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CHILDREN AND YOUNG PERSONS ACT (CHAPTER 38)

CHILDREN AND YOUNG PERSONS (LICENSING OF HOMES) (AMENDMENT) REGULATIONS 2020

In exercise of the powers conferred by section 52Q of the Children and Young Persons Act, the Minister for Social and Family Development makes the following Regulations:

Citation and commencement

1. These Regulations are the Children and Young Persons (Licensing of Homes) (Amendment) Regulations 2020 and come into operation on 1 July 2020.

Amendment of regulation 2

2. Regulation 2 of the Children and Young Persons (Licensing of Homes) Regulations 2011 (G.N. No. S 414/2011) (called in these Regulations the principal Regulations) is amended —

- (a) by deleting the definition of “Head” or “Head of Home”;
- (b) by inserting, immediately after the definition of “nurse”, the following definition:

““relevant person” means a person —

- (a) who may visit or meet with a resident of a home if such visit or meeting is permitted by the person-in-charge of the home; or
- (b) whose wedding or funeral may be attended by a resident of a home if such attendance is permitted by the person-in-charge of the home;”;

- (c) by deleting the words “child or young person” in the definition of “resident” and substituting the words “person below 21 years of age”; and
- (d) by deleting the words “a Head of the Home” in the definition of “staff” and substituting the words “the person-in-charge of the home”.

Amendment of regulation 8

3. Regulation 8 of the principal Regulations is amended —

- (a) by deleting the word “Director” in paragraphs (1) and (2)(h) and substituting in each case the word “Director-General”;
- (b) by deleting the words “a register of admissions and discharges, in which shall be recorded” in paragraph (2)(a);
- (c) by deleting sub-paragraphs (b) and (c) of paragraph (2) and substituting the following sub-paragraphs:
 - “(b) particulars of all the personal effects of every resident of the home which are handed to the person-in-charge of the home for safe-keeping upon the admission of the resident to the home, and a brief account of the manner in which all such personal effects are disposed of by the person-in-charge upon the discharge of that resident;
 - (c) personal particulars of every resident of the home, including the reason for the resident’s stay at the home;”;
- (d) by deleting the words “a discipline book, in which shall be recorded” in paragraph (2)(d);

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- (e) by deleting sub-paragraph (e) of paragraph (2) and substituting the following sub-paragraph:

“(e) the daily records of the attendance of each resident of the home;”;

- (f) by deleting the words “a log book, in which shall be recorded” in paragraph (2)(f) and substituting the words “particulars of”;

- (g) by deleting sub-paragraph (g) of paragraph (2) and substituting the following sub-paragraph:

“(g) for every visit to the home by any member of the Review Board, the name of the member and the member’s comments (if any) concerning the home that were made during the visit; and”;

- (h) by deleting the words “or any of its committees” in paragraph (3)(a); and

- (i) by deleting the words “or any of its committees at any meeting thereof if the Review Board or the committee” in paragraph (3)(b) and substituting the words “at any of its meetings if the Review Board”.

Amendment of regulation 10

4. Regulation 10 of the principal Regulations is amended —

- (a) by deleting the word “Head” in paragraphs (1), (2), (4) and (5) and substituting in each case the word “person-in-charge”;

- (b) by deleting the word “Director” in paragraphs (1), (2), (4) and (5) and substituting in each case the word “Director-General”; and

- (c) by deleting paragraph (3) and substituting the following paragraph:

“(3) The person-in-charge of a home must ensure that no surgical treatment is carried out on any

resident of the home without the prior consent of the resident's parent or guardian unless —

- (a) where section 74 of the Act applies — consent has been given by the Director-General or a protector in accordance with that section; or
- (b) where section 74 of the Act does not apply and the resident is committed to the home under section 49(1)(b), 49B(2) or 49C (read with section 49B) of the Act — consent has been given by the Director-General, a protector or the care-giver of the resident in accordance with section 49A (read with section 49(1)(b)) of the Act, section 49D (read with section 49B(2)) of the Act, or section 49D (read with sections 49B and 49C) of the Act, as the case may be.”.

Amendment of regulation 11

5. Regulation 11 of the principal Regulations is amended by deleting paragraph (2).

Amendment of regulation 12

6. Regulation 12(1) of the principal Regulations is amended by deleting the word “written” in sub-paragraph (d).

Amendment of regulation 13

7. Regulation 13 of the principal Regulations is amended —

- (a) by deleting the word “Head” wherever it appears in paragraphs (1) and (2) and substituting in each case the word “person-in-charge”; and
- (b) by deleting paragraph (3).

Amendment of regulation 17

8. Regulation 17 of the principal Regulations is amended —

- (a) by deleting the words “Head of a home shall ensure that the rehabilitation programme for every resident of the home shall” in paragraph (1) and substituting the words “person-in-charge of a home must ensure that the activities for every resident of the home must”; and
- (b) by deleting the regulation heading and substituting the following regulation heading:

“Activities for residents”.

Amendment of regulation 18

9. Regulation 18 of the principal Regulations is amended —

- (a) by deleting paragraph (1) and substituting the following paragraph:

“(1) The person-in-charge of a home may grant home leave to any resident of the home to —

- (a) visit a relevant person; or
 - (b) participate in activities that facilitate the protection and rehabilitation of the resident, and the resident’s reintegration with his family and with society.”;
- (b) by deleting the word “Head” in paragraph (2)(b) and (c) and substituting in each case the word “person-in-charge”;
 - (c) by deleting the word “and” at the end of paragraph (2)(d); and
 - (d) by deleting the full-stop at the end of sub-paragraph (e) of paragraph (2) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraph:
- “(f) any other conditions specified by the person-in-charge of the home in any particular case.”.

Amendment of regulation 19

10. Regulation 19 of the principal Regulations is amended —

- (a) by deleting the words “Head of a home” in paragraph (1) and substituting the words “person-in-charge of a home”;
- (b) by deleting sub-paragraphs (a) and (b) of paragraph (1) and substituting the following sub-paragraphs:

- “(a) to attend any educational class or training or take up any internship or employment that the person-in-charge is of the opinion is suitable for the resident;

- (b) to travel outside Singapore if —

- (i) in the case of a resident who is the subject of an order made under section 49(1)(b) or 49B(2) of the Act, or section 49C (read with section 49B) of the Act under which the Director-General, a protector or the care-giver of the resident may consent to the resident travelling internationally — such consent has been given in accordance with section 49A (read with section 49(1)(b)) of the Act, section 49D (read with section 49B(2)) of the Act, or section 49D (read with sections 49B and 49C) of the Act, as the case may be;

- (ii) in the case of a resident who is the subject of a voluntary care agreement under which it is agreed that the Director-General, a protector or the care-giver of the resident may consent to the resident travelling internationally — such consent has

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- been given in accordance with the voluntary care agreement;
- (iii) in the case of a resident who is the subject of a statutory order (other than an order mentioned in sub-paragraph (i)) to reside in the home — the consent of the resident’s parent or guardian, and the Director-General’s approval, has been given for such travel; or
 - (iv) in any other case — the consent of the parent or guardian of the resident has been given for such travel; or”;
- (c) by deleting the words “Head of Home” in paragraph (1)(c) and substituting the words “person-in-charge of the home”;
- (d) by inserting, immediately after the words “granted special leave” in paragraph (2), the words “under paragraph (1)”;
- (e) by deleting the word “Head” in paragraph (2)(a) and (e) and substituting in each case the word “person-in-charge”;
- and
- (f) by deleting sub-paragraph (b) of paragraph (2) and substituting the following sub-paragraph:
- “(b) he must not, without reasonable cause, fail to attend any of the following:
 - (i) any mediation, counselling, psychotherapy session or other assessment, programme or treatment that the resident is required to attend by the person-in-charge or under any order by a court;
 - (ii) any educational class, training, internship or employment;”.

Amendment of regulation 20

11. Regulation 20 of the principal Regulations is amended —

- (a) by deleting the words “Head of a home” in paragraphs (1), (2) and (3) and substituting in each case the words “person-in-charge of a home”; and
- (b) by deleting the words “Head of Home” wherever they appear in paragraph (3) and substituting in each case the word “person-in-charge”.

Amendment of regulation 21

12. Regulation 21 of the principal Regulations is amended —

- (a) by deleting the words “Head of a home” in paragraphs (1), (2) and (3) and substituting in each case the words “person-in-charge of a home”;
- (b) by deleting the words “Head of that home” in paragraph (1) and substituting the word “person-in-charge”;
- (c) by deleting the words “Head of Home” in paragraphs (2) and (3) and substituting in each case the word “person-in-charge”; and
- (d) by deleting the words “in the case record of the resident” in paragraph (3).

Deletion and substitution of regulation 24

13. Regulation 24 of the principal Regulations is deleted and the following regulation substituted therefor:

“Orders, rules and directions

24.—(1) The person-in-charge of a home may issue to the residents of the home orders, rules and directions that are necessary to —

- (a) maintain the discipline of the residents;
- (b) protect or rehabilitate the residents; or
- (c) ensure the wellbeing of the residents.

(2) An order mentioned in paragraph (1) may be given verbally or in writing.

(3) To avoid doubt, a failure by any resident of a home to comply with any order, rule or direction mentioned in paragraph (1) constitutes indiscipline for which punishment may be imposed under regulation 25.”.

Amendment of regulation 25

14. Regulation 25 of the principal Regulations is amended —

- (a) by deleting the words “Head of the home” in paragraph (1) and substituting the words “person-in-charge of the home”;
- (b) by deleting the words “that Head of Home” in paragraph (1) and substituting the words “the person-in-charge”;
- (c) by deleting the words “a Head of a home” in paragraph (2) and substituting the words “the person-in-charge of a home”;
- (d) by deleting the word “Head” in paragraph (3) and substituting the word “person-in-charge”; and
- (e) by deleting the words “in the discipline book” in paragraph (3)(a).

Amendment of regulation 26

15. Regulation 26 of the principal Regulations is amended —

- (a) by deleting the word “Head” in paragraphs (1) and (3) and substituting in each case the word “person-in-charge”;
- (b) by deleting the word “and” at the end of paragraph (2)(c);
- (c) by deleting the words “a period exceeding 30 days” in paragraph (2)(d) and substituting the words “more than 30 consecutive days”;
- (d) by deleting the word “Director” in paragraph (2)(d) and substituting the word “Director-General”; and

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- (e) by deleting the words “in the discipline book,” in paragraph (3).

Amendment of regulation 27

16. Regulation 27 of the principal Regulations is amended —

- (a) by deleting the word “Head” in paragraphs (1), (2), (3) and (4) and substituting in each case the word “person-in-charge”;
- (b) by deleting the words “in the discipline book” in paragraph (4);
- (c) by deleting sub-paragraph (i) of paragraph (5)(a) and substituting the following sub-paragraphs:
- “(i) it must be administered by the person-in-charge of the home in the presence of a member of the staff, or by a member of the staff of the home authorised by the person-in-charge, in the presence of another member of the staff;
 - (ia) the person-in-charge of the home must keep a record of the fact that the carrying out of the punishment was witnessed by a member of the staff, and the personal particulars of that member of the staff;”;
- (d) by deleting the words “; and” at the end of paragraph (5)(a)(iv) and substituting a full-stop;
- (e) by deleting sub-paragraph (b) of paragraph (5); and
- (f) by deleting paragraph (6) and substituting the following paragraph:

“(6) Corporal punishment must not be administered to —

- (a) any female resident of a home; or

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- (b) any resident of a home who suffers from any physical or mental disability.”.

Amendment of regulation 29

17. Regulation 29 of the principal Regulations is amended —

- (a) by deleting the word “Head” and substituting the word “person-in-charge”; and
- (b) by deleting the regulation heading and substituting the following regulation heading:

“Duty of person-in-charge on return of resident who failed to return after leave or escaped from home”.

Amendment of regulation 30

18. Regulation 30 of the principal Regulations is amended —

- (a) by deleting the word “Head” and substituting the word “person-in-charge”; and
- (b) by deleting the words “up to a maximum period of 30 days” in paragraph (a) and substituting the words “not more than 30 consecutive days”.

Amendment of regulation 31

19. Regulation 31 of the principal Regulations is amended —

- (a) by deleting the word “Director” in paragraphs (1) and (2) and the regulation heading and substituting in each case the word “Director-General”; and
- (b) by deleting the word “Head” in paragraphs (1) and (2) and substituting in each case the words “the person-in-charge”.

Amendment of regulation 35

20. Regulation 35 of the principal Regulations is amended —

- (a) by deleting the words “every Head” and substituting the words “the person-in-charge”; and

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- (b) by deleting the words “the Head” and substituting the words “the person-in-charge”.

Miscellaneous amendments

21. The principal Regulations are amended —

- (a) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Regulations 3(a) and (b)(i), 4(1) and (2), 6(1), (2), (3) and (4), 7(1) and (3), 9(1) and (2), 15(1) and 34(1) and the regulation heading; and

- (b) by deleting the word “Head” in the following provisions and substituting in each case the word “person-in-charge”:

Regulations 14, 15(1), (2) and (3) and 16(1) and (2).

[G.N. No. S 644/2014]

Made on 29 June 2020.

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