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## No. S 515

### CHILDREN AND YOUNG PERSONS ACT (CHAPTER 38)

#### CHILDREN AND YOUNG PERSONS (GOVERNMENT HOMES) (AMENDMENT) REGULATIONS 2020

In exercise of the powers conferred by section 88 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 (Government 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 (Government Homes) Regulations 2011 (G.N. No. S 415/2011) (called in these Regulations the principal Regulations) is amended —

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

““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;

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“remanded person” means a person remanded in a home that is also a remand home, under section 53(2) of the Act;”; and

- (c) by deleting the words “child or young person” in the definition of “resident” and substituting the words “person below 21 years of age”.

### **Amendment of heading to Part II**

3. Part II of the principal Regulations is amended by deleting the word “MANAGER” in the Part heading and substituting the word “PERSON-IN-CHARGE”.

### **Amendment of regulation 3**

4. Regulation 3 of the principal Regulations is amended —

- (a) by deleting the word “Manager” in paragraphs (1) and (2) and in the regulation heading and substituting in each case the word “person-in-charge”;
- (b) by deleting the word “Director” wherever it appears in paragraphs (1) and (2) and substituting in each case the word “Director-General”;
- (c) by deleting the words “, welfare and rehabilitation” in paragraph (1) and substituting the words “and well-being”;
- (d) by deleting sub-paragraph (b) of paragraph (2) and substituting the following sub-paragraph:
- “(b) the daily routine for the residents of the home;”; and
- (e) by deleting the word “and” at the end of paragraph (2)(c).

### **Amendment of regulation 4**

5. Regulation 4 of the principal Regulations is amended —

- (a) by deleting the word “Director” in paragraph (1) and substituting the word “Director-General”; and
- (b) by deleting the words “Every Manager” in paragraph (2) and substituting the words “The person-in-charge”.

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**Amendment of regulation 5**

6. Regulation 5 of the principal Regulations is amended —
- (a) by deleting the words “Every Manager” in paragraph (1) and substituting the words “The person-in-charge”;
  - (b) by deleting the word “Director” in paragraphs (1) and (2)(h) and substituting in each case the word “Director-General”;
  - (c) by deleting sub-paragraphs (a), (b) and (c) of paragraph (2) and substituting the following sub-paragraphs:
    - “(a) particulars relating to —
      - (i) the admission and discharge of every resident to and from the home; and
      - (ii) the release on licence of any resident (other than a remanded person) from the home under section 76(2) of the Act and the revocation of any such licence;
    - (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);
  - (e) by deleting sub-paragraph (e) of paragraph (2) and substituting the following sub-paragraph:

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- “(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 7**

7. Regulation 7 of the principal Regulations is amended —

- (a) by deleting the word “Manager” 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) and (5) and substituting in each case the word “Director-General”;
- (c) by deleting the words “the Director and” in paragraph (2);
- (d) 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 —

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- (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.”; and
- (e) by deleting the words “, the Director” in paragraph (4).

### **Amendment of regulation 8**

- 8.** Regulation 8 of the principal Regulations is amended —
- (a) by deleting the words “Every Manager” in paragraph (1) and substituting the words “The person-in-charge”;
  - (b) by deleting paragraph (2); and
  - (c) by deleting the word “Manager” in paragraph (3) and substituting the word “person-in-charge”.

### **Amendment of regulation 9**

- 9.** Regulation 9(1) of the principal Regulations is amended —
- (a) by deleting the words “Every Manager” and substituting the words “The person-in-charge”;
  - (b) by deleting sub-paragraph (b); and
  - (c) by deleting the word “written” in sub-paragraph (d).

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**Amendment of regulation 10**

**10.** Regulation 10 of the principal Regulations is amended —

- (a) by deleting the word “Manager” 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 13**

**11.** Regulation 13 of the principal Regulations is amended —

- (a) by deleting the word “Manager” in paragraphs (1) and (2) and substituting in each case the word “person-in-charge”; and
- (b) by inserting, immediately after the words “residents of the home” in paragraph (2), the words “(other than remanded persons)”.

**Amendment of regulation 14**

**12.** Regulation 14 of the principal Regulations is amended —

- (a) by deleting the words “Manager 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 (other than a remanded person) must”; and
- (b) by deleting the regulation heading and substituting the following regulation heading:

**“Activities for residents”.**

**Amendment of regulation 15**

**13.** Regulation 15 of the principal Regulations is amended —

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

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“(1) The person-in-charge of a home may grant home leave to any resident of the home (other than a remanded person) 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 “Manager” in paragraph (2)(b) and (c) and substituting in each case the word “person-in-charge”; and

(c) 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 16**

**14.** Regulation 16 of the principal Regulations is amended —

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

“(1) Subject to paragraph (2), the person-in-charge of a home may grant a resident of the home (other than a remanded person) special leave to —

(a) 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; or

(b) 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

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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 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.

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(1A) Subject to paragraph (2), the person-in-charge of a home may grant a resident of the home special leave for any other special purpose for which the person-in-charge thinks fit and proper to grant special leave to the resident.”;

- (b) by inserting, immediately after the words “granted special leave” in paragraph (2), the words “under paragraph (1) or (1A)”;
- (c) by deleting the word “Manager” in paragraph (2)(a) and (e) and substituting in each case the word “person-in-charge”; and
- (d) 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 18**

**15.** Regulation 18 of the principal Regulations is amended —

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

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**Deletion and substitution of regulation 21**

16. Regulation 21 of the principal Regulations is deleted and the following regulation substituted therefor:

**“Orders, rules and directions**

21.—(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 22.”.

**Amendment of regulation 22**

17. Regulation 22 of the principal Regulations is amended —

- (a) by deleting the words “the Manager” wherever they appear in paragraphs (1) and (2) and substituting in each case the words “the person-in-charge”;
- (b) by deleting the words “a Manager” in paragraph (2) and substituting the words “the person-in-charge”;
- (c) by deleting the words “The Manager” in paragraph (3) and substituting the words “The person-in-charge”; and
- (d) by deleting the words “in the discipline book” in paragraph (3)(a).

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**Amendment of regulation 23**

**18.** Regulation 23 of the principal Regulations is amended —

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

**Amendment of regulation 24**

**19.** Regulation 24 of the principal Regulations is amended —

- (a) by deleting the word “Manager” in paragraphs (1), (2), (3) and (4) and substituting in each case the word “person-in-charge”;
- (b) by deleting the word “Director” in paragraph (3) and substituting the word “Director-General”;
- (c) by deleting the words “in the discipline book” in paragraph (4);
- (d) 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;

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- (*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;”;
- (*e*) by deleting the word “; and” at the end of paragraph (5)(*a*)(*iv*) and substituting a full-stop;
- (*f*) by deleting sub-paragraph (*b*) of paragraph (5); and
- (*g*) 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
- (*b*) any resident of a home who suffers from any physical or mental disability.”.

### **Amendment of regulation 25**

**20.** Regulation 25(2) of the principal Regulations is amended by inserting, immediately after the words “regulation 24”, the words “or section 68A of the Act”.

### **Amendment of regulation 26**

**21.** Regulation 26 of the principal Regulations is amended —

- (*a*) by inserting, immediately after the words “resident of a home”, the words “(other than a remanded person)”;
- (*b*) by deleting the word “Manager” and substituting the word “person-in-charge”; and

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- (c) 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 27**

**22.** Regulation 27 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “resident of a home”, the words “(other than a remanded person)”;
- (b) by deleting the word “Manager” and substituting the word “person-in-charge”; and
- (c) 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”.

### **New regulation 28**

**23.** The principal Regulations are amended by inserting, immediately after regulation 27, the following regulation:

#### **“Use of mechanical restraints**

**28.—**(1) For the purposes of section 68A(2)(a) of the Act, the prescribed place is any of the following:

- (a) a healthcare institution;
- (b) a clinical laboratory;
- (c) a court;
- (d) a place where the resident is to attend —
- (i) any educational class or training, or take up any internship or employment that in the opinion of the person-in-charge is suitable for the resident; or
- (ii) 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;

- (e) a place where the resident is to meet with a relevant person, including the place where the relevant person resides;
- (f) a place to which a resident is required to go pursuant to an order made by a court;
- (g) a place where a relevant person’s wedding is held;
- (h) a place where the funeral of a relevant person is held.

(2) In this regulation —

“clinical laboratory” means any premises used or intended to be used for any type of examination of the human body or of any matter derived therefrom for the purpose of providing information for the diagnosis, prevention or treatment of any disease or for the assessment of the health of any person, or for ascertaining the result of any medical or surgical treatment given to any person;

“healthcare institution” means a place where —

(a) a medical practitioner provides medical treatment to, or conducts medical examination on, a patient; or

(b) a registered dentist practices dentistry,

and includes an approved hospital mentioned in section 70(3) of the Act;

“practice of dentistry” and “registered dentist” have the meanings given by section 2 of the Dental Registration Act (Cap. 76).”.

### **Miscellaneous amendments**

**24.**—(1) The principal Regulations are amended by deleting the word “Director” in the following provisions and substituting in each case the word “Director-General”:

Regulations 6(1) and (2) and 12(1).

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(2) The principal Regulations are amended by deleting the word “Manager” wherever it appears in the following provisions and substituting in each case the word “person-in-charge”:

Regulations 6(1) and (2) and the regulation heading, 11, 12(1), (2) and (3) and 17(1), (2) and (3).

### **Revocation**

**25.** The Children and Young Persons (Remand Homes) Regulations (Rg 4) are revoked.

### **Saving and transitional provisions**

**26.—**(1) Any order issued before 1 July 2020 and in force immediately before that date under regulation 19 of the revoked regulations by the superintendent of a remand home (which is also a home under the principal Regulations (called in this regulation a Government home)), is treated as an order issued by the person in charge of the Government home under regulation 21 of the amended Regulations.

(2) Any punishment, imposed before 1 July 2020 under regulation 20(1)(a) of the revoked regulations by the superintendent of a remand home (which is also a Government home) on a resident of that home, that immediately before that date has not been carried out or is in the course of being carried out —

(a) is treated as being imposed on the resident under regulation 22(2)(a) of the amended Regulations; and

(b) may, on or after 1 July 2020, be carried out, or (where the punishment is in the course of being carried out) continue to be carried out, by the person-in-charge of the Government home or a member of the staff of the Government home authorised by the person-in-charge until the completion of the punishment.

(3) Any punishment, imposed before 1 July 2020 under regulation 20(1)(b) of the revoked regulations by the superintendent of a remand home (which is also a Government home) on a resident of that home, that immediately before that date has not been carried out or is in the course of being carried out —

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- (a) is treated as being imposed on the resident under regulation 22(2)(b) of the amended Regulations; and
- (b) may, on or after 1 July 2020, be carried out, or (where the punishment is in the course of being carried out) continue to be carried out, by the person-in-charge of the Government home or a member of the staff of the Government home authorised by the person-in-charge until the completion of the punishment.
- (4) Any punishment, imposed before 1 July 2020 under regulation 20(1)(c) of the revoked regulations by the superintendent of a remand home (which is also a Government home) on a male resident of that home, that immediately before that date has not been carried out or is in the course of being carried out —
- (a) is treated as being imposed on the male resident under regulation 22(2)(d) of the amended Regulations; and
- (b) may, on or after 1 July 2020, be carried out, or (where the punishment is in the course of being carried out) continue to be carried out, by the person-in-charge of the Government home or a member of the staff of the Government home authorised by the person-in-charge in accordance with regulation 24 of the amended Regulations until the completion of the punishment.
- (5) In this regulation —
- “amended Regulations” means the principal Regulations as in force on or after 1 July 2020;
- “revoked regulations” means the Children and Young Persons (Remand Home) Regulations (Rg 4) revoked under regulation 25.

Made on 29 June 2020.

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*Permanent Secretary,  
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Development,  
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