

# CHILDREN AND YOUNG PERSONS ACT (CHAPTER 38)

(Original Enactment: Act 1 of 1993)

REVISED EDITION 2001

(31st December 2001)

An Act to provide for the welfare, care, protection and rehabilitation of children and young persons who are in need of such care, protection or rehabilitation, to regulate homes for children and young persons and to consolidate the law relating to children and young persons.

[3/2011 wef 20/07/2011]  
[21st March 1993]

## PART I PRELIMINARY

### Short title

1. [This Act](#) may be cited as the [Children and Young Persons Act](#).

### Interpretation

#### 2.

—(1) In this Act, unless the context otherwise requires —

“approved institution” means an institution approved under section 12 of the [Probation of Offenders Act \(Cap. 252\)](#) for the reception of persons who may be required to reside therein by a probation order;

“approved welfare officer” means a person who is appointed by the Director under [section 3\(4\)](#) to carry out any investigation, assessment, supervision, consultation or evaluation in relation to any child or young person or the parent, guardian or family members thereof for the purpose of determining the welfare and state of development of such child or young person or for any other purpose under this Act;

“assessment” means an assessment to determine either the state of the health or development of the child or young person or whether the child or young person is in need of care or protection or both;

[3/2011 wef 20/07/2011]

“child” means a person who is below the age of 14 years;

“development” means physical, intellectual, psychological, emotional, social or behavioural development;

[3/2011 wef 20/07/2011]

“Director” means the Director of Social Welfare appointed under [section 3\(1\)](#) and, in relation to any provision in this Act in which the word is used, includes any public officer or other person who is appointed or authorised by the Director under [section 3\(3\)](#) to perform any of the duties or exercise any of the powers of the Director under that provision;

“fit person” means a person whom the court or the protector, having regard to the character of the person, thinks competent to provide care, protection and supervision of a child or young person;

“guardian”, in relation to a child or young person, includes any person who, in the opinion of the court having cognizance of any case in relation to the child or young person, or in which the child or young person is concerned, has for the time being the charge of, or control over, the child or young person;

“health” means physical or mental health;

“home for children and young persons” means any establishment the object of which is, or is held out to be, the provision of residential accommodation with board and personal care for children or young persons, for the purposes of their protection or rehabilitation or both;

[3/2011 wef 20/07/2011]

“ill-treatment”, in relation to a child or young person, has the meaning assigned to it in [section 5](#);

“juvenile” means a male or female person who is 7 years of age or above and below the age of 16 years;

“juvenile rehabilitation centre” means any institution or part thereof appointed or established under [Part VI](#) as a juvenile rehabilitation centre;

[3/2011 wef 20/07/2011]

“licence” means a licence issued under [section 52B](#) and licensee shall be construed accordingly;

[3/2011 wef 20/07/2011]

“licensed home for children and young persons” means a home for children and young persons in respect of which a licence is issued under [section 52B](#);

[3/2011 wef 20/07/2011]

“manager” includes a director, manager and superintendent or other person having the management or control of any juvenile rehabilitation centre, place of safety, remand home, place of detention or place of temporary care and protection;

[3/2011 wef 20/07/2011]

“place” includes any vessel, conveyance, house, building, enclosure, street, land or open space;

[3/2011 wef 20/07/2011]

“place of detention” means a place provided or appointed by the Minister as a place of detention under [section 55\(1\)](#);

“place of safety” means any institution or part thereof appointed or established under [Part VI](#) as a place of safety;

[3/2011 wef 20/07/2011]

“place of temporary care and protection” means any place or institution appointed or declared to be a place of temporary care and protection under [section 27](#) or any other suitable place the occupier of which is willing temporarily to receive a child or young person committed under [section 8A](#), [9](#) or [49](#);

[3/2011 wef 20/07/2011]

“protector” means the Director and includes any public officer or other person who is appointed or authorised by the Director under [section 3\(3\)](#) to exercise the powers and perform the duties of a protector under this Act;

“registered medical practitioner” means a medical practitioner registered under the [Medical Registration Act \(Cap. 174\)](#), and includes a dentist registered under the [Dental Registration Act \(Cap. 76\)](#);

“relevant offence” means —

any offence under [Part II](#);

(a)

any offence under Chapter XVI of the Penal Code (Cap. 224); or

(b)

any offence involving the causing of bodily injury to a child or young person;

(c)

“remand home” means any home or institution or part thereof provided or appointed by the Minister as a remand home under [section 53\(1\)](#) for the detention of juveniles sent there under the provisions of this Act;

“Review Board” means the Review Board appointed under [section 52G](#);

[3/2011 wef 20/07/2011]

“voluntary care agreement” means a care agreement entered into between the Director and the parent or guardian of a child or young person to secure the safety and welfare of the child or young person;

[3/2011 wef 20/07/2011]

“young person” means a person who is 14 years of age or above and below the age of 16 years.

[20/2001]

(2) For the purposes of this Act, a person shall be deemed to have already reached any specified age when he has since his birth completed that number of years of life reckoned according to the Gregorian calendar.

### **Appointment of Director of Social Welfare and other officers**

#### **3.**

—(1) The Minister may, by notification in the *Gazette*, appoint an officer to be the Director of Social Welfare.

[20/2001]

(2) The Director shall be responsible for the administration and enforcement of this Act, subject to the general or special directions of the Minister.

[20/2001]

(3) The Director may —

(a)

appoint any public officer; or

(b)

with the approval of the Minister, in writing authorise any other person, to perform any of the duties or exercise any of the powers of the Director or a protector under this Act, subject to such conditions and limitations as may be specified by the Director.

[20/2001]

(4) The Director may appoint any suitably qualified person as an approved welfare officer to carry out any investigation, assessment, supervision, consultation or evaluation in relation to any child or young person or the parent, guardian or family members thereof for the purpose of determining the welfare and state of development of such child or young person or for any other purpose under this Act.

[20/2001]

(5) The Director and any public officer or other person appointed or authorised by him under [subsection \(3\)](#) and any approved welfare officer shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

[2A

[20/2001]

### **Principles**

**3A.** The following principles apply for the purposes of this Act:

(a)

the parents or guardian of a child or young person are primarily responsible for the care and welfare of the child or young person and they should discharge their responsibilities to promote the welfare of the child or young person; and

[3/2011 wef 20/07/2011]

(b)

in all matters relating to the administration or application of this Act, the welfare and best interests of the child or young person shall be the first and paramount consideration.

[3/2011 wef 20/07/2011]

## **PART II**

### **PROTECTION OF CHILDREN AND YOUNG PERSONS**

#### *Welfare*

### **When child or young person in need of care or protection**

**4.** For the purposes of this Act, a child or young person is in need of care or protection if —

- (a)  
the child or young person has no parent or guardian;
- (b)  
the child or young person has been abandoned by his parent or guardian and despite reasonable inquiries the parent or guardian cannot be found, and no other suitable person is willing and able to exercise care or guardianship in respect of the child or young person;
- (c)  
the parent or guardian of the child or young person —
- (i)  
is unable or has neglected to provide adequate food, clothing, medical aid, lodging, care or other necessities of life for the child or young person; or
- (ii)  
is unfit or unable or has neglected to exercise proper supervision and control over the child or young person, and the child or young person is falling into bad association, or is exposed to moral danger, or is beyond control;
- (d)  
the child or young person has been, is being or is at risk of being ill-treated —
- (i)  
by his parent or guardian; or
- (ii)  
by any other person, and his parent or guardian, although knowing of such ill-treatment or risk, has not protected or is unlikely or unwilling to protect the child or young person from such ill-treatment;
- (e)  
the child or young person needs to be examined, investigated or treated for the purpose of restoring or preserving his health or development and his parent or guardian neglects or refuses to have him so examined, investigated or treated;
- (f)  
the child or young person behaves in a manner that is, or is likely to be, harmful to himself or to any person and —
- (i)  
his parent or guardian is unable or unwilling to take necessary measures to remedy the situation; or
- (ii)  
the remedial measures taken by the parent or guardian fail;
- (g)  
there is such a serious and persistent conflict between the child or young person and his parent or guardian, or between his parents or guardians, that family relationships are seriously disrupted, thereby causing the child or young person emotional injury;
- (h)  
the child or young person —
- (i)  
is a person in respect of whom a relevant offence has been or is believed to have been committed; or
- (ii)  
is a member of the same household as another child or young person in respect of whom a relevant offence has been or is believed to have been committed, and the child or young person appears to be in danger of a similar offence being committed against him,

and either the person who committed or is believed to have committed the offence or who has been convicted of the offence is the parent or guardian of the child or young person or a member of the same household as the child or young person, or the parent or guardian of the child or young person is unable, unlikely or unwilling to protect the child or young person from such offence; or

(i)

the child or young person is found to be —

(i)

destitute or wandering without any settled place of abode and without visible means of subsistence;

(ii)

begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale) or loitering for the purpose of so begging or receiving alms;

(iii)

engaged in carrying out illegal lotteries, illegal hawking, gambling or other undesirable activities; or

(iv)

using or inhaling any intoxicating substance (as defined in the [Intoxicating Substances Act \(Cap. 146A\)](#)) for the purpose of inducing or causing in himself a state of intoxication.

[3/2011 wef 20/07/2011]

[20/2001]

[3

### **Ill-treatment of child or young person**

#### **5.**

—(1) A person shall be guilty of an offence if, being a person who has the custody, charge or care of a child or young person, he ill-treats the child or young person or causes, procures or knowingly permits the child or young person to be ill-treated by any other person.

[20/2001]

(2) For the purposes of this Act, a person ill-treats a child or young person if that person, being a person who has the custody, charge or care of the child or young person —

(a)

subjects the child or young person to physical or sexual abuse;

(b)

wilfully or unreasonably does, or causes the child or young person to do, any act which endangers or is likely to endanger the safety of the child or young person or which causes or is likely to cause the child or young person —

(i)

any unnecessary physical pain, suffering or injury;

(ii)

any emotional injury; or

(iii)

any injury to his health or development; or

(c)

wilfully or unreasonably neglects, abandons or exposes the child or young person with full intention of abandoning the child or young person or in circumstances that are likely to endanger the safety of the child or young person or to cause the child or young person —

(i)

any unnecessary physical pain, suffering or injury;

(ii)

any emotional injury; or

(iii)

any injury to his health or development.

[20/2001]

(3) For the purpose of [subsection \(2\)\(c\)](#), the parent or guardian of a child or young person shall be deemed to have neglected the child or young person in a manner likely to cause him physical pain, suffering or injury or emotional injury or injury to his health or development if the parent or guardian wilfully or unreasonably neglects to provide adequate food, clothing, medical aid, lodging, care or other necessities of life for the child or young person.

[20/2001]

(4) A person may be convicted of an offence under this section notwithstanding —

(a)

that any actual suffering or injury on the part of the child or young person or the likelihood of any suffering or injury on the part of the child or young person was obviated by the action of another person; or

(b)

the death of the child or young person in respect of whom the offence is committed.

[20/2001]

(5) Subject to [subsection \(6\)](#), any person who is guilty of an offence under this section shall be liable on conviction —

(a)

in the case where death is caused to the child or young person, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 7 years or to both; and

(b)

in any other case, to a fine not exceeding \$4,000 or to imprisonment for a term not exceeding 4 years or to both.

[20/2001]

(6) The court may, in lieu of or in addition to any punishment specified in [subsection \(5\)](#), order the person guilty of an offence under this section to execute a bond, with or without sureties, as the court may determine, to be of good behaviour for such period as the court thinks fit, and may include in such bond a condition requiring such person to undergo such counselling, psychotherapy or other programme as may be specified therein.

[20/2001]

(7) If a person who is ordered to execute a bond of good behaviour under [subsection \(6\)](#) fails to comply with any of the conditions of such bond, he shall —

(a)

if such bond is in lieu of a penalty under [subsection \(5\)](#), be liable to the penalty provided for in that subsection; or

(b)

if such bond is in addition to a penalty under [subsection \(5\)](#), be liable to a further fine not exceeding \$20,000 or to a further term of imprisonment not exceeding 7 years or to both.

[4

[20/2001]

## **Contribution to delinquency of child or young person**

6.

—(1) Any person who causes or procures any child or young person or, having the custody, charge or care of a child or young person, allows that child or young person to be in any place for the purpose of —

(a)

begging or receiving alms, or of inducing the giving of alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale; or

(b)

carrying out of illegal hawking, illegal lotteries, gambling or other illegal activities or activities detrimental to the health or welfare of the child,  
shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

[3/2011 wef 20/07/2011]

(2) If a person having the custody, charge or care of a child or young person is charged with an offence under this section and it is proved that the child or young person was in any place for any such purpose and that the person charged allowed the child or young person to be in the place, he shall be presumed to have allowed him to be in the place for that purpose unless the contrary is proved.

[3/2011 wef 20/07/2011]

[5

### **Sexual exploitation of child or young person**

7. Any person who, in public or private —

(a)

commits or abets the commission of or procures or attempts to procure the commission by any person of any obscene or indecent act with any child or young person; or

(b)

procures or attempts to procure the commission of any obscene or indecent act by any child or young person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 7 years or to both.

[3/2011 wef 20/07/2011]

[51/2007 wef 01/02/2008]

### **Protector's power to obtain information**

8.

—(1) Where a protector —

(a)

has reasonable grounds to believe that a relevant offence has been, is being or will be committed against any child or young person or that any child or young person is in need of care or protection; and

(b)

has reason to believe that any person can —

(i)

furnish any information regarding the commission of any relevant offence in respect of a child or young person; or

(ii)

furnish any information which will assist him in ascertaining whether a child or young person is in need of care or protection,  
the protector may exercise the powers conferred under [subsection \(1A\)](#).

[3/2011 wef 20/07/2011]

(1A) The protector may, by order in writing —

(a) require the person referred to in [subsection \(1\)\(b\)\(i\)](#) or [\(ii\)](#) to furnish such information to the protector in writing within such time as may be specified by the protector; or

(b) require such person to appear before and furnish such information to the protector at such time and place as may be specified by the protector.

[3/2011 wef 20/07/2011]

(2) The person referred to in subsection (1A)(b) shall be bound, as the case may be, to furnish the required information in writing or to attend before the protector and answer truthfully and to the best of his ability any question concerning the offence.

[3/2011 wef 20/07/2011]

[20/2001]

[7

### **Power to order child or young person to be produced for assessment or treatment, etc.**

#### **8A.**

—(1) Where the Director, a protector or a police officer is satisfied on reasonable grounds that a child or young person is in need of care or protection, the Director, protector or police officer may by notice in writing order any person to —

(a) produce the child or young person before the Director, protector or police officer at a specified time and place; or

(b) produce the child or young person before a registered medical practitioner, a psychologist or an approved welfare officer for an assessment or for any medical or other treatment as may be necessary,

following which the Director, protector or police officer may, if he thinks necessary, remove the child or young person and commit the child or young person to a place of temporary care and protection or to the care of a fit person until the child or young person can be brought before a Juvenile Court to be dealt with under section 49.

(2) For the purposes of this section and [sections 9](#) and [9A](#), a reference to a police officer is a reference to a police officer not below the rank of sergeant.

[3/2011 wef 20/07/2011]

### **Power to remove child or young person to place of temporary care and protection, etc.**

#### **9.**

—(1) Where the Director, a protector or a police officer is satisfied on reasonable grounds that a child or young person is in need of care or protection, the Director, protector or police officer may without warrant and with such assistance and by such force as is necessary, by day or by night enter any place in which the child or young person is to be found and —

(a) remove the child or young person and commit him to a place of temporary care and protection or to the care of a fit person until the child or young person can be brought before a Juvenile Court to be dealt with under [section 49](#); or

(b) remove the child or young person and, before committing him to a place of temporary care and protection or to the care of a fit person under [paragraph \(a\)](#), present the child or young person before a registered medical practitioner, a psychologist or an approved welfare officer for an assessment or for any medical or other treatment as may be necessary.

[3/2011 wef 20/07/2011]

(2) Subject to [subsection \(3\)](#), every child or young person who is removed by the Director, a protector or a police officer under section 8A or this section shall, unless he is sooner returned to the custody of his parent or guardian, be brought before a Juvenile Court within 3 working days from the date of his being so removed in order that he may be dealt with under [section 49](#).

[3/2011 wef 20/07/2011]

(3) If for any reason it is not possible for the child or young person to be brought before a Juvenile Court within the time specified in [subsection \(2\)](#) —

(a)

the Director, protector or police officer (as the case may be) who removed the child or young person under [subsection \(1\)](#) shall, within 3 working days from the date of the removal of the child or young person, inform the Juvenile Court of the removal and the reason for which it is not possible to comply with [subsection \(2\)](#); and

(b)

the Juvenile Court may make such order as the circumstances may admit and require in relation to the custody, charge and care of the child or young person until such time as the child or young person may be brought before the Juvenile Court.

[3/2011 wef 20/07/2011]

(4) Where the Director or a protector is of the view that any contact or access between the child or young person removed under [subsection \(1\)](#) and any other person is not in the best interests of the child or young person, the Director or protector may order that —

(a)

the other person concerned shall not make any contact or have access to the child or young person during the period before the child or young person is brought before the Juvenile Court under [subsection \(2\)](#); or

(b)

the other person concerned may only have contact or access to the child or young person subject to such conditions as the Director or protector may impose.

[3/2011 wef 20/07/2011]

### **Assessment, examination and treatment of child or young person, etc.**

#### **9A.**

—(1) A registered medical practitioner, a psychologist or an approved welfare officer to whom a child or young person is brought under section 8A or [9](#) —

(a)

shall conduct the requisite assessment of the child or young person and report his assessment to the Director, protector or police officer, as the case may be, who presented the child or young person for assessment; and

(b)

may, with the consent of the parent or guardian of the child or young person or, if such consent cannot be obtained or if there is immediate risk to the health of the child or young person, with the authorisation of the Director, protector or police officer —

(i)

administer or cause to be administered to the child or young person such procedures and tests as may be necessary to diagnose the condition of the child or young person; and

(ii)

provide or cause to be provided to the child or young person such treatment (including any surgical treatment) as he considers necessary as a result of his assessment or diagnosis.

[3/2011 wef 20/07/2011]

(2) If the registered medical practitioner, psychologist or approved welfare officer conducting the assessment of the child or young person under [subsection \(1\)](#) believes on reasonable grounds that the child or young person is suffering from any physical or emotional injury or any injury to his health or development as a result of being ill-treated, the registered medical practitioner, psychologist or approved welfare officer shall immediately notify the Director, protector or police officer, as the case may be, who presented the child or young person for assessment.

*[3/2011 wef 20/07/2011]*

(3) [Section 87](#) shall apply to a registered medical practitioner, a psychologist or an approved welfare officer who makes a notification under this section as if it were a notification made under [section 87\(1\)](#).

*[3/2011 wef 20/07/2011]*

(4) If the registered medical practitioner conducting the assessment of the child or young person under this section is of the opinion that the hospitalisation of the child or young person is necessary for the purpose of treating the child or young person, the Director, protector or police officer may authorise the hospitalisation of the child or young person.

*[3/2011 wef 20/07/2011]*

### **Warrant to search for or remove child or young person**

#### **10.**

—(1) If a Magistrate's Court, upon receiving any information or complaint, has reason to believe that a relevant offence has been or is being committed in respect of a child or young person, the Court may issue a warrant authorising any police officer named therein to search for the child or young person, if necessary, and remove the child or young person and commit him to a place of temporary care and protection until he can be brought before a Juvenile Court to be dealt with under [section 49](#).

*[3/2011 wef 20/07/2011]*

*[20/2001]*

(2) A warrant issued by a Magistrate's Court under this section may authorise the police officer named therein, before committing the child or young person concerned to a place of temporary care and protection, to present the child or young person before a registered medical practitioner or an approved welfare officer for an assessment or for any medical or other treatment as may appear to be necessary.

*[3/2011 wef 20/07/2011]*

*[20/2001]*

(3) [Sections 9\(2\)](#), [\(3\)](#) and [\(4\)](#) and [9A\(1\)](#) to [\(4\)](#) shall apply, with the necessary modifications, in the case where a child or young person is removed under this section as they apply in the case where a child or young person is removed under [section 9](#).

*[3/2011 wef 20/07/2011]*

*[20/2001]*

(4) A Magistrate's Court issuing a warrant under this section may, by the same warrant, cause any person accused of any offence in respect of the child or young person to be apprehended and brought before the Court and proceedings to be taken against that person according to law.

(5) Any police officer authorised by warrant under this section to search for any child or young person or to remove any child or young person, with or without search, may enter, by the use of force if necessary, any house, building or other place specified in the warrant and may remove the child or young person therefrom.

(6) Every warrant issued under this section —

(a)

shall be addressed to and executed by a police officer who shall be accompanied by the person laying the information, if that person so desires, unless the Magistrate's Court by which the warrant is issued otherwise directs; and

(b)

may, if the Court by which the warrant is issued so directs, also be accompanied by a registered medical practitioner appointed by the Director for the purpose.

[20/2001]

(7) It shall not be necessary in any information or warrant under this section to name the child or young person, but, in such case, the child or young person shall be described as particularly as the knowledge of the informant or the Magistrate's Court permits.

### **Restrictions on children and young persons taking part in public entertainment**

#### **11.**

—(1) No child or young person shall take part in any public entertainment —

(a)

which is of an immoral nature;

(b)

which is dangerous to life or prejudicial to the health, physical fitness and kind treatment of the child or young person; or

(c)

without the consent of his parent or guardian.

(2) Any person who causes or procures such a child or young person, or being his parent or guardian allows him, to take part in any public entertainment in contravention of [subsection \(1\)](#) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

[3/2011 wef 20/07/2011]

(3) If the person convicted under [subsection \(2\)](#) is the holder of a licence under the [Public Entertainments and Meetings Act \(Cap. 257\)](#), the court may also order the cancellation of the licence or its suspension for such period as the court may think fit.

(4) In this section —

“entertainment” includes an exhibition or performance;

“public entertainment” means an entertainment to which the public or any section of the public is admitted or in connection with which a charge, whether for admission or otherwise, is made.

### *Trafficking in Children*

### **Unlawful transfer of possession, custody or control of child**

#### **12.**

—(1) Every person who takes any part in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, temporarily or permanently, the possession, custody or control of a child for any valuable consideration shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 4 years.

(2) Every person who, without lawful authority or excuse, harbours or has in his possession, custody or control any child with respect to whom the temporary or permanent possession, custody or control has been transferred or conferred for valuable consideration by any other person within or outside Singapore shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

[3/2011 wef 20/07/2011]

(3) It shall be a defence in any prosecution under this section to prove that the transfer took place in contemplation of or pursuant to a bona fide marriage or adoption and that at

least one of the natural parents of the child or the legal guardian was a consenting party to the marriage or to the adoption by the adopting party, and had expressly consented to the marriage or adoption.

(4) In this section, “legal guardian”, in relation to a child or young person, means a person lawfully appointed by deed or will or by the order of a competent court to be the guardian of that child or young person.

[20/2001]

### **Importation of child by false pretences**

**13.** Any person who, by or under any false pretence, false representations or fraudulent or deceitful means made or used either within or outside Singapore, brings or assists in bringing any child into Singapore shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

### **Power to examine children and persons in charge of them**

#### **14.**

—(1) A protector or any person authorised in that behalf by a protector in writing may require any child and any person who may appear to have the custody or control of the child to appear before the protector at any reasonable time and at any convenient place.

(2) The protector may examine the child as to his reasons for entering or being in Singapore and may examine the person respecting the child, and the child and that person shall be legally bound to answer such questions truthfully to the best of their ability.

### **Consent to marriage**

**15.** No female below the age of 18 years who is or has been detained or in respect of whom a bond or security has been taken under the provisions of this Act shall contract any form of marriage without the previous consent in writing of a protector.

### **Power of protector to require security**

**16.** If a protector has reasonable cause to believe that any child or young person —

(a)

has been brought into Singapore either after having been transferred for valuable consideration or by fraud, misrepresentation or any false pretence;

(b)

has been transferred to the custody or control of any person for valuable consideration either within or outside Singapore; or

(c)

is being detained against his will by some person other than his parents or lawful guardian, he may either —

(i)

order any person in whose custody or under whose control the child or young person appears to be —

(A)

to furnish him with copies of the photographs of the child or young person and the photographs of that person; and

(B)

to furnish security to his satisfaction that the child or young person will not leave Singapore without the previous consent in writing of the protector, and that the child or young person will be produced before the protector whenever he requires it; or

(ii)

in the first instance, or if default be made in complying with any order made under subparagraph (i), order that the child or young person be taken out of the custody of the person

in whose care, custody or control the child or young person is and commit the child or young person to a place of temporary care and protection or, on such security and on such conditions as the protector may require, to the custody of a relative or other fit person until the child or young person attains the age of 18 years or for any shorter period.

[3/2011 wef 20/07/2011]

[20/2001]

## **Inspection**

### **17.**

—(1) A protector or any officer generally or specially authorised in that behalf in writing by a protector may at any time visit and inspect the place where any child or young person in respect of whom security has been furnished under [section 16](#) lives or is believed to live or to be.

[20/2001]

(2) The protector or any such officer may inquire into the condition and circumstances of the child or young person and for the purposes of the inquiry, the protector or such officer may require any person to answer any question he may think proper to ask and that person shall be legally bound to answer such questions truthfully to the best of his ability.

[20/2001]

(3) Any person who obstructs or hinders or attempts to obstruct or hinder a protector or any such officer in the exercise of the powers conferred by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

## **Powers of arrest**

**18.** A protector may, during or after any inquiry referred to in [section 8](#), [14](#) or [17](#), arrest or cause to be arrested any person reasonably believed to have committed an offence under [section 5](#), [6](#), [7](#), [11](#), [12](#) or [13](#) and seize and detain any article or document which he may have reason to believe relates to the offence.

*General*

## **Powers of search**

### **19.**

—(1) A protector or any officer generally or specially authorised in that behalf in writing by a protector may enter and, for that purpose, use such force as may be reasonably necessary, and search any place where he has reasonable cause to suspect that an offence under this Act has been or is being committed.

[3/2011 wef 20/07/2011]

(2) Any person who obstructs or hinders or attempts to obstruct a protector or any such officer in the exercise of the powers conferred by this section shall be guilty of an offence.

## **When court may try offence**

**20.** No court shall try any offence punishable under this Act except with the consent of the Public Prosecutor or a Deputy Public Prosecutor or upon a complaint made by —

(a)

a protector;

(b)

a Justice of the Peace;

(c)

a police officer not below the rank of sergeant; or

(d)

any other person authorised in writing by the Minister or by a protector, either by name or office, to make complaint of any offence under this Act.

[20/2001]

## **Court may determine and declare age of child or young person**

### **21.**

—(1) Where, in any proceedings under this Act, a person is alleged to be a child or young person, the court may, after making such inquiry as it thinks fit as to the age of that person, determine and declare his age.

(2) For the purposes of this Act, the age declared by the court under [subsection \(1\)](#) shall be deemed to be the true age of that person, unless the contrary is proved, in the same or any subsequent proceedings brought in relation to that person.

(3) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age, it shall be a defence to prove that the person was actually of, or above, that age.

## **Offences and penalties**

### **22.** Any person who —

(a)  
refuses to answer, to the best of his knowledge and belief, any question which he is legally bound to answer and which is asked of him by any officer appointed or authorised under this Act;

(b)  
makes, signs or delivers or causes to be made, signed or delivered any wilfully false or incorrect notification, report or statement;

(c)  
refuses to allow an officer appointed or authorised under this Act such entry or access to any place as he is required by this Act to allow; or

(d)  
contravenes any order made by a protector under this Act,  
shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

*[3/2011 wef 20/07/2011]  
[20/2001]*

## **Certificate of protector to be evidence**

**23.** A certificate purporting to be under the hand of a protector as to any entry in a register or any other record or as to any matter or thing which he is authorised by this Act to make or to do shall be prima facie evidence of the entry having been made and of the contents thereof and of the matter or thing having been done or not done.

## **Maintenance of child or young person when committed to care of any person**

### **24.**

—(1) Where under this Act a child or young person is committed to the care of any person —

(a)  
that person shall, while the order of committal is in force, have the like control over the child or young person as if he were the parent of the child or young person and shall be responsible for the maintenance of the child or young person; and

(b)  
the child or young person shall continue in the care of that person notwithstanding that he is claimed by his parent or guardian or any other person.

*[20/2001]*

### (2) Any person who —

(a)

without lawful authority removes a child or young person from the custody of the person to whose care the child or young person has been committed under this Act;

(b)

knowingly assists or induces, directly or indirectly, a child or young person to escape from the person to whose care he has been committed under this Act; or

(c)

knowingly —

(i)

harbours or conceals a child or young person who has escaped from the person to whose care he has been committed under this Act;

(ii)

prevents such child or young person from returning to the person to whose care he has been committed under this Act; or

(iii)

assists any other person in doing any of the acts mentioned in [sub-paragraphs \(i\) and \(ii\)](#), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[3/2011 wef 20/07/2011]  
[20/2001]

(3) For the purposes of this section, a child or young person who, under this Act, is committed or sent to a juvenile rehabilitation centre, a place of safety, a remand home, a place of detention or a place of temporary care and protection shall be deemed to have been committed to the care of the manager of the juvenile rehabilitation centre, place of safety, remand home, place of detention or place of temporary care and protection, as the case may be.

[3/2011 wef 20/07/2011]  
[20/2001]

## Contribution orders

### 25.

—(1) Where an order has been made by a protector under [section 16](#) committing a child or young person to a place of temporary care and protection or to the custody of a relative or other fit person, the protector may at the time of or subsequent to the making of such order make a further order (referred to in this section as a protector's contribution order) requiring the parent or guardian or the person having the custody of the child or young person at the time of the making of the order to contribute such weekly or monthly sum in respect of the maintenance of the child or young person as the protector having regard to his means thinks fit.

[3/2011 wef 20/07/2011]  
[20/2001]

(2) It shall be the duty of the parent or guardian or other person to comply with the terms of a protector's contribution order.

(3) No protector's contribution order shall be made without giving the person ordered to make a contribution an opportunity to be heard.

(4) A protector's contribution order shall remain in force for so long as the committal order in respect of the child or young person is in force except that such order —

(a)

may be varied, revoked or suspended by the protector; and

(b)

shall not be so varied as to increase any contribution payable thereunder without giving the person making the contribution an opportunity to be heard.

[20/2001]

(5) If any person wilfully neglects to comply with a protector's contribution order made under this section, a court may, for every breach of the order, by warrant direct the amount due to be levied in the manner by law provided for levying fines imposed by a Magistrate's Court, or may sentence the person to imprisonment for a term not exceeding one month for each month's contribution remaining unpaid.

#### **Powers of District Court**

26. Any power exercisable by a Magistrate's Court under this Part may also be exercised by a District Court.

#### **Provision of places of temporary care and protection**

27. The Minister may, by notification in the *Gazette* —

(a)

appoint any place or institution to be a place of temporary care and protection under this Act; and

(b)

declare any orphanage, hospital, home, institution or other place to be a place of temporary care and protection for the purposes of this Act.

[3/2011 wef 20/07/2011]

#### **Restriction on publication of information leading to identification of child or young person who is subject of investigation, etc.**

##### **27A.**

—(1) No person shall, without the Director's approval, publish or broadcast any information that identifies, or is likely to lead to the identification of any child or young person as a child or young person —

(a)

who has been or is the subject of any investigation under this Act;

(b)

who has been taken into care or custody by the Director, a protector or a police officer under this Act; or

(c)

who is the subject of an order made by a court under this Act.

(2) If any information or picture is published or broadcast in contravention of [subsection \(1\)](#) —

(a)

in the case of the publication of any information or picture as part of a newspaper or periodical publication, every proprietor, editor, publisher or distributor thereof;

(b)

in the case of the publication of any information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes it; or

(c)

in the case of the broadcast of any information or picture, every person who transmits or provides the programme in which the information or picture is broadcast and every person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

shall jointly be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

(3) In this section, "broadcast" and "publish" have the same meanings as in [section 35\(5\)](#).

PART III  
JUVENILE COURT

**General consideration**

**28.**

—(1) Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection, or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall, in a proper case, take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

(2) A court shall not order a child below the age of 10 years to be sent to a juvenile rehabilitation centre, a remand home or place of detention unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, the court is satisfied that he cannot suitably be dealt with otherwise.

*[3/2011 wef 20/07/2011]*

**Children and young persons not to associate with adult offenders**

**29.** No child or young person while detained in a police station or while being conveyed to or from any court, or while waiting before or after attending in any criminal court, shall be permitted to associate with an adult (not being a relative) who is charged with an offence other than an offence with which the child or young person is jointly charged.

**Bail of children and young persons arrested**

**30.**

—(1) Where a person apparently below the age of 16 years is arrested with or without warrant and he is not released, he shall be brought before a Juvenile Court.

*[3/2011 wef 20/07/2011]*

(2) Where the person cannot be brought immediately before a Juvenile Court as required under [subsection \(1\)](#), the police officer or other officer from a law enforcement agency making the arrest shall, without unnecessary delay, take or send the person arrested before a Magistrate.

*[3/2011 wef 20/07/2011]*

(3) The Juvenile Court or Magistrate, as the case may be, before whom a person is brought under [subsection \(1\)](#) or [\(2\)](#) shall inquire into the case and shall determine whether —

(a)

the charge is one of an offence triable only by the High Court;

(b)

it is necessary in the interest of the person to remove him from association with any undesirable person;

(c)

the person is likely to abscond;

(d)

the person may commit further offences;

(e)

it is necessary to —

(i)

prevent the loss or destruction of evidence relating to the offence with which the person is charged; or

(ii)

prevent interference with any witness in respect of any such offence; or

(f)

there is reason to believe that the release of that person would otherwise defeat the ends of justice.

[3/2011 wef 20/07/2011]

(4) If none of the circumstances referred to in [subsection \(3\)](#) exist, the Juvenile Court or Magistrate shall release the person on a bond, with or without sureties, for such amount as will, in the opinion of the Juvenile Court or Magistrate, secure the attendance of the person upon the hearing of the charge.

[3/2011 wef 20/07/2011]

(5) The bond shall be entered into by the parent or guardian of the person or any other person responsible for the care and control of the person.

[3/2011 wef 20/07/2011]

### **Attendance at court of parent or guardian of child or young person charged with an offence, etc.**

#### **31.**

—(1) Subject to [subsection \(2\)](#), where a child or young person is charged with any offence or is brought before a court under the provisions of this Act or any other Act —

(a)

his parent or guardian shall, unless the court otherwise orders, attend before the court during all stages of the proceedings; and

(b)

the court may compel the attendance of the parent or guardian as if he were required as a witness in the proceedings.

[20/2001]

(2) If it appears to a court to be necessary to do so in the interest of a child or young person, the court may require his parent or guardian to withdraw from the court.

[20/2001]

### **Constitution of Juvenile Court**

#### **32.**

—(1) A Juvenile Court shall be presided over by a Magistrate nominated by the President.

(2) If at any time, by reason of illness or other emergency, the Magistrate nominated under [subsection \(1\)](#) is not available, any Magistrate, although not so nominated, may preside over a Juvenile Court.

(3) The presiding Magistrate, when determining the method of dealing with a child or young person in respect of whom a written report is obtained by the Juvenile Court regarding his background, family history, school record or such other matters, shall sit with 2 advisers from a panel of advisers nominated by the President except that where it appears that the Court cannot without adjournment be fully constituted and that an adjournment would be inexpedient in the interests of justice, he may sit with one adviser or he may sit alone.

(3A) The functions of the panel of advisers referred to in [subsection \(3\)](#) shall be to inform and advise the Juvenile Court with respect to —

(a)

any matter or consideration which may affect the treatment of any child or young person; or

(b)

any order that may be made in respect of any child or young person brought before the Juvenile Court.

[3/2011 wef 20/07/2011]

(4) Except as modified or extended by this Act, the provisions of the Criminal Procedure Code (Cap. 68) shall apply to a Juvenile Court as if that Court were a Magistrate's Court.

## **Jurisdiction of Juvenile Court**

### **33.**

—(1) Subject to the provisions of this section, no child or young person shall be charged with or tried for any offence by a court of summary jurisdiction except a Juvenile Court.

[20/2001]

(2) Where a child or young person is charged with any offence triable only by the High Court, he shall be tried by the High Court unless —

(a)

the Public Prosecutor applies to the Juvenile Court to try such offence; and

(b)

the legal representative of the child or young person concerned consents to the offence being tried by the Juvenile Court.

[20/2001]

(3) Where a charge is made jointly against a child or young person and a person who has attained the age of 16 years, the charge shall be heard by a court of appropriate jurisdiction other than a Juvenile Court.

[20/2001]

(4) Where, in the course of any proceedings before any court of appropriate jurisdiction other than a Juvenile Court, it appears that the person to whom the proceedings relate is a child or young person, the court may, notwithstanding [subsection \(1\)](#), proceed with the hearing and determination of the proceedings if it thinks fit.

[20/2001]

(5) A Juvenile Court shall have jurisdiction to try all offences which, but for [subsections \(1\)](#) and [\(2\)](#), would be triable only by a Magistrate's Court, a District Court or the High Court.

[20/2001]

(6) A person who has attained the age of 16 years on the date of commencement of the hearing of the charge shall not be tried for any offence by a Juvenile Court.

(7) Where in the course of any trial before a Juvenile Court the child or young person to whom the trial relates attains the age of 16 years, nothing in [subsection \(6\)](#) shall prevent the Juvenile Court, if it thinks fit, from proceeding with the trial and dealing with the child or young person in accordance with the provisions of this Act.

[20/2001]

(8) In this section, "legal representative", in relation to a child or young person who is charged with an offence, includes any person assisting the child or young person in his defence to the charge.

[20/2001]

## **Place of sitting and persons who may be present**

### **34.**

—(1) A Juvenile Court shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on it by this or any other Act.

(2) A Juvenile Court shall sit either in a different building or room from that in which sittings of courts other than Juvenile Courts are held, or on different days from those on which sittings of the other courts are held, and no person shall be present at any sitting of a Juvenile Court except —

(a)

members and officers of the Court;

(b)

parties to the case before the Court, their solicitors and counsel and witnesses and other persons directly concerned in that case;

bona fide representatives of newspapers or news agencies; and

(c)

such other persons as the Court may specially authorise to be present.

(d)

### **Restriction on publication of information relating to proceedings involving children and young persons**

#### **35.**

—(1) Subject to [subsection \(2\)](#), no person shall —

(a)

publish or broadcast any information relating to any proceedings in any court or on appeal from any court that reveals the name, address or school or that includes any particulars that are calculated to lead to the identification of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein; or

(b)

publish or broadcast any picture as being or including a picture of any child or young person so concerned in any such proceedings.

[20/2001]

(2) The court or the Minister may, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of [subsection \(1\)](#) to such extent as may be specified in the order.

[20/2001]

(3) If any information or picture is published or broadcast in contravention of [subsection \(1\)](#), the following persons:

(a)

in the case of the publication of any information or picture as part of a newspaper or periodical publication, any proprietor, editor, publisher or distributor thereof;

(b)

in the case of the publication of any information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes it; or

(c)

in the case of the broadcast of any information or picture, any person who transmits or provides the programme in which the information or picture is broadcast and any person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

[20/2001]

(4) [Subsection \(1\)](#) shall be in addition to, and not in derogation from, the provisions of any other written law with respect to the publication of information relating to judicial proceedings.

[20/2001]

(5) In this section —

“broadcast” means sounds or visual images broadcast by wireless telegraphy or by means of a high frequency distribution system over wire or other paths provided by a material substance and intended for general reception;

“publish”, in relation to any information or picture, means to bring the information or picture to the notice of the public or a section of the public by any means.

[20/2001]

### **Removal of disqualification or disability on conviction**

**36.** A conviction or finding of guilt of a child or young person shall be disregarded for the purposes of any Act under which any disqualification or disability is imposed upon convicted persons.

### **Restrictions on punishment of children and young persons**

#### **37.**

—(1) A child shall not be sentenced or ordered to be imprisoned for any offence or be committed to prison in default of payment of a fine or costs.

(2) A young person shall not be ordered to be imprisoned for any offence, or be committed to prison in default of a fine, damages or costs, unless the court certifies that he is of so unruly a character that he cannot be detained in a place of detention or a juvenile rehabilitation centre.

*[3/2011 wef 20/07/2011]*

(3) Notwithstanding the provisions of any other written law, no child or young person shall be sentenced by any court other than the High Court to corporal punishment.

### **Punishment of certain grave crimes**

#### **38.**

—(1) Where a child or young person is convicted of murder, or of culpable homicide not amounting to murder, or of attempted murder, or of voluntarily causing grievous hurt, and the court is of opinion that none of the other methods by which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence.

(2) Where a sentence has been passed under [subsection \(1\)](#), the child or young person shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and on such conditions as the Minister may direct.

(3) A person detained in pursuance of the directions of the Minister under this section shall, while so detained, be deemed to be in legal custody.

(4) Any person so detained may, at any time, be released by the Minister on licence.

(5) A licence referred to in [subsection \(4\)](#) may be in such form and contain such conditions as the Minister may direct and may at any time be revoked or varied by the Minister.

(6) Where a licence has been revoked, the person to whom the licence relates shall return to such place as the Minister may direct, and if he fails to do so he may be apprehended without warrant and taken to that place.

### **Power to order parent or guardian to pay fine, etc., instead of child or young person**

#### **39.**

—(1) Where a child or young person is charged before a Juvenile Court with any offence for the commission of which a fine may be imposed and damages or costs or both may be awarded, and the Court is of the opinion that the case would be best met by the imposition of all or any of those penalties whether with or without any other punishment, the Court may, in such case, and shall, if the offender is a child, order that the fine imposed and damages or costs awarded be paid by the parent or guardian of the child or young person, unless the Court is satisfied that the parent or guardian cannot be found or that he has not concurred to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) Where a child or young person is charged with any offence, a Juvenile Court may order his parent or guardian to give security for his good behaviour.

(3) Where a Juvenile Court thinks that a charge against a child or young person is proved, the Court may make an order on the parent or guardian under this section for the payment of damages or costs or requiring him to give security for the good behaviour of the

child or young person, without proceeding to record a finding of guilt against the child or young person.

(4) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, subject to [subsection \(1\)](#), no such order shall be made without giving the parent or guardian an opportunity to be heard.

(5) Any sum imposed and ordered to be paid by the parent or guardian under this section, or on forfeiture of any such security, may be recovered from him in the manner provided by the Criminal Procedure Code (Cap. 68) in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

### **Power of other courts to remit juvenile offenders to Juvenile Court**

#### **40.**

—(1) Any court by or before which a child or young person is found guilty of an offence may, if it thinks fit, remit the case to a Juvenile Court.

(2) Where any such case is so remitted, the offender shall be brought before a Juvenile Court accordingly, and the Juvenile Court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by the Juvenile Court.

(3) No appeal shall lie against an order of remission made under [subsection \(1\)](#) but nothing in this subsection shall affect any right of appeal against the verdict or finding on which such an order is founded.

(4) A person aggrieved by the order of the Juvenile Court to which the case is remitted may appeal therefrom to the High Court as if he has been tried by, and had pleaded guilty before, the Juvenile Court.

(5) A court by which an order remitting a case to a Juvenile Court is made under this section —

(a)

may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before a Juvenile Court; and

(b)

shall cause to be transmitted to the Juvenile Court to which the case has been remitted a certificate setting out the nature of the offence and stating that the case has been remitted for the purpose of being dealt with under this section.

### **Words “conviction” and “sentence” not to be used**

#### **41.**

—(1) The words “conviction” and “sentence” shall cease to be used in relation to children and young persons dealt with by a Juvenile Court.

(2) Any reference in any written law to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be.

### **Procedure in Juvenile Court**

#### **42.**

—(1) Where a child or young person is brought before a Juvenile Court for any offence, it shall be the duty of the Court as soon as possible to explain to him in simple language suitable to his age and understanding the substance of the alleged offence.

(2) After explaining the substance of the alleged offence, the Juvenile Court shall ask the child or young person whether he admits the facts constituting the offence.

(3) If the child or young person does not admit the facts constituting the offence, the Juvenile Court shall then hear the evidence of the witnesses in support thereof.

(4) At the close of the evidence in chief of each witness, the witness may be cross-examined by or on behalf of the child or young person.

(5) The Juvenile Court shall, except in any case where the child or young person is legally represented, allow his parents or guardian or, in their absence, any relative or other responsible person to assist him in conducting his defence.

(6) If in any case where the child or young person is not legally represented or assisted in his defence as provided for in [subsection \(5\)](#), the child or young person, instead of asking questions by way of cross-examination, makes assertions, the Juvenile Court shall then put to the witness such questions as it thinks necessary on behalf of the child or young person and may, for this purpose, question the child or young person in order to bring out or clear up any point arising out of those questions.

(7) If it appears to the Juvenile Court that a prima facie case is made out, the Court shall explain to the child or young person the substance of the evidence against him and, in particular, any points therein which specially tell against him or require explanation and the child or young person shall be allowed to give evidence upon oath or affirmation or to make a statement if he so desires and the evidence of any witness for the defence shall be heard.

(8) If the child or young person admits the offence or the Juvenile Court is satisfied that it is proved, he and his parent or guardian, if present, shall then be asked if they desire to say anything in extenuation or mitigation of the penalty or otherwise.

(9) Before deciding how to deal with him, the Juvenile Court may obtain such information as to his family background, general conduct, home surroundings, school record, medical history and state of development, as may enable it to deal with the case in the best interests of the child or young person, and may put to him any question arising out of such information.

[20/2001]

(10) The information referred to in [subsection \(9\)](#) may include any written report of a probation officer, an approved welfare officer, a registered medical practitioner or any other person whom the Juvenile Court thinks fit to provide a report on the child, and may be received and considered by the Court without being read aloud.

[20/2001]

(11) For the purpose of [subsection \(9\)](#), the Juvenile Court may —

(a)

require either or both the child or young person and the parent or guardian thereof to furnish such information or render such assistance to the Juvenile Court as the Court thinks necessary;

(b)

require either or both the child or young person and the parent or guardian thereof to undergo such medical, psychological or other assessment as the Juvenile Court thinks necessary; and

(c)

from time to time release the child or young person on bail or remand him in a place of detention in order to facilitate the carrying out of any requirement of the Juvenile Court under [paragraph \(a\)](#) or [\(b\)](#).

[20/2001]

(12) The costs of and incidental to any assessment under [subsection \(11\)\(b\)](#) shall be borne by the parent or guardian of the child or young person, unless the Juvenile Court directs otherwise.

[20/2001]

(13) Where the Juvenile Court has received and considered a written report of a probation officer, an approved welfare officer, a registered medical practitioner or any other person whom the Court thinks fit to provide a report on the child or young person —

(a)

the child or young person shall be told the substance of any part of the report bearing on his character or conduct which the Court considers to be material to the manner in which he should be dealt with;

(b)

the parent or guardian, if present, shall be told the substance of any part of the report which the Court considers to be material to the manner in which the child or young person should be dealt with and which has reference to his character or conduct, or the character, conduct, home surroundings, or health of the child or young person; and

(c)

if the child or young person or his parent or guardian having been told the substance of any part of any such report desires to produce evidence with reference thereto, the Court, if it thinks the evidence material, shall adjourn the proceedings for the production of further evidence and shall, if necessary, require the attendance at the adjourned hearing of the person who made the report.

[20/2001]

(14) If in any case the Juvenile Court considers it necessary in the interests of the child or young person, the Court may require the parent or guardian of the child or young person, as the case may be, to withdraw from the Court.

### **Presumption as to age**

#### **43.**

—(1) Where, in a charge for an offence triable under this Act, it is alleged that the person by whom the offence was committed was below or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence below or to have attained the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been below or to have attained that age, as the case may be, and any order made therein shall not be invalidated by any subsequent proof that the age has been incorrectly stated.

(2) Where the court or a police officer dealing with any person by whom an offence is alleged to have been committed is in doubt as to the exact age of that person, the certificate of a registered medical practitioner who has assessed that person, stating to the effect that, in his opinion, that person has or has not attained a specified age, may be given in evidence.

[20/2001]

### **Powers of Juvenile Court on proof of offence**

#### **44.**

—(1) Subject to the provisions of this section, where a Juvenile Court is satisfied that an offence has been proved, or where the child or young person (referred to in this section as the offender) admits the facts constituting the offence, the Court shall, in addition to any other powers exercisable by virtue of this Act or any other written law for the time being in force, have power —

(a)

to discharge the offender;

(b)

to discharge the offender upon his entering into a bond to be of good behaviour and to comply with such order as may be imposed;

(c)  
to commit the offender to the care of a relative or other fit person for a period to be specified by the Court;

(d)  
to order his parent or guardian to execute a bond to exercise proper care and guardianship and to abide by such order as the Court may make in relation to the welfare, maintenance and rehabilitation of the offender;

(e)  
to make a probation order requiring the offender to be under the supervision of a probation officer or a volunteer probation officer for a period of not less than 6 months and not more than 3 years;

(f)  
to make an order, in accordance with the prescribed requirements, requiring the offender to perform community service, not exceeding 240 hours in aggregate, of such nature and at such time and place and subject to such conditions as may be specified by the Court;

(g)  
to order the offender to be detained in a place of detention for a period not exceeding 6 months;

(h)  
to order the offender to be detained in a place of detention or an approved institution over such number of weekends, not exceeding 26, as the Court thinks fit;

(i)  
to order the offender to be sent to a juvenile rehabilitation centre for a period of not more than 3 years;

(j)  
to order the offender to pay a fine, damages or costs;

(k)  
to order the offender to be brought before a District Court to be dealt with under section 305 of the Criminal Procedure Code 2010 if the offender —

(i)  
has attained the age of 16 years; or

(ii)  
having attained the age of 14 years but being below the age of 16 years, has previously been dealt with by a court in connection with another offence and had, in respect of that other offence, been ordered under paragraph (i) to be sent to a juvenile rehabilitation centre established under [section 64](#),  
and the Juvenile Court is satisfied that it is expedient with a view to his reformation that he should undergo a period of training in a reformatory training centre.

[3/2011 wef 20/07/2011]  
[20/2001]

(2) For the purpose of [subsection \(1\)](#), the Juvenile Court shall have power —

(a)  
to make the orders referred to in [subsection \(1\)\(b\)](#), (c), (d), (e), (f), (g), (h), (i) and (j) singly, or combine, in such manner as it thinks just and expedient in the circumstances —

(i)  
any 2 or more of the orders referred to in [subsection \(1\)\(b\)](#), (c), (d)