and any child or young person who seeks refuge or protection may be detained in a place of safety until the child or young person can be brought before a Magistrate's Court and the Court may make such order as is mentioned in subsection (3), or may cause the child or young person to be dealt with as circumstances may admit and require, until the charge made against any person in respect of any offence under section 4, 5 or 6 with regard to the child has been determined by the conviction or discharge of that person.

(3) When it appears to a court that an offence under this Part or any offence involving bodily injury to a child or young person has been committed in respect of any child or young person who is brought before it and that it is expedient, in the interests of the child or young person that an order should be made under this subsection, the court may, without prejudice to any other power under this Part, make such

order as circumstances require for the care and detention of the child or young person until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and, if a charge is made against any person within that time, until the charge has been determined by the conviction or discharge of that person and, in case of conviction, for such further time not exceeding 21 days as the court which convicted that person may direct, and any such order may be carried out notwithstanding that any person claims the custody of the child or young person.

Detention of destitute children

9. Any of the persons mentioned in section 20 may take to a place of safety any child who appears to be destitute and any child so taken to a place of safety may be detained there for protection.

Warrant to search for or remove child or young person

10.—(1) If it appears to a Magistrate's Court on information or complaint made by any of the persons mentioned in section 20 that there is reasonable cause to believe —

- (a) that any child or young person has been or is being assaulted, ill-treated or neglected in any place within the jurisdiction of the Court, in a manner likely to cause the child or young person unnecessary suffering or to be injurious to his health; or
- (b) that an offence under this Part or any offence involving bodily injury to a child or young person has been or is being committed in respect of the child or young person,

the Court may issue a warrant —

- (i) authorising any police officer named therein to search for the child or young person and if it appears to the officer that the child or young person has been or is being so assaulted, ill-treated or neglected or that any such offence has been or is being committed in respect of the child or young person, to take to and detain him in a place of safety until he can be brought before a court; or

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- (ii) authorising any police officer to remove the child or young person, with or without search, to a place of safety and detain him there until he can be brought before a court,

and the court before whom the child or young person is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose care he was had been committed for trial for an offence under this Part, and section 8 shall apply.

(2) 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.

(3) 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.

(4) Every warrant issued under this section shall be addressed to and executed by a police officer who shall 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 may also, if the Court by which the warrant is issued so directs, be accompanied by a Government Medical Officer.

(5) It shall not be 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 shall be described as particularly as the knowledge of the informant or the Magistrate's Court permits.

Restrictions on children and young persons taking part in public entertainment

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

- (a) 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 parent or guardian.

(2) Any person who causes or procures such a child or young person, or being his parent or guardian allows him, to take part in any performance in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both and, if the person convicted is the holder of a licence under the Public Entertainments Act (Cap. 257), the court may also order the cancellation of the licence or its suspension for such period as the court may think fit.

(3) 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.

Trafficking in Children

Unlawful transfer of possession, custody or control of child

12.—(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 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.

(2) Every person who without lawful authority or excuse harbours or has in his possession, custody or control any child 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 imprisonment for a term not exceeding 4 years.

(3) It shall be 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 the legal guardian was a consenting party to the marriage or to the adoption by the adopting party, and had expressly consented to the marriage or adoption.

Importation of child by false pretences

13. 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 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 4 years or to both.

Power to examine children and persons in charge of them

14. A protector or any person authorised in that behalf by a protector in writing may require any child and any person who may appear to have the custody or control of the child to appear before the protector at any reasonable time and at any convenient place and the protector may examine the child as to his reasons for entering or being in Singapore and may examine the person respecting the child, and the child and that person shall be legally bound to answer such questions truthfully to the best of their ability.

Consent to marriage

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

Power of protector to require security

- 16.** If a protector has reasonable cause to believe that any child —
- (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; or
- (c) is being detained against his will by some person other than his parents or lawful guardian,

he may either —

- (i) require any person in whose custody or under whose control the child appears to be to furnish him with copies of the child's and the person's photographs, and to furnish security to his satisfaction that the child will not leave Singapore without the previous consent in writing of the protector, and that the child will be produced before the protector whenever he requires it; or
- (ii) in the first instance, or if default be made in complying with any order made under sub-paragraph (i), order that the child be taken out of the custody of the person in whose care, custody or control the child is and commit the child to a place of safety or, on such security and on such conditions as the protector may require, to the custody of a relative or other fit person until the child attains the age of 18 years or for any shorter period.

Inspection

17.—(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 in respect of whom security has been furnished under section 16 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 and for the purposes of the inquiry, the protector or such officer may require any person to answer any question he may think proper to ask and that person shall be legally bound to answer such questions truthfully to the best of his 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 \$1,000 or to imprisonment for a term not exceeding one year or to both.

Powers of arrest

18. A protector may, during or after any inquiry referred to in section 7, 14 or 17, arrest or cause to be arrested any person reasonably believed to have committed an offence under section 4, 5, 6, 11, 12 or 13 and may seize and detain any article or document which he may have reason to believe relates to the offence.

General

Powers of search

19.—(1) A protector or any officer generally or specially authorised in that behalf in writing by a protector may enter and for that purpose may use such force as may be reasonably necessary, and search any vessel, house, building, land, enclosure or other place where he has reasonable cause to suspect that an offence under this Act or any regulations made thereunder has been or is being committed.

(2) Any person who obstructs or hinders or attempts to obstruct a protector or any such officer in the exercise of the powers conferred by this section shall be guilty of an offence.

When court may take cognizance of offence

20. No court shall take cognizance of any offence punishable under this Act except with the written sanction of the Public Prosecutor or a Deputy Public Prosecutor or upon a complaint made by —

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

Court may determine and declare age of child or young person

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

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

Offences and penalties

22. Any person who —

- (a) refuses to answer, to the best of his knowledge and belief, any question which he is legally bound to answer and which is asked of him 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 house, building, land, enclosure, vessel or other place as he is required by this Act to allow; or
- (d) contravenes or fails to comply with any order made by a protector under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding one year or to both.

Certificate of protector to be evidence

23. A certificate purporting to be under the hand of a protector as to any entry in a register or any other record or as to any matter or thing which he is authorised by this Act or any regulations made thereunder

to make or to do shall be 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.

Maintenance of child or young person when committed to any person

24. Any person to whose care a child or young person is committed under this Act shall, while the order is in force, have the like control over the child or young person as if he were the parent and shall be responsible for the maintenance of the child or young person, and the child or young person shall continue in the care of that person notwithstanding that he is claimed by his parents or any other person and if any person —

- (a) knowingly assists or induces, directly or indirectly, a child or young person to escape from the person to whose care he is committed; or
- (b) knowingly harbours, conceals or prevents from returning to that person, a child or young person who has so escaped or knowingly assists in so doing,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both.

Contribution orders

25.—(1) Where an order has been made by a protector under section 16 committing a child to a place of safety or to the custody of a relative or other fit person, the protector may at the time of or subsequent to the making of such order make a further order (referred to in this section as a protector's contribution order) requiring the parent or guardian of the child or the person having the custody of the child at the time of the making of the order to contribute such weekly or monthly sum in respect of the child's maintenance as the protector having regard to his means thinks fit, and it shall be the duty of the parent or guardian or other person to comply with the terms of a protector's contribution order.

(2) No protector's contribution order shall be made without giving the person ordered to make a contribution an opportunity to be heard.

(3) A protector's contribution order shall remain in force for so long as the committal order in respect of the child is in force except that such order —

(a) may be varied, revoked or suspended by the protector; and

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

(4) If any person wilfully neglects to comply with a protector's contribution order made 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 Magistrates, or may sentence the person to imprisonment for a term not exceeding one month for each month's contribution remaining unpaid.

Powers of District Courts

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

Provision of places of safety

27. The Minister may, by notification in the *Gazette* —

(a) appoint places or institutions to be places of safety under this Act; and

(b) declare any orphanage, hospital, home, institution or other place to be a place of safety for the purposes of this Act.

PART III

JUVENILE COURTS

General consideration

28.—(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, shall have regard to the welfare of the child or

young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

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

Children and young persons not to associate with adult offenders

29. 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, shall 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.

Bail of children and young persons arrested

30. Where a person apparently below the age of 16 years is arrested with or without warrant, he shall be brought before a Juvenile Court; and where he cannot be brought forthwith before a Juvenile Court, the officer making the arrest shall, without unnecessary delay, take or send the person arrested before a Magistrate who shall inquire into the case and unless —

- (a) the charge is one of an offence triable only by the High Court;
- (b) it is necessary in the interest of that person to remove him from association with any undesirable person; or
- (c) the Magistrate has reason to believe that the release of that person would defeat the ends of justice,

shall release that person on a bond, with or without sureties, for such amount as will, in the opinion of the Magistrate, secure the attendance of that person upon the hearing of the charge, being entered into by his parent or guardian or other responsible person.

Parent or guardian may be required to attend Juvenile Court

31. Where a child or young person is charged with any offence or is for any reason brought before a Juvenile Court, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance, be required to attend at the Juvenile Court before which the case is heard or determined during all the stages of the proceedings, unless the Juvenile Court is satisfied that it would be unreasonable to require the attendance of the parent or guardian.

Constitution of Juvenile Courts

32.—(1) A Juvenile Court shall be presided over by a Magistrate nominated by the President.

(2) If at any time, by reason of illness or other emergency, the Magistrate nominated under subsection (1) is not available, any Magistrate, although not so nominated, may preside over a Juvenile Court.

(3) The presiding Magistrate, when determining the method of dealing with a child or young person in respect of whom a written report is obtained by the Juvenile Court regarding his background, family history, school record or such other matters, shall sit with two advisers from a panel of advisers nominated 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, he may sit with one adviser or he may sit alone.

(4) Except as modified or extended by this Act (Cap. 68), the provisions of the Criminal Procedure Code shall apply to a Juvenile Court as if that Court were a Magistrate's Court.

Jurisdiction of Juvenile Courts

33.—(1) No child or young person shall be charged with or tried for any offence by a court of summary jurisdiction which is not a Juvenile Court except that —

- (a) where a child or young person is charged with any offence triable only by the High Court, he shall be tried by the High Court;

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- (b) a charge made jointly against a child or young person and a person who has attained the age of 16 years shall be heard by a court of appropriate jurisdiction other than a Juvenile Court; or
 - (c) where in the course of any proceedings before any court of appropriate jurisdiction other than a Juvenile Court, it appears that the person to whom the proceedings relate is a child or young person, nothing in this section shall be construed as preventing the court, if it thinks fit to do so, from proceeding with the hearing and determination of the proceedings.

(2) A Juvenile Court shall have jurisdiction to try all offences which, but for subsection (1), would be triable only by a Magistrate's Court or a District Court.

(3) A person who has attained the age of 16 years on the date of commencement of the hearing of the charge shall not be tried for any offence by a Juvenile Court but where in the course of any trial before a Juvenile Court the child or young person to whom the trial relates attains the age of 16 years, nothing in this subsection shall prevent the Court from proceeding, if it thinks fit, with the trial.

(4) Where on the commencement of this Act, a trial relating to a person who has attained the age of 16 years has commenced before a Juvenile Court, the Court may proceed, if it thinks fit, with the trial.

Place of sitting and persons who may be present

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

(2) A Juvenile Court shall sit either in a different building or room from that in which sittings of courts other than Juvenile Courts are held, or on different days from those on which sittings of the other courts are held, and no person shall be present at any sitting of a Juvenile 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;
- (c) bona fide representatives of newspapers or news agencies; and
- (d) such other persons as the Court may specially authorise to be present.

Restriction on newspaper reports of proceedings in Juvenile Courts

35.—(1) No newspaper report of any proceedings in a Juvenile Court shall reveal the name, address or school, or include any particulars calculated to lead to the identification of any child or young person concerned in those proceedings, either as being the person against, or in respect of whom, the proceedings are taken, or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any child or young person so concerned in any such proceedings except that the Court or the Minister may in any case, if satisfied that it is in the interests of justice to do so, by order dispense with the requirements of this section to such extent as may be specified in the order.

(2) Any person who publishes any matter in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Removal of disqualification or disability on conviction

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

Restrictions on punishment of children and young persons

37.—(1) A child shall 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 shall not be ordered to be imprisoned for an offence, or be committed to prison in default of a fine, damages or

costs, unless the court certifies that he is of so unruly a character that he cannot be detained in a place of detention or an approved school.

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

Punishment of certain grave crimes

38.—(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 and where such a sentence has been passed, the child or young person shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and on such conditions as the Minister may direct.

(2) A person detained in pursuance of the directions of the Minister under this section shall, while so detained, be deemed to be in legal custody.

(3) Any person so detained may, at any time, be released by the Minister on licence. Such licence may be in such form and may contain such conditions as the Minister may direct and may at any time be revoked or varied by the Minister.

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

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

39.—(1) Where a child or young person is charged before a Juvenile 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 shall, if the offender is a child, 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 he has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

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

(3) Where a Juvenile 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 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.

(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 shall 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 him in the manner provided by the Criminal Procedure Code (Cap. 68) 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.

Power of other courts to remit juvenile offenders to Juvenile Courts

40.—(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 Juvenile Court, and where any such case is so remitted, the offender shall be brought before a Juvenile Court accordingly, and the Juvenile Court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by the Juvenile Court.

(2) No appeal shall lie against an order of remission made under subsection (1) but nothing in this subsection shall affect any right of

appeal against the verdict or finding on which such an order is founded, and a person aggrieved by the order of the Juvenile Court to which the case is remitted may appeal therefrom to the High Court as if he has been tried by, and had pleaded guilty before, the Juvenile Court.

(3) A court by which an order remitting a case to a Juvenile Court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before a Juvenile Court, and shall cause to be transmitted to the Juvenile 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.

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

41. The words “conviction” and “sentence” shall cease to be used in relation to children and young persons dealt with by a Juvenile Court and any reference in any written law to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be 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.

Procedure in Juvenile Courts

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

(2) After explaining the substance of the alleged offence, the Juvenile Court shall ask the child or young person whether he admits the facts constituting the offence.

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

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

(5) If in any case where the child or young person is not legally represented or assisted in his defence as provided for in subsection (4), the child or young person, instead of asking questions by way of cross-examination, makes assertions, the Juvenile Court shall 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.

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

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

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

(9) The information referred to in subsection (8) may include any written report of a probation officer, a welfare officer, a registered medical practitioner or any other person whom the Juvenile Court thinks fit to provide a report on the child, and may be received and considered by the Court without being read aloud.

(10) For the purpose of obtaining the information under subsection (8), or for special medical examination or observation,

the Juvenile Court may from time to time release the child or young person on bail or remand him in a place of detention.

(11) Where the Juvenile Court has received and considered a written report of a probation officer, a 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 shall be told the substance of any part of the report bearing on his character or conduct which the Court considers to be material to the manner in which he should be dealt with;
- (b) the parent or guardian, if present, shall 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 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 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, shall adjourn the proceedings for the production of further evidence and shall, if necessary, require the attendance at the adjourned hearing of the person who made the report.

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

Presumption as to age

43.—(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 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 shall for the purposes of this Act be presumed at that date to have been below or to have attained that age, as the case may be, and any order made

therein shall not be invalidated by any subsequent proof that the age has been incorrectly stated.

(2) Where the court is, or the police are, in doubt as to the exact age of the person by whom an offence is alleged to have been committed, the certificate of a Government Medical Officer to the effect that, in his opinion, the person has or has not attained a specified age may be given in evidence.

Powers of Juvenile Courts on proof of offence

44.—(1) Where a Juvenile Court is satisfied that an offence has been proved, or where the child or young person admits the facts constituting the offence, the Court shall, in addition to any other powers exercisable by virtue of this Act or any other written law for the time being in force, have power —

- (a) to discharge the offender;
- (b) to discharge the offender upon his 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 his parent or guardian to execute a bond to exercise proper care and guardianship;
- (e) without making any other order or, in addition to an order under paragraph (b), (c), (d) or (h), to make a probation order requiring him 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 order the offender to be detained in a place of detention for a period not exceeding 6 months;
- (g) to order the offender to be sent to an approved school for a period of not less than two years and not more than 3 years;
- (h) to order the offender to pay a fine, damages or costs;
- (i) where the offender is a young person, to commit the offender to a Young Offenders Section referred to in Part VIII for such

length of time as could be awarded by a District Court in respect of a term of imprisonment, if in the opinion of the Court he is of so unruly a character that he cannot be detained in a place of detention or an approved school; and

- (j) where the offender is a male and has attained the age of 16 years and the Court is satisfied that it is expedient with a view to his reformation that he should undergo a period of training in a reformatory training centre, the Court may order him to be brought before a District Court to be dealt with under section 13 of the Criminal Procedure Code (Cap. 68).

(2) Where a Juvenile Court is satisfied, on the representations of the manager of a place of detention, an approved school or an approved home, that a person ordered to be detained in the place of detention, approved school or approved home is of so unruly a character that he cannot be so detained, the Court may —

- (a) order the person to be transferred to and detained in an approved school or in another approved school, as the case may be, which the Court considers more suitable for him and to be detained there for the whole or any part of the unexpired period of detention;
- (b) where the person is a young person, order the person to be transferred to and detained in a Young Offenders Section for a period not exceeding 6 months;
- (c) on completion of the period of detention in a Young Offenders Section ordered under paragraph (b), and on receipt of a satisfactory report of the person's conduct from the Director of Prisons, order the person to be sent back to the place of detention, approved school or approved home, from which he had been transferred, to complete the unexpired period for which he had originally been sent to the place of detention, approved school or approved home;
- (d) on completion of the period of detention in a Young Offenders Section ordered under paragraph (b), order the person to be detained for a further period not exceeding 6 months if the Director of Prisons reports that his conduct, during the period of his detention, has been unsatisfactory; or

(e) where the person is a male and has attained the age of 16 years and the Court is satisfied that it is expedient with a view to his reformation that he should undergo a period of training in a reformatory training centre, the Court may order him to be brought before a District Court to be dealt with under section 13 of the Criminal Procedure Code (Cap. 68).

(3) Where a person, having been transferred to, and detained in, a Young Offenders Section and sent back to a place of detention, an approved school or approved home pursuant to subsection (2)(b) and (c) is again brought before the Juvenile Court on the representation of the manager of the place of detention, approved school or approved home as being of so unruly a character as to make his detention in such place of detention, approved school or approved home undesirable, the Court may —

(a) where the person is a young person, order the person to be transferred to and detained in a Young Offenders Section for the unexpired portion of the period for which he was originally sent to such place of detention, approved school or approved home; or

(b) where the person is a male and has attained the age of 16 years and the Court is satisfied that it is expedient with a view to his reformation that he should undergo a period of training in a reformatory training centre, the Court may order him to be brought before a District Court to be dealt with under section 13 of the Criminal Procedure Code (Cap. 68).

Persons not to be detained in remand homes, etc., after age of 19 years

45. Subject to section 74, no person shall be detained in a remand home, place of detention, an approved school or approved home after he has attained the age of 19 years.

Appeals

46. Any child or young person or his parent or guardian who is dissatisfied with any judgment, sentence or order of a Juvenile Court may appeal to the High Court against the judgment, sentence or order

in accordance with the provision of any law in force for the time being regulating appeals to the High Court from a Magistrate's Court.

Children and Young Persons in Need of Care and Protection

Definition

47.—(1) For the purposes of this Act, “a child or young person in need of care or protection” means a person who is —

- (a) a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise proper care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control;
- (b) a child or young person who uses or inhales any intoxicating substance for the purpose of inducing or causing in himself a state of intoxication; or
- (c) a child or young person who —
 - (i) being a person in respect of whom any of the offences under Part II has been committed;
 - (ii) being a member of the same household as a child or young person in respect of whom an offence under Part II has been committed; or
 - (iii) being a member of the same household as a person who has been convicted of an offence under Part II in respect of a child or young person,

requires care or protection.

(2) For the purpose of this section, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms or is found engaged in carrying out illegal lotteries, illegal hawking, gambling or other undesirable activities shall be evidence that he is exposed to moral danger.

(3) For the purpose of this section, an intoxicating substance has the same meaning as in the Intoxicating Substances Act (Cap. 146A).

Powers of Juvenile Courts in respect of children or young persons in need of care or protection

48. If a Juvenile Court is satisfied that any person brought before the Court is a child or young person in need of care or protection, the Court may —

- (a) order him to be sent to an approved home for a period to be specified by the Court;
- (b) commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him for a period to be specified by the Court;
- (c) order his parent or guardian to enter into a recognizance to exercise proper care and guardianship; or
- (d) without making any other order, or in addition to making an order under paragraphs (a) to (c), make an order placing him under the supervision of a welfare officer or of some other person appointed for the purpose by the Court.

Children and Young Persons beyond Parental Control

Power of parent or guardian to bring child or young person before Juvenile Court

49. Where the parent or guardian of a child or young person proves to a Juvenile Court that he is unable to control the child or young person, the Court, if satisfied —

- (a) that it is expedient so to deal with the child or young person; and
- (b) that the parent or guardian understands the results which will follow from, and consents to, the making of the order,

may order the child or young person —

- (i) to be placed on supervision under the supervision of a welfare officer or of some other person appointed for the purpose by the Court for a period not exceeding 3 years; or

- (ii) to be sent to an approved home for a period of not less than two years and not more than 3 years.

Failure to comply with requirements of supervision order

50. If it appears on information to the Juvenile Court that a child or young person against whom a supervision order made under section 49 is in force has failed to comply with any of the requirements of the supervision order, the Court may make a fresh order against the child or young person under that section.

PART IV

REMAND HOMES

Custody of children and young persons not released on bail

51.—(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 shall, notwithstanding anything to the contrary in any other written law, cause that person to be remanded in a remand home until he can be brought before a court unless the officer certifies —

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

and the certificate shall be produced to the court before which the person is brought.

Remand of or committal to custody in remand home

52.—(1) A court on remanding a child or young person who is not released on bail shall, notwithstanding anything to the contrary in any other written law, instead of remanding him in custody in a prison, remand him in custody in a remand home named in the order of

remand for the period for which he is remanded or until he is from that place delivered in due course of law.

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

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

(4) Notwithstanding subsections (1) and (2), in the case of a young person it shall not be obligatory on the court to remand or commit him in a remand home under these subsections if the court certifies that it is impracticable to do so, or that he is of so unruly a character that he 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 to, a prison.

(5) 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 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.

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

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

PART V

PLACES OF DETENTION

Provision of places of detention

53.—(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 in pursuance of which a child or young person is committed to custody in a place of detention shall be delivered with the child or young person to the person in charge of the place of detention and shall be sufficient authority for his detention in that place in accordance with the tenor thereof.

(3) A child or young person while so detained and while being conveyed to and from the place of detention shall be deemed to be in lawful custody, and if he escapes may be apprehended without warrant and brought back to the place of detention in which he 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 shall not be invalidated by any subsequent proof that the person is not a child or young person; but in that case it shall be 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 shall thereupon be cancelled.

PART VI

APPROVED SCHOOLS AND APPROVED HOMES

Minister may appoint approved schools and approved homes

54.—(1) The manager of any institution intended for the reception, care and rehabilitation of persons to be sent there in pursuance of this Act may apply to the Minister to appoint the institution as an approved school or approved home, and the Minister may, after directing the Director to make such inquiries as he thinks fit, so appoint the institution and issue a certificate of appointment and approval to the manager thereof, and such certificate shall be published in the *Gazette*.

(2) Any institution appointed under subsection (1) shall, while that certificate remains in force, be an appointed approved school or approved home, as the case may be, for the purposes of this Act.

Manager may make regulations subject to approval of Minister

55. The manager of an appointed approved school or approved home may, with the approval of the Minister, make regulations for the regulation and management of the institution under his charge.

Manager shall send monthly report to Director

56. The manager of an appointed approved school or approved home shall send a monthly report to the Director containing such particulars as may be required by the regulations for the school or home.

Minister may cancel his certificate

57.—(1) A report on the condition of any appointed approved school or approved home shall be made to the Minister by the Director if the latter is dissatisfied with the condition of the school or home.

(2) The Minister may, upon consideration of this report, cancel his certificate and, upon notice in writing of such cancellation having been given to the manager thereof, the school or home shall cease to be an appointed approved school or approved home, as the case may be, from such time as is specified in the notice, and such cancellation shall be notified in the *Gazette*.

Manager or his executor or administrator may cancel certificate

58.—(1) The manager of any appointed approved school or approved home may, upon giving 6 months' previous notice, and the executors and administrators of a deceased manager may, upon giving one month's previous notice in writing of his or their intention to do so, apply for the cancellation of the certificate given to the school or home.

(2) Where a notice has been given under subsection (1) and has not been withdrawn, the certificate shall be deemed on the expiration of

the notice to be cancelled, and such cancellation shall be published in the *Gazette*.

Duties of managers

59. The manager of an appointed approved school or approved home shall carry out all duties necessary for the reception, care and rehabilitation of any child or young person sent to him under this Act for the period which the child or young person is liable to be detained or until the certificate is cancelled.

Effect of cancellation of certificate

60. Whenever the certificate of an appointed approved school or approved home is cancelled under section 57, no child or young person shall be received into the school or home, under any of the provisions of this Act, after notice in writing of such cancellation is given to the manager of the school or home.

Discharge or transfer of juveniles

61. When the certificate of an appointed approved school or approved home is cancelled, the persons resident therein shall be, by order of the Minister, either discharged or transferred to some other appointed approved school or approved home or to an approved school or approved home established under section 62 except that the whole period of detention for which any person was sent to such approved school or approved home shall not be increased by the transfer.

Minister may establish approved schools and approved homes

62.—(1) The Minister may, by order published in the *Gazette*, establish such approved schools and approved homes as may be necessary for the purposes of this Act.

(2) Every such order shall specify the premises in which the approved school or approved home to which it refers is to be established and shall state whether the same is to be used for male or female persons, or both.

Director to control and manage approved schools and approved homes

63. Approved schools and approved homes established under section 62 shall be under the control and management of the Director.

Director may make regulations for approved schools and approved homes

64. The Director may, with the approval of the Minister, make regulations for the management of approved schools or approved homes established under the provisions of this Act and for the maintenance of order and discipline of the staff and the persons detained therein.

Board of visitors

65.—(1) The Minister may, by notification in the *Gazette*, appoint such persons as he may think fit to be members of a board of visitors in respect of any approved school, approved home, remand home, place of detention or place of safety for such period as may be specified in the notification.

(2) Every person appointed under subsection (1) may enter at all reasonable times any approved school, approved home, remand home, place of detention or place of safety and make such inquiries or examination therein as appear to him necessary and shall also make such reports as may be required by the Minister.

(3) Any manager who refuses admittance to any such visitor or to the Director or any officer deputed by the Director for the purpose or offers any hindrance or obstruction to those persons after their identity is reasonably established shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Approved schools and approved homes lawful places of detention

66. Every approved school and approved home shall be a lawful place of detention for such juvenile offenders as are ordered to be detained therein.

Minister may discharge or transfer any person from one approved school or approved home or place of detention to another

67. The Minister may at any time, notwithstanding any order made by any court, order any person to be discharged from any approved school, approved home or place of detention or to be transferred from one school, home or place of detention to another except that the whole period of detention for which any person was sent to such approved school, approved home or place of detention shall not be increased by the transfer.

Illness of child or young person detained

68.—(1) In the case of the serious illness of any child or young person who is detained in an approved school or approved home under the provisions of this Act, in which there is no suitable facilities for the child or young person, the manager of such approved school or approved home may, on the certificate of a registered medical practitioner, make an order for his admittance to an approved hospital.

(2) So long as any child or young person who has been removed to an approved hospital under subsection (1) remains therein, the registered medical practitioner thereof shall, at the end of every month, transmit to the manager of the approved school or approved home where the child or young person was detained a certificate signed by him that it is in his opinion necessary that he should remain in the approved hospital.

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

Return from approved hospital to approved school or approved home

69. 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 therein, he shall transmit to the manager of the approved school or approved home where the child or young person

was detained a certificate stating that the necessity has ceased, and thereupon the manager shall forthwith cause the child or young person to be brought back to the approved school or approved home if he is still liable to be detained therein.

Duty to inform manager

70. Where a child or young person detained in an approved school or approved home is admitted to an approved hospital, it shall be the duty of a registered medical practitioner or any officer of the approved hospital to inform the manager of the approved school or approved home, if he has reason to believe that the child or young person may escape.

Special custody in hospital

71. 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 manager 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 shall be lawful for the manager to give the child or young person into the charge of not less than two fit and proper persons, one of whom at the least shall always be with the child or young person day and night, and those persons shall be vested with full power and authority to do all things necessary to prevent the child or young person from escaping, and shall be answerable for his safe custody until such time as he is handed over to the manager on his discharge from the approved hospital or until such time as his period of detention expires, whichever is earlier.

Saving of powers of High Court

72. Nothing in this Act contained shall be held to lessen or affect the powers of the Judges of the High Court to direct persons confined in Singapore to be brought before the Court by writ of habeas corpus.

Review of cases of persons ordered to be detained in approved schools or approved homes

73.—(1) The manager of any approved school or approved home shall review all cases of children or young persons committed to the approved school or approved home under section 44 or 49, when they have been detained for 12 months and may, after such review, recommend to the Director that any child or young person shall be released on licence.

(2) The Director, on the advice of the advisory board mentioned in subsection (3) and notwithstanding any order made by any court, shall have power to order the release on licence of any person who has been detained in an approved school or approved home for 12 months, at any time before the completion of his full period of detention and on such conditions as may be stated by the Director in the order including a condition that he shall be under the supervision of such person as may be specified in the order except that the Director may at any time modify or cancel any of the conditions.

(3) The Minister shall appoint one or more advisory boards which shall advise and make recommendations to the Director on such cases as may be referred to it by him. Members of an advisory board shall hold office for such period as may be stated in their notice of appointment, which shall be published in the *Gazette*.

(4) If a person released from an approved school or approved home on licence by order of the Director fails to comply with any condition of his licence, the Director may order the return of that person to the approved school or approved home from which he was released, to be detained there for the unexpired portion of his original period of detention.

(5) Where a person has returned to the approved school or approved home pursuant to subsection (4), the Director, on the advice of an advisory board, may order the release on licence of that person if he has served a minimum period of 6 months under detention after his return.

(6) If any person while under licence or after his recall is sentenced to imprisonment, any period for which he is imprisoned under that sentence shall count as part of the period for which he is liable to

detention in an approved school or approved home under his original detention order.

Escape from approved schools or approved homes

74.—(1) Every person detained under this Act in an approved school or approved home shall serve the full period of detention as ordered by the court until he is lawfully discharged therefrom.

(2) Any person who escapes from an approved school or approved home before the expiry of his period of detention shall be required to serve the period he was at large in the approved school or approved home as computed by the manager of the approved school or approved home.

(3) Notwithstanding anything stated in this section, no person shall be detained in any approved school or approved home after he attains the age of 19 years and 6 months.

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

75. Any person who —

- (a) knowingly assists, directly or indirectly, any person legally detained in any approved school, approved home 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 approved school, approved home 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 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 \$1,000 or to imprisonment for a term not exceeding one year or to both.

Evidence of orders of Minister

76. A copy under the hand of the Director shall be evidence of any order, authority or direction given by the Minister under the provisions of this Act.

Presumption

77. The production of the warrant or other document, in pursuance of which a child or young person is directed to be sent to an approved school or approved home or a 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 manager of the approved school, approved 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 received into and is at the date of the signing thereof detained in such school, home or place of detention or that the child or young person was duly taken into his care or custody and is at the date of signing thereof still in his care or custody, or has been otherwise dealt with according to law, shall in all proceedings relating to that child or young person be 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.

Evidence

78. A copy of the regulations of an approved school or approved home or a place of detention appointed or established under the provisions of this Act or of an approved hospital, purporting to be signed by the Director shall be evidence of such regulations in all legal proceedings.

PART VII
EXPENSES AND CONTRIBUTIONS

Contributions by parents or guardians

79. Where an order has been made by a Juvenile 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 place of safety, place of detention, an approved school or approved home, it shall be 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.

Contribution order

80.—(1) When an order has been made by a Juvenile Court committing a child or young person to the care of a fit person or sending the child or young person to a place of safety, a place of detention, a hostel, an approved school or approved home, the Court which makes the order may, at the same time or subsequently, make an order (referred to in this section as a contribution order) on the parent or guardian or person having the custody of the child or young person requiring him 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.

(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; and subject to that, no such order shall be made without giving the parent or guardian or person having the custody of the child or young person an opportunity to be heard.

(3) A contribution order shall remain in force, in the case of a child or young person committed to the care of a fit person, so long as the order for his committal is in force, and in the case of a child or young person ordered to be sent to a place of safety, place of detention, an approved school or approved home until he ceases to be under the care of the person in charge for the time being of such place of safety, place of detention, approved school, or approved home except that no contribution shall be payable under a contribution order in respect of

any period during which a person ordered to be sent to a place of safety, place of detention, an approved school or approved home is released on licence from an approved school or approved home or placed under the supervision of a welfare officer.

(4) A contribution order made under this section —

(a) may be varied, revoked or suspended by the Juvenile Court; and

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

(5) If any person wilfully neglects to comply with a contribution order made under this section, the Juvenile 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 Magistrates, or may sentence the person to imprisonment for a term not exceeding one month for each month's contribution remaining unpaid.

PART VIII

YOUNG OFFENDERS SECTIONS

Minister may establish Young Offenders Sections

81.—(1) The Minister may, by notification in the *Gazette*, order that a section of any prison shall be used for the reception and rehabilitation of persons sent there under the provisions of this Act.

(2) Any such section of any prison shall be known as a Young Offenders Section and shall be under the management and control of the Director of Prisons.

(3) The Director of Prisons may, with the approval of the Minister, make regulations for the regulation and management of Young Offenders Sections.

PART IX
MISCELLANEOUS

Definition of age

82. For the purposes of this Act, a person shall be deemed to have already reached any specified age when he has since his birth completed that number of years of life reckoned according to the Gregorian calendar.

Powers of Juvenile Courts conferred on other courts when dealing with juvenile offenders

83. All the powers which may be exercised under this Act by a Juvenile Court in respect of a child or young person may in like manner be exercised by any other court by or before which a child or young person is found guilty of an offence, or by or before which a person has been found guilty of any offence involving bodily injury to a child or young person.

Powers of Juvenile Courts conferred on Supreme Court; special power in respect of persons of 16 years of age and above and below 19 years

84. Nothing in this Act shall affect the powers of the Supreme Court and all the powers which may be exercised under this Act by a Juvenile Court in respect of a child or young person may in like manner be exercised by the Supreme Court; and, in addition, the Supreme Court shall have power to order the detention in a Young Offenders Section, up to but not after his attainment of the age of 19 years, of any person who has attained the age of 16 years but has not attained the age of 19 years at the date of making the order.

Regulations

85.—(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 prejudice to the generality of subsection (1), the Minister may make regulations for all or any of the following matters:

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- (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 children and young persons in remand homes, places of detention and places of safety;
 - (c) the constitution, functions and procedures of a board of visitors and an advisory board;
 - (d) the inspection of approved schools, approved homes, remand homes, places of detention and places of safety and returns to be furnished by persons in charge of such places; and
 - (e) the management of remand homes, places of detention and places of safety and the conduct and discipline of persons detained in such places.

Rules of Court

86. Rules of Court may be made by the Chief Justice for regulating the procedure and practice in Juvenile Courts.

Repeal and savings

87.—(1) The Children and Young Persons Act (Cap. 38) is repealed.

(2) Any registration, notification, summons, warrants, appointment, report, licence or order made, issued or given under the repealed Children and Young Persons Act shall have the same force and effect as if it had been made, issued or given under this Act.

(3) A protector may, notwithstanding the repeal of the Children and Young Persons Act, make such order, ruling or direction and take such action as he could have under the repealed Children and Young Persons Act relating to transferred children and any person aggrieved by any order made by a protector under the repealed Act or the refusal

of the protector to review any such order may appeal as he could have under the repealed Act.
