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CHILDREN AND YOUNG PERSONS ACT
(CHAPTER 38)

CHILDREN AND YOUNG PERSONS (WEEKEND DETENTION)
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 (Weekend Detention) Regulations 2001 and shall come into operation on 1st October 2001.

Definitions

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

“offender” means a child or young person —

- (a) in respect of whom a weekend detention order is in force; or
- (b) in respect of whom the Youth Court is considering making such an order;

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“probation officer” —

- (a) means a person appointed to be a probation officer or volunteer probation officer under section 3 of the Probation of Offenders Act (Cap. 252);
- (b) in relation to an offender in respect of whom the Youth Court has made both a weekend detention order and a probation order under section 44(1)(e) of the Act, means the probation officer or volunteer probation officer supervising the offender under the probation order;

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“superintendent” means the person in charge of and having the management and control of the place of detention at which an offender is to serve or is serving his detention under a weekend detention order;

“supervising officer”, in relation to an offender, means the person under whose supervision an offender is placed during the period when a weekend detention order is in force against him;

“warden” means the person in charge of and having the management and control of the approved institution at which an offender is to serve or is serving his detention under a weekend detention order;

“weekend detention order” means an order made by the Youth Court under section 44(1)(h) of the Act.

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PART II

WEEKEND DETENTION ORDERS

Making of weekend detention order

3. The Youth Court may make a weekend detention order in respect of a child or young person who has been found guilty of an offence if, after considering a report by a probation officer about the offender and his circumstances (and, if necessary, after hearing the probation officer), the Court is satisfied that it would be in the best interests of the offender that he be dealt with by means of such an order.

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Matters to be explained to offender before making of order

4. Before making a weekend detention order, the Youth 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 7);

(b) the consequences which may follow under section 44(5) 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 10 the power to review the order on application of the offender, his parents or guardian, his supervising officer or probation officer, the superintendent or warden or the Director.

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Contents and copies of weekend detention order

5. In making a weekend detention order, the Youth 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; and
 - (b) shall forthwith give a copy of the order each to the offender and the superintendent or warden.

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Assignment and role of supervising officer

6.—(1) Upon receipt of a copy of the weekend detention order under regulation 5(b), the superintendent or warden shall assign a suitably qualified person to be the supervising officer of the offender during the period when the weekend detention order is in force against the offender.

(2) The supervising officer shall send to the offender and his parents or guardian —

- (a) a notice in writing specifying the place and time at which and the person to whom the offender is to present himself for the purpose of enabling the weekend detention order to commence;
- (b) a list of the things that will be supplied to the offender at the place of detention;
- (c) a list of the things that the offender is to bring, and a list of the things that he is prohibited from bringing, to the place of detention;
- (d) a copy of the regulations of the place of detention; and
- (e) a copy of the schedule of activities to be undergone by the offender during his detention.

Obligations of offenders under weekend detention orders

7. Where a weekend detention order is in force against an offender, the offender —

- (a) shall, on each weekend during which he is to serve his detention, report punctually (and, if so required, be

accompanied by his parents or guardian when so reporting) at the place and time and to the person specified in the notice under regulation 6(2)(a);

- (b) shall comply with —
- (i) the conditions specified in the order under regulation 5(a);
 - (ii) the regulations of the place of detention; and
 - (iii) any reasonable direction of his supervising officer, the superintendent or warden or the Director, including any direction designed to enable the supervising officer, superintendent or warden or Director to provide rehabilitative counselling and guidance to the offender;
- (c) shall immediately notify his supervising officer of any change in his residence, school or student status;
- (d) shall immediately notify his supervising officer if, because of illness or any other exigency, he is unable to report to the place of detention during any weekend on which he is to serve his detention; and
- (e) shall not commit any offence.

Duration of weekend detention orders

8. A weekend detention order shall remain in force against an offender until —

- (a) the offender has served his detention as required under the order for the number of weekends 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 10, the expiration of that period as so extended; or
- (c) the order is revoked by the Youth Court,

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whichever first occurs.

PART III
BREACHES AND VARIATION OF WEEKEND DETENTION
ORDERS

Breach of weekend detention order

9.—(1) An offender contravenes the weekend detention order in force against him if he —

- (a) fails, without reasonable excuse, to report to the place of detention on any weekend as required by the order; or
- (b) fails to comply with any of his obligations as specified in regulation 7.

(2) Where an offender contravenes the weekend detention order in force against him, the supervising officer of the offender shall —

- (a) call upon the offender to give an explanation (whether verbally or in writing, as the supervising officer thinks fit) for the contravention within such time as the supervising 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 weekend detention order does not consist of the commission of an offence and is not, in the opinion of the supervising officer, of so serious a nature as to warrant a variation or revocation of the order or to render the weekend detention order ineffectual in the rehabilitation of the offender, the supervising officer may, if the offender's explanation for the contravention is acceptable to him, deal with the offender in accordance with the regulations of the place of detention.

(4) If —

- (a) the contravention of the weekend detention order consists of the commission of an offence or is, in the opinion of the supervising officer or the probation officer of the offender, of so serious a nature as to warrant a variation or revocation of

the order or to render the weekend detention 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 supervising officer or the probation officer of the offender shall lay the necessary information of the contravention before a judge of the Youth Court in order that the offender may be dealt with by the Court under section 44(5) of the Act.

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Variation and revocation of weekend detention order on grounds other than breach thereof

10.—(1) Where a weekend detention order is in force in respect of an offender, the Youth 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 8(b);
- (b) reduce the number of weekends that the offender is required by the order to serve his detention;
- (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 other manner as the Court thinks just and expedient in the circumstances.

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

- (a) the offender or his parents or guardian;
- (b) the supervising officer or probation officer of the offender;
- (c) the superintendent or warden; or
- (d) the Director.

(3) The Youth Court may vary or revoke a weekend detention 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; or
- (b) that, because of incapacity or for humanitarian or other reasons considered sufficient by the Youth Court, it will be impossible for the offender to continue to comply with the weekend detention order before it expires, or that it would be unreasonable to require him to do so; or
- (c) that it is in the best interests of the offender to do so.

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(4) Where the Youth 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 the offender does not appear in answer to the summons, may issue a warrant for his arrest.

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(5) Where the Youth Court revokes, or extends, or otherwise varies, a weekend detention order, the Court shall forthwith give to the offender, his supervising officer and probation officer and the superintendent or warden a copy of its order revoking, extending or otherwise varying the weekend detention order.

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(6) The powers conferred on the Youth Court by this regulation are in addition to (and not in derogation of) the powers conferred on it by section 44(5)(b) of the Act to vary a weekend detention order or any condition thereof.

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Made this 20th day of September 2001.

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

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