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CHILDREN AND YOUNG PERSONS ACT
(CHAPTER 38)

CHILDREN AND YOUNG PERSONS (COMMUNITY SERVICE
ORDERS) REGULATIONS 2001

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In exercise of the powers conferred by section 85 of the Children and Young Persons Act, the Minister for Community Development and Sports hereby makes the following Regulations:

PART I

PRELIMINARY MATTERS

Citation and commencement

1. These Regulations may be cited as the Children and Young Persons (Community Service Orders) Regulations 2001 and shall come into operation on 1st October 2001.

Definitions

2. In these Regulations, unless the context otherwise requires —

“Community Service Officer” means the person under whose supervision an offender is to perform the work required under a community service order in force against him;

“community service order” means an order made by the Juvenile Court under section 44 (1)(*ea*) and includes an order made by the Juvenile Court for the purpose of giving effect to a requirement of a family conference under section 44A(1)(*d*) of the Act;

“family conference” means a family conference convened by the Juvenile Court under section 44A of the Act;

“offender” means a child or young person —

(*a*) in respect of whom a community service order is in force; or

(*b*) in respect of whom the Juvenile Court is considering making such an order;

[S 497/2001 wef 01/10/2001]

“probation officer” means a person appointed to be a probation officer under section 3 of the Probation of Offenders Act (Cap. 252).

PART II

COMMUNITY SERVICE ORDERS

When community service order should be made

3.—(1) The Juvenile Court shall not make a community service order against an offender unless —

- (a) the offender has attained the age of 14 years;
- (b) the Juvenile Court, after considering a report by a probation officer about the offender and his circumstances (and, if necessary, after hearing the probation officer) or after considering the report of a family conference, is satisfied —
 - (i) that the offender is a suitable person to perform work under such an order; and
 - (ii) that provision can be made for the offender to perform work under such an order; and

[S 497/2001 wef 01/10/2011]

- (c) the offender consents to the making of such an order.

[S 497/2001 wef 01/10/2011]

(2) A community service order may be made against an offender notwithstanding that there is another community service order that is already in force against him, except that the total number of hours that remain to be spent by the offender in performing work under such orders does not at any time exceed 240 hours in the aggregate.

Matters to be explained to offender before making of order

4. Before making a community service order, the Juvenile Court shall explain the following matters to the offender:

- (a) the purpose and effect of the order (and in particular the conditions and requirements that may be specified in it under regulation 5(a) and the obligations of the offender under regulation 6(1));
- (b) the consequences which may follow under section 44 (1D) or 44A(3) (whichever is applicable) of the Act if he fails to comply with any of those conditions and obligations; and

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- (c) that the Court has under regulation 9 the power to review the order on application of the offender, his parents or guardian, the Community Service Officer or the Director.

Contents and copies of community service order

5. In making a community service order, the Juvenile Court —

- (a) may specify in the order the conditions to be complied with by the offender during the period that the order is in force;
- (b) shall specify in the order the place and time at which, and the person to whom, the offender shall present himself for the purpose of enabling the administration of the order to commence; and
- (c) shall immediately give a copy of the order each to the offender and the Community Service Officer.

Obligations of offenders under community service orders, etc.

6.—(1) Where a community service order is in force against an offender —

- (a) the offender shall —
- (i) perform, for the number of hours specified in the order, such work and at such times as may be directed by the Community Service Officer;
 - (ii) perform that work in a satisfactory manner;
 - (iii) comply with the conditions specified in the order under regulation 5(a);
 - (iv) comply with any reasonable direction of the Community Service Officer, including any direction designed to enable that Officer to provide rehabilitative counselling and guidance to the offender; and
 - (v) immediately notify the Community Service Officer of any change in his residence; and
- (b) the offender shall not commit any offence.

(2) The type of work that an offender may be required to perform under a community service order shall be that specified in the Schedule.

(3) An offender shall not be entitled to any remuneration (whether in the form of payments of gifts or otherwise) in respect of work performed by him under a community service order.

Duration of community service orders

7. A community service order shall remain in force against an offender until —

- (a) the offender has performed the work required under it for the number of hours specified in it;
- (b) the expiration of a period of 12 months commencing on the date on which the order was made or, where that period is extended under regulation 9, the expiration of that period as so extended; or
- (c) the order is revoked by the Juvenile Court,

whichever first occurs.

PART III

BREACHES AND VARIATION OF COMMUNITY SERVICE ORDERS

Breach of community service order

8.—(1) An offender contravenes the community service order in force against him if he —

- (a) fails, without reasonable excuse to report for community service as required by the community service order or by the Community Service Officer; or
- (b) fails to comply with any of his obligations as specified in regulation 6(1).

(2) Where an offender contravenes the community service order in force against him, the Community Service Officer of the offender shall —

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- (a) call upon the offender to give an explanation (whether verbally or in writing, as the Community Service Officer thinks fit) for the contravention within such time as the Community Service Officer may specify (which, in any case, shall not be more than 48 hours after the contravention was committed or detected); and
- (b) make a record of the date and time and nature of the contravention and any explanation given by the offender for the contravention.
- (3) If the contravention of the community service order does not consist of the commission of an offence and is not, in the opinion of the Community Service Officer, of so serious a nature as to warrant a variation or revocation of the order or to render the community service order ineffectual in the rehabilitation of the offender, the Community Service Officer may, if the offender's explanation for the contravention is acceptable to him —
- (a) issue a written warning to the offender against any further contravention of the order; and
- (b) take such measures and give such directions to the offender as may be necessary or expedient to secure the proper compliance with the order by the offender.
- (4) An offender who has been issued with a written warning under paragraph (3)(a) shall sign an acknowledgment thereof.
- (5) If —
- (a) the contravention of the community service order consists of the commission of an offence or is, in the opinion of the Community Service Officer, of so serious a nature as to warrant a variation or revocation of the order or to render the community service order ineffectual in the rehabilitation of the offender; or
- (b) the offender is unable to give a reasonable explanation for his contravention of the order,
- the Community Service Officer shall lay the necessary information of the contravention before the Magistrate of the Juvenile Court in order

that the offender may be dealt with by the Court under section 44(1D) of the Act.

Variation and revocation of community service order on grounds other than breach thereof

9.—(1) Where a community service order is in force in respect of an offender, the Juvenile Court, on the application of any of the persons referred to in paragraph (2) and upon any of the grounds specified in paragraph (3), may —

- (a) extend in relation to the order the period of 12 months specified in regulation 7(b);
- (b) reduce the number of hours that the offender is required by the order to spend performing work;
- (c) revoke the order, and deal with the offender for the offence in respect of which the order was made in any manner in which he could have been dealt with for that offence under section 44 of the Act if the order had not been made; or
- (d) vary the order or the conditions thereof in such manner as the Court thinks just and expedient in the circumstances.

(2) An application under paragraph (1) may be made by —

- (a) the offender or his parents or guardian;
- (b) the Community Service Officer; or
- (c) the Director.

(3) The Juvenile Court may vary or revoke a community service order under paragraph (1) on any of the following grounds:

- (a) that there has been a change of circumstances since the order was made that would justify the variation or revocation of the order;
- (b) that it is no longer necessary in the interests of the community or the offender that the order should continue;
- (c) that no or no more suitable service is available to be performed by the offender for the purpose of the order;

(d) that, because of incapacity or for humanitarian or other reasons considered sufficient by the Court, it will be impossible for the offender to perform the service before the order expires, or that it would be unreasonable to require him to do so; or

(e) that it is in the best interests of the offender to do so.

(4) Where the Juvenile Court proposes to exercise its powers under this regulation otherwise than on the application of the offender, the Court shall summon the offender to appear before the Court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

(5) Where the Juvenile Court revokes, or extends, or otherwise varies, a community service order, the Court shall forthwith give to the offender and the Community Service Officer a copy of its order revoking, extending or otherwise varying the order.

(6) The powers conferred on the Juvenile Court by this regulation are in addition to (and not in derogation of) the powers conferred on it by section 44(1D)(b) of the Act to vary a community service order or any condition thereof.

PART IV

CASE-RECORDS

Records to be kept by Community Service Officer

10.—(1) A Community Service Officer shall maintain case-records on each offender placed under his supervision and such case-records shall include any record made under regulation 8(2)(b) and any record of any action taken under regulation 8(3) or (4) in respect of the offender.

(2) All case-records shall be filed at the office of the Chief Probation Officer.

THE SCHEDULE

Regulation 6(2)

TYPE OF WORK

The type of work under a community service order includes general cleaning, repair, maintenance and restoration works, the provision of care services and any other work that contributes to the community at any of the following places:

- (a) any hospital or any charitable, educational, cultural, or recreational institution or organisation;
- (b) any other institution or organisation for elderly and disabled persons;
- (c) any land of which the Government or any public body is the owner or lessee or occupier, or any land that is administered, maintained or kept clean by the Government or any public body.

Made this 20th day of September 2001.

LIM SOO HOON
*Permanent Secretary,
Ministry of Community
Development and Sports,
Singapore.*

[MCDS 76-06-01 V19; AG/LEG/SL/38/1997/1 Vol. 1]