
First published in the Government *Gazette*, Electronic Edition, on 1st October 2001 at 5:00 pm.

No. S 477

CHILDREN AND YOUNG PERSONS ACT
(CHAPTER 38)

CHILDREN AND YOUNG PERSONS (JUVENILE CASE
CONFERENCE) 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:

Citation and commencement

1. These Regulations may be cited as the Children and Young Persons (Juvenile Case Conference) Regulations 2001 and shall come into operation on 1st October 2001.

[S 642/2014 wef 01/10/2014]

Definitions

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

[Deleted by S 642/2014 wef 01/10/2014]

“juvenile case conference” means a juvenile case conference convened under section 45 of the Act;

[S 642/2014 wef 01/10/2014]

“investigating officer” means the police officer who led the investigations into the offence committed by an offender;

“offender” means a child or young person who has been found guilty of an offence by the Youth Court;

[S 642/2014 wef 01/10/2014]

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

“prosecuting officer” means the person who conducted the prosecution before the Youth Court in respect of the offence committed by an offender;

[S 642/2014 wef 01/10/2014]

“Registrar” means the registrar of the Family Justice Courts.

[S 642/2014 wef 01/10/2014]

Convening of juvenile case conference

3.—(1) The Youth Court may convene a juvenile case conference under section 45 of the Act if, having regard to the information obtained by the Court under section 42(9) of the Act in respect of the family background, general conduct, home surroundings, school record, medical history and state of development of the offender, the Court is satisfied that it would be in the best interests of the offender that he be dealt with by a juvenile case conference.

[S 642/2014 wef 01/10/2014]

(2) Before making the order for the convening of a juvenile case conference, the Youth Court shall explain to the offender —

- (a) the purpose and effect of the order; and
- (b) the consequences which may follow under section 45(3) of the Act should the offender fail to attend at the time and place appointed for the meeting of the juvenile case conference or to comply with any requirement of the juvenile case conference.

[S 642/2014 wef 01/10/2014]

[S 642/2014 wef 01/10/2014]

(3) Upon making the order for the convening of the juvenile case conference, the Youth Court may adjourn the case for such period as

the Court thinks necessary and make in respect of the offender such interim order, having effect only during the period of adjournment, as the Court thinks fit.

[S 642/2014 wef 01/10/2014]

Composition of juvenile case conference

4.—(1) A juvenile case conference shall consist of —

- (a) a facilitator; and
- (b) such number of other members as the Youth Court thinks fit to appoint.

[S 642/2014 wef 01/10/2014]

[S 642/2014 wef 01/10/2014]

(2) The persons who may be appointed members of juvenile case conference shall include —

- (a) the offender to be dealt with by the juvenile case conference;
- (b) the parents or guardian of the offender and any other member of his family as the Youth Court thinks fit to appoint;
[S 642/2014 wef 01/10/2014]
- (c) the investigating officer;
- (d) the prosecuting officer;
- (e) a probation officer;
- (f) the victim of the offence;
- (g) the parents or guardian of the victim of the offence and any other member of his family as the Youth Court thinks fit to appoint;
[S 642/2014 wef 01/10/2014]
- (h) a representative from the school of the offender (for example, the principal, vice-principal or disciplinary master of the school);
- (i) any counsellor, approved social worker or registered medical practitioner who has dealt with the offender; and

(j) such other person as the Youth Court thinks necessary or appropriate.

[S 642/2014 wef 01/10/2014]

[S 642/2014 wef 01/10/2014]

(3) A judge of the Youth Court may act as the facilitator of the juvenile case conference or may appoint any suitably qualified person to be the facilitator.

[S 642/2014 wef 01/10/2014]

Procedure at juvenile case conference

5.—(1) All meetings of the juvenile case conference shall be convened and chaired by the facilitator.

[S 642/2014 wef 01/10/2014]

(2) The facilitator shall cause to be sent to each member of the juvenile case conference a notice in writing specifying the date, time and place of the meeting of the juvenile case conference and may, in such notice, call upon any member of the juvenile case conference to furnish any document for the consideration of the juvenile case conference during its meeting.

[S 642/2014 wef 01/10/2014]

(3) No member of the juvenile case conference shall act as an interpreter during its meetings, and where any member of the juvenile case conference requires the assistance of an interpreter, the Registrar shall arrange for the necessary court interpreter to be present.

[S 642/2014 wef 01/10/2014]

(4) Except with the approval of a judge of the Youth Court, no member of the juvenile case conference shall be represented by an advocate and solicitor during its meetings.

[S 642/2014 wef 01/10/2014]

(5) Subject to the directions of a judge of the Youth Court and to such modifications as the circumstances of the case may require, the facilitator shall conduct the meeting of the juvenile case conference in accordance with the procedure set out in the Schedule.

[S 642/2014 wef 01/10/2014]

Provisions relating to measures taken under section 45(1) of Act for dealing with offender

6.—(1) A formal caution administered to the offender under section 45(1)(b) of the Act must be put in writing and acknowledged in writing by the offender.

(2) Where the juvenile case conference deals with an offender by requiring the offender to pay compensation to the victim of the offence under section 45(1)(c) of the Act, the payment must be made to the victim through the prosecuting officer.

(3) Where pursuant to section 45(1)(d) of the Act, the juvenile case conference requires an offender to perform community service, such requirement must not take effect until it is approved by a judge of the Youth Court and the judge makes an order under section 44(1)(f) of the Act giving effect to the requirement.

(4) Where the juvenile case conference deals with an offender by requiring the offender to apologise to the victim of the offence under section 45(1)(e) of the Act, the apology must be made in the presence of an adult person approved by the juvenile case conference.

(5) Where pursuant to section 45(1)(f) of the Act, the juvenile case conference requires an offender to enter into any undertaking, the undertaking shall be of such duration as may be approved by a judge of the Youth Court.

[S 642/2014 wef 01/10/2014]

THE SCHEDULE

Regulation 5(5)

PROCEDURE FOR MEETING OF JUVENILE CASE CONFERENCE

1. The facilitator shall begin the meeting by introducing each member of the juvenile case conference.

[S 642/2014 wef 01/10/2014]

2. The facilitator shall explain to all members of the juvenile case conference —

(a) the purpose and procedure to be followed during the meetings of the juvenile case conference;

(b) the rights, obligations and role of each member during the meetings of the juvenile case conference; and

THE SCHEDULE — *continued*

- (c) their duty of confidentiality under section 45(4) of the Act and the consequences that may follow under section 45(5) of the Act in the event of any breach of this duty.

[S 642/2014 wef 01/10/2014]

[S 642/2014 wef 01/10/2014]

3. The facilitator shall allow the members of the juvenile case conference an opportunity to seek clarification on any of the matters that have been explained to them under paragraph 2.

[S 642/2014 wef 01/10/2014]

4. The facilitator shall explain or call upon the prosecuting officer to explain to the members of the juvenile case conference the charge against the offender and the nature of the offence for which he has been found guilty.

[S 642/2014 wef 01/10/2014]

5. The facilitator shall explain to the members of the juvenile case conference —

- (a) the measures available to the juvenile case conference under section 45(1) of the Act for dealing with the offender in respect of the offence committed by him; and

[S 642/2014 wef 01/10/2014]

- (b) the orders which may be made by the Youth Court under section 44 of the Act for dealing with a person who has been found guilty by the Court of a comparable offence.

[S 642/2014 wef 01/10/2014]

[S 642/2014 wef 01/10/2014]

6. The facilitator shall call upon the probation officer to review the circumstances of the case and provide any information that may be relevant for the consideration of the juvenile case conference.

[S 642/2014 wef 01/10/2014]

7.—(1) Each of the other members of the juvenile case conference (other than the offender, the victim of the offence and the members of their respective families) shall first be called upon to present his observations, assessments and opinions concerning the offender and the offence committed by him.

[S 642/2014 wef 01/10/2014]

(2) Where a member referred to in sub-paragraph (1) is unable to attend the meeting of the juvenile case conference and has submitted his observations, assessments and opinions to the facilitator in writing before the meeting, the facilitator shall read aloud to the members who are present at the meeting the observations, assessments and opinions of that member.

[S 642/2014 wef 01/10/2014]

THE SCHEDULE — *continued*

8. The facilitator shall call upon the victim of the offence next to present his perspective of the offender's behaviour (including the nature of the injury, loss or damage which he has suffered as a result of the offence).

9. The facilitator shall then call upon the offender and any member of his family to present their views relating to the offender, the offence committed by him, any mitigating factors and any of the matters that have been presented by the other members of the juvenile case conference.

[S 642/2014 wef 01/10/2014]

10. The facilitator shall finally call upon the offender, the victim of the offence and the members of their respective families to leave the room while the remaining members of the juvenile case conference deliberate on the appropriate measure to be adopted under section 45(1) of the Act for dealing with the offender.

[S 642/2014 wef 01/10/2014]

11. Upon the juvenile case conference having reached a decision under paragraph 10, the offender, the victim of the offence and the members of their respective families shall be called upon to re-enter the meeting room and the facilitator shall announce and explain the decision reached by the juvenile case conference and the steps which have to be undertaken by the offender in compliance with that decision.

[S 642/2014 wef 01/10/2014]

12. In the case where a judge of the Youth Court is not the facilitator of the juvenile case conference, the facilitator shall —

(a) notify the Youth Court in writing of the decision made by the juvenile case conference under paragraph 10 and file a copy of the order made by the juvenile case conference with the Youth Court; and

[S 642/2014 wef 01/10/2014]

(b) within such time as the Youth Court may allow, submit to the Court a written report of the meeting.

[S 642/2014 wef 01/10/2014]

[S 642/2014 wef 01/10/2014]

13. The Youth Court may, if it thinks necessary, announce the decision of the juvenile case conference in open court.

[S 642/2014 wef 01/10/2014]

Made this 1st day of October 2001.

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Ministry of Community
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[MCDS 76-06-01 V19; AG/LEG/SL/38/1997/2 Vol. 1]