



National Child Laws

——Singapore

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Introduction

There are many places in Singapore that can contribute to the protection of children's personal safety. In the report of global law and order in 2018, Singapore was rated as the country with the best law and order in the world. In the end of childhood data released by save the children, an international non-governmental organization, Singapore scored 987 (out of 1000), far higher than Norway and other European countries. According to the "human capital index" report released by the world bank in August 2019, the survival rate of children under 5 years old in Singapore ranks first in the world.

Singapore's laws on child protection are mainly in the form of laws and regulations, here are some specific legal provisions. The introduction of each act and regulation will be composed of table of contents and contents itself.

Acts

International Child Abduction Act(CHAPTER 143C)

(Original Enactment: Act 27 of 2010)

REVISED EDITION 2011

(31st December 2011)

An Act to give effect to the Convention on the Civil Aspects of International Child Abduction and for matters connected therewith.

[1st March 2011]

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THE SCHEDULE Convention on the Civil Aspects of International Child Abduction

Legislative History

PART I PRELIMINARY

Short title

1. This Act may be cited as the International Child Abduction Act.

Interpretation

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

“Convention” means the Convention on the Civil Aspects of International Child Abduction which was signed at The Hague on 25th October 1980;

“Court” means the High Court or a Family Court;

“Minister” means —

(a)except as provided in paragraph (b), the Minister charged with the responsibility for child welfare and protection; and

(b)for the purposes of Part IV, the Minister charged with the responsibility for legal aid.

(2) Unless the contrary intention appears, words and expressions used in this Act have the same meanings as in the provisions of the Convention set out in the Schedule.

Certain provisions of Convention to have force of law

3. Notwithstanding any written law or rule of law but subject to the provisions of Parts I to V, the provisions of the Convention as set out in the Schedule shall have the force of law in Singapore.

Contracting States

4.—(1) For the purposes of the Convention, the Contracting States (other than Singapore) shall be those for the time being specified by the Minister by an order published in the Gazette.

(2) An order under subsection (1) shall specify the date of coming into force of the Convention as between Singapore and any Contracting State specified in the order, and, except where the order otherwise provides, the Convention shall apply as between Singapore and that Contracting State only in relation to —

(a)wrongful removals or retentions of children; or

(b)breaches of access rights to children,

occurring on or after that date.

(3) Where the Convention applies, or applies only, to a particular territory specified in a declaration made by a Contracting State under Article 39 or 40 of the Convention, references to that Contracting State in subsections (1) and (2) shall be construed as references to that territory.

PART II
CENTRAL AUTHORITY OF SINGAPORE

Central Authority

5. Subject to the provisions of this Part, the functions of a Central Authority under the provisions of the Convention set out in the Schedule shall be discharged in Singapore by the Minister.

Applications to Central Authority under Article 8 of Convention

6.—(1) A person who claims that, in breach of rights of custody attributed to a person, either jointly or alone, under the law of a Contracting State, a child has been wrongfully removed to or retained in Singapore within the meaning of the Convention may apply to the Central Authority of Singapore for his assistance in facilitating the voluntary return of the child or an amicable resolution of the dispute relating to the removal or retention of the child.

(2) A person who claims that, in breach of rights of custody attributed to a person, either jointly or alone, under the law of Singapore, a child has been wrongfully removed to or retained in a Contracting State within the meaning of the Convention may apply to the Central Authority of Singapore to have his claim sent to the Central Authority of the Contracting State.

(3) An application under subsection (1) or (2) shall be made in such form and manner, and shall contain such information and be accompanied by such documents, as may be specified by the Central Authority of Singapore.

(4) The Central Authority of Singapore may accept an application under subsection (1) or (2) from —

(a) the person to whom the rights of custody (claimed to have been breached) are attributed under the law of the Contracting State or Singapore, as the case may be; or

(b) any other person appearing to the Central Authority of Singapore to have sufficient interest in the matter.

(5) The Central Authority of Singapore may refuse to accept an application under subsection (1) or (2) if it is not submitted in accordance with this section or section 21 or for any of the reasons specified in Article 27 of the Convention.

(6) In this section, “person” includes an institution or other body.

Applications to Central Authority under Article 21 of Convention

7.—(1) A person who claims that his rights of access under the law of a Contracting State to a child in Singapore have been breached within the meaning of the Convention may apply to the Central Authority of Singapore for his assistance in facilitating an amicable resolution of the dispute relating to the exercise of such rights.

(2) A person who claims that his rights of access under the law of Singapore to a child in a Contracting State have been breached within the meaning of the Convention may apply to the Central Authority of Singapore to have his claim sent to the Central Authority of the Contracting State.

(3) An application under subsection (1) or (2) shall be made in such form and manner, and shall contain such information and be accompanied by such documents, as may be specified by the Central Authority of Singapore.

(4) The Central Authority of Singapore may refuse to accept an application under subsection (1) or (2) if it is not submitted in accordance with this section or section 21 or for any of the reasons specified in Article 27 of the Convention.

PART III
APPLICATIONS TO COURT

Application for return of child

8.—(1) A person who claims that, in breach of rights of custody attributed to a person, either jointly or alone, under the law of a Contracting State, a child has been wrongfully removed to or retained in Singapore within the meaning of the Convention may apply to the Court for an order that the child be returned.

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

(a) the person to whom the rights of custody (claimed to have been breached) are attributed under the law of the Contracting State; or

(b) any person appearing to the Court to have sufficient interest in the matter.

(3) The applicant shall notify the Central Authority of Singapore of his application by forwarding a copy of his application to the Central Authority of Singapore as soon as practicable.

(4) The Court may, if it determines that the child should be returned to the Contracting State, give leave for the child to be taken out of Singapore either unconditionally or subject to such conditions or undertakings as the Court may think fit.

(5) In this section, “person” includes an institution or other body.

Power to allow intervention on terms

9. On the application of any person who is not a party to an application under section 8, the Court may, if satisfied that it is in the interest of the child (in respect of whom the application under section 8 has been made) for that person to be made a party, allow that person to intervene in the proceedings upon such terms as the Court thinks just.

Interim powers of Court

10.—(1) Where an application has been made to the Court under section 8 for the return of a child, the Court may, at any time before it determines the application, make such interim orders or give such interim directions as it thinks fit for the purpose of securing the welfare of the child or of preventing changes in the circumstances relevant to the determination of the application.

(2) Without prejudice to the generality of subsection (1), the Court may make interim orders or give interim directions for the care and control of or access to the child.

Power of Court to restrain taking of child out of Singapore

11.—(1) Without prejudice to the generality of section 10, where an application under section 8 for the return of a child is pending or has been dismissed by the Court, the Court may issue an injunction restraining any person from taking the child out of Singapore.

(2) An application for an order under subsection (1) may be made by any person appearing to the Court to have sufficient interest in the matter.

Advice of welfare officers, etc.

12. The Court may receive advice from any person, whether or not a public officer, who is trained or experienced in matters relevant to the Court’s determination of an application under section 8, but shall not be bound to follow any such advice.

Stay of decision in respect of custody, care and control and access

13.—(1) When an application has been made to the Court under section 8 for the return of a child, no decision shall be made by any court in respect of the custody of, care and control of or access to the child in any proceedings until the Court has determined the application.

(2) The reference to deciding on the merits in respect of the custody of, care and control of or

access to a child in subsection (1) shall be a reference to making, varying, revoking or enforcing a custody order, a care and control order or an access order, as the case may be, in respect of the child.

(3) Subsection (1) shall not affect or limit the Court's power to make interim orders or give interim directions under section 10.

(4) In this section, "court" includes the Syariah Court and the Appeal Board constituted under the Administration of Muslim Law Act (Cap. 3).

Declarations by Court

14.—(1) The Court may, on an application made for the purpose of Article 15 of the Convention by any person appearing to the Court to have sufficient interest in the matter, make a declaration that the removal of a child from Singapore, or the retention of the child outside Singapore, was wrongful within the meaning of the Convention.

(2) For the avoidance of doubt, section 35A of the Administration of Muslim Law Act (Cap. 3) and section 17A(3) of the Supreme Court of Judicature Act (Cap. 322) shall not apply to an application under subsection (1).

PART IV

LEGAL AID AND ADVICE

Interpretation of this Part

15. In this Part, unless the context otherwise requires —

"authorised solicitor" means a solicitor on any panel established under section 4 of the Legal Aid and Advice Act (Cap. 160) who has been assigned by the Director to provide legal representation or legal advice to a person under this Part;

"Director" means the Director of Legal Aid appointed under section 3 of the Legal Aid and Advice Act and includes a Deputy Director and an Assistant Director of Legal Aid appointed under section 3 of that Act.

Administration of legal aid and advice

16. The provision of legal aid and advice under this Part shall be administered by the Director.

Legal aid

17. Subject to the provisions of this Part, the Director may grant legal aid in connection with any proceedings under section 8 or 14 to any person —

(a) who is a citizen of, or habitually resident in, Singapore or a Contracting State; and

(b) who is or will be —

(i) a party to the proceedings under section 8; or

(ii) the applicant in the proceedings under section 14.

Legal advice

18. Subject to the provisions of this Part, on the application of any person who is a citizen of, or habitually resident in, Singapore or a Contracting State —

(a) the Director or an authorised solicitor may provide oral advice to the person on the law of Singapore in connection with the Convention; or

(b) the Director may provide the person assistance with the preparation of an application by the person for legal aid under this Part.

Application of Legal Aid and Advice Act and Legal Aid and Advice Regulations to legal aid and advice under this Part

19. Except where expressly provided in this Part, the provisions of the Legal Aid and Advice Act

(Cap. 160) and the Legal Aid and Advice Regulations (Cap. 160, Rg 1) shall apply (so far as relevant) in relation to the provision of legal aid and legal advice under this Part as they apply to the provision of legal aid and legal advice under the Legal Aid and Advice Act, with such exceptions, modifications and adaptations as the Minister may prescribe.

Regulations

20. The Minister may make regulations for the purposes of carrying out the provisions of this Part or for the prescribing of anything which may be prescribed or is required to be prescribed under this Part.

PART V MISCELLANEOUS

Language and translation

21. For the purposes of Article 24 of the Convention, any application, communication or other document sent to the Central Authority of Singapore shall, if it is in a language other than English, be accompanied by an English translation of the application, communication or other document.

Proof of documents and evidence

22.—(1) For the purposes of Article 14 of the Convention, a decision of a judicial or administrative authority outside Singapore may be proved by a duly authenticated copy of the decision, and any document purporting to be such a copy shall be deemed to be a true copy unless the contrary is shown.

(2) For the purposes of subsection (1), a copy is duly authenticated if it bears the seal, or is certified by a judge or officer, of the authority.

(3) For the purposes of Articles 14 and 30 of the Convention, any document specified in Article 8 of the Convention or a certified copy of the document shall be sufficient evidence of anything stated in it.

Costs

23. No costs referred to in Article 26 of the Convention shall be borne by the Government, the Central Authority of Singapore or any other public authority in Singapore except insofar as they fall to be so borne by virtue of the grant of legal aid or advice under Part IV.

Regulations

24. The Minister may make regulations for the purposes of carrying out the provisions of this Act (other than those in Parts III and IV).

THE SCHEDULE Sections 2(2), 3 and 5 Convention on the Civil Aspects of International Child Abduction Chapter I — Scope of the Convention

Article 1

The objects of the present Convention are —

(a) to secure the prompt return of children wrongfully removed to or retained in any Contracting State; and

(b) to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

... ..(It may be missing. There is no such article in this edition)

Article 3

The removal or the retention of a child is to be considered wrongful where —

- (a) it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and
- (b) at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

The rights of custody mentioned in sub-paragraph (a) above, may arise in particular by operation of law or by reason of a judicial or administrative decision, or by reason of an agreement having legal effect under the law of that State.

Article 4

The Convention shall apply to any child who was habitually resident in a Contracting State immediately before any breach of custody or access rights. The Convention shall cease to apply when the child attains the age of 16 years.

Article 5

For the purposes of this Convention —

- (a) “rights of custody” shall include rights relating to the care of the person of the child and, in particular, the right to determine the child’s place of residence;
- (b) “rights of access” shall include the right to take a child for a limited period of time to a place other than the child’s habitual residence.

Chapter II — Central Authorities

Article 7

Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their respective States to secure the prompt return of children and to achieve the other objects of this Convention.

In particular, either directly or through any intermediary, they shall take all appropriate measures —

- (a) to discover the whereabouts of a child who has been wrongfully removed or retained;
- (b) to prevent further harm to the child or prejudice to interested parties by taking or causing to be taken provisional measures;
- (c) to secure the voluntary return of the child or to bring about an amicable resolution of the issues;
- (d) to exchange, where desirable, information relating to the social background of the child;
- (e) to provide information of a general character as to the law of their State in connection with the application of the Convention;
- (f) to initiate or facilitate the institution of judicial or administrative proceedings with a view to obtaining the return of the child and, in a proper case, to make arrangements for organising or securing the effective exercise of rights of access;
- (g) where the circumstances so require, to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisers;
- (h) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child;
- (i) to keep each other informed with respect to the operation of this Convention and, as far as possible, to eliminate any obstacles to its application.

Chapter III — Return of Children

Article 8

Any person, institution or other body claiming that a child has been removed or retained in breach of custody rights may apply either to the Central Authority of the child's habitual residence or to the Central Authority of any other Contracting State for assistance in securing the return of the child.

The application shall contain —

- (a) information concerning the identity of the applicant, of the child and of the person alleged to have removed or retained the child;
- (b) where available, the date of birth of the child;
- (c) the grounds on which the applicant's claim for return of the child is based;
- (d) all available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be.

The application may be accompanied or supplemented by —

- (e) an authenticated copy of any relevant decision or agreement;
- (f) a certificate or an affidavit emanating from a Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State;
- (g) any other relevant document.

Article 9

If the Central Authority which receives an application referred to in Article 8 has reason to believe that the child is in another Contracting State, it shall directly and without delay transmit the application to the Central Authority of that Contracting State and inform the requesting Central Authority, or the applicant, as the case may be.

Article 10

The Central Authority of the State where the child is shall take or cause to be taken all appropriate measures in order to obtain the voluntary return of the child.

... ..

Article 12

Where a child has been wrongfully removed or retained in terms of Article 3 and, at the date of the commencement of the proceedings before the judicial or administrative authority of the Contracting State where the child is, a period of less than one year has elapsed from the date of the wrongful removal or retention, the authority concerned shall order the return of the child forthwith.

The judicial or administrative authority, even where the proceedings have been commenced after the expiration of the period of one year referred to in the preceding paragraph, shall also order the return of the child, unless it is demonstrated that the child is now settled in its new environment.

Where the judicial or administrative authority in the requested State has reason to believe that the child has been taken to another State, it may stay the proceedings or dismiss the application for the return of the child.

Article 13

Notwithstanding the provisions of the preceding Article, the judicial or administrative authority of the requested State is not bound to order the return of the child if the person, institution or

other body which opposes its return establishes that —

(a) the person, institution or other body having the care of the person of the child was not actually exercising the custody rights at the time of removal or retention, or had consented to or subsequently acquiesced in the removal or retention; or

(b) there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.

The judicial or administrative authority may also refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.

In considering the circumstances referred to in this Article, the judicial and administrative authorities shall take into account the information relating to the social background of the child provided by the Central Authority or other competent authority of the child's habitual residence.

Article 14

In ascertaining whether there has been a wrongful removal or retention within the meaning of Article 3, the judicial or administrative authorities of the requested State may take notice directly of the law of, and of judicial or administrative decisions, formally recognised or not in the State of the habitual residence of the child, without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be applicable.

Article 15

The judicial or administrative authorities of a Contracting State may, prior to the making of an order for the return of the child, request that the applicant obtain from the authorities of the State of the habitual residence of the child a decision or other determination that the removal or retention was wrongful within the meaning of Article 3 of the Convention, where such a decision or determination may be obtained in that State. The Central Authorities of the Contracting States shall so far as practicable assist applicants to obtain such a decision or determination.

... ..

Article 17

The sole fact that a decision relating to custody has been given in or is entitled to recognition in the requested State shall not be a ground for refusing to return a child under this Convention, but the judicial or administrative authorities of the requested State may take account of the reasons for that decision in applying this Convention.

Article 18

The provisions of this Chapter do not limit the power of a judicial or administrative authority to order the return of the child at any time.

Article 19

A decision under this Convention concerning the return of the child shall not be taken to be a determination on the merits of any custody issue.

Article 20

The return of the child under the provisions of Article 12 may be refused if this would not be permitted by the fundamental principles of the requested State relating to the protection of human rights and fundamental freedoms.

Chapter IV — Rights of Access

Article 21

An application to make arrangements for organising or securing the effective exercise of rights of

access may be presented to the Central Authorities of the Contracting States in the same way as an application for the return of a child.

The Central Authorities are bound by the obligations of co-operation which are set forth in Article 7 to promote the peaceful enjoyment of access rights and the fulfilment of any conditions to which the exercise of those rights may be subject. The Central Authorities shall take steps to remove, as far as possible, all obstacles to the exercise of such rights.

The Central Authorities, either directly or through intermediaries, may initiate or assist in the institution of proceedings with a view to organising or protecting these rights and securing respect for the conditions to which the exercise of these rights may be subject.

Chapter V — General Provisions

Article 22

No security, bond or deposit, however described, shall be required to guarantee the payment of costs and expenses in the judicial or administrative proceedings falling within the scope of this Convention.

... ..

Article 24

Any application, communication or other document sent to the Central Authority of the requested State shall be in the original language, and shall be accompanied by a translation into the official language or one of the official languages of the requested State or, where that is not feasible, a translation into French or English.

However, a Contracting State may, by making a reservation in accordance with Article 42, object to the use of either French or English, but not both, in any application, communication or other document sent to its Central Authority.

... ..

Article 26

Each Central Authority shall bear its own costs in applying this Convention.

Central Authorities and other public services of Contracting States shall not impose any charges in relation to applications submitted under this Convention. In particular, they may not require any payment from the applicant towards the costs and expenses of the proceedings or, where applicable, those arising from the participation of legal counsel or advisers. However, they may require the payment of the expenses incurred or to be incurred in implementing the return of the child.

However, a Contracting State may, by making a reservation in accordance with Article 42, declare that it shall not be bound to assume any costs referred to in the preceding paragraph resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.

Upon ordering the return of a child or issuing an order concerning rights of access under this Convention, the judicial or administrative authorities may, where appropriate, direct the person who removed or retained the child, or who prevented the exercise of rights of access, to pay necessary expenses incurred by or on behalf of the applicant, including travel expenses, any costs incurred or payments made for locating the child, the costs of legal representation of the applicant, and those of returning the child.

Article 27

When it is manifest that the requirements of this Convention are not fulfilled or that the

application is otherwise not well founded, a Central Authority is not bound to accept the application. In that case, the Central Authority shall forthwith inform the applicant or the Central Authority through which the application was submitted, as the case may be, of its reasons.

Article 28

A Central Authority may require that the application be accompanied by a written authorisation empowering it to act on behalf of the applicant, or to designate a representative so to act.

Article 29

This Convention shall not preclude any person, institution or body who claims that there has been a breach of custody or access rights within the meaning of Article 3 or 21 from applying directly to the judicial or administrative authorities of a Contracting State, whether or not under the provisions of this Convention.

Article 30

Any application submitted to the Central Authorities or directly to the judicial or administrative authorities of a Contracting State in accordance with the terms of this Convention, together with documents and any other information appended thereto or provided by a Central Authority, shall be admissible in the courts or administrative authorities of the Contracting States.

Article 31

In relation to a State which in matters of custody of children has two or more systems of law applicable in different territorial units —

(a) any reference to habitual residence in that State shall be construed as referring to habitual residence in a territorial unit of that State;

(b) any reference to the law of the State of habitual residence shall be construed as referring to the law of the territorial unit in that State where the child habitually resides.

Article 32

In relation to a State which in matters of custody of children has two or more systems of law applicable to different categories of persons, any reference to the law of that State shall be construed as referring to the legal system specified by the law of that State.

... ..

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]

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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-General 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, and includes a forensic medical examination;

“care-giver” —

(a) in relation to a child or young person who is the subject of a voluntary care agreement, means a person to whose care the child or young person is committed under the voluntary care agreement;

(b) in relation to a child or young person who is the subject of an order made under section 49, means —

(i) if the child or young person is committed to the care of a fit person — the fit person; or

(ii) if the child or young person is committed to a place of safety or place of temporary care and protection — the person-in-charge of the place of safety or place of temporary care and protection (as the case may be), or such employee at the place of safety or place of temporary care and protection (as the case may be) whom the Director-General or a protector thinks is competent to provide care, protection and supervision to the child or young person;

(c) in relation to a child or young person who is the subject of an order made under section 49B(2), or section 49C (read with section 49B), means the fit person to whose care the child or young person is committed under the order; and

(d) in relation to a child or young person who is the subject of an order made under section 50, means —

(i) if the child or young person is committed to the care of a fit person — the fit person; or

(ii) if the child or young person is committed to a place of safety — the person-in-charge of the place of safety, or such employee at the place of safety whom the Director-General or a protector thinks is competent to provide care, protection and supervision to the child or young person;

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

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

“Director-General” means the Director-General of Social Welfare;

“emotional harm”, in relation to a child or young person, means any serious impairment to the growth, development, or behavioural, cognitive or affective functioning, of the child or young person, and includes —

(a) delayed mental and physical development of the child or young person;

(b) a child or young person assessed by the Director-General, a protector or an approved welfare officer to be of danger to himself or to other persons;

(c) a child or young person assessed by the Director-General, a protector or an approved welfare officer to be severely withdrawn, anxious or depressed; and

(d) a child or young person diagnosed by a medical practitioner as having a mental health condition such as post-traumatic stress disorder, anxiety, depression or psychosomatic disorder;

“fit person” means —

(a) a foster parent; or

(b) such other person whom the court, the Director-General or a protector, having regard to the character of the person, thinks is competent to provide care, protection and supervision to a child or young person;

“foster parent”, in relation to a child or young person, means a person —

(a) whom the Director-General or a protector, having regard to the character of the person, thinks is competent to provide care, protection and supervision to the child or young person; and

(b) who gives an undertaking to the Director-General or protector (as the case may be) to provide care, protection and supervision to the 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;

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

“juvenile” means a person who is 10 years of age or older but below 16 years of age;

“juvenile rehabilitation centre” means any institution or part thereof appointed or established under Part VI as a juvenile rehabilitation centre;

“licence” means a licence issued under section 52B and licensee shall be construed accordingly;

“person-in-charge”, in relation to a juvenile rehabilitation centre, home for children and young persons, place of detention, place of safety, place of temporary care and protection or remand home, means —

(a) a director, manager or superintendent of that centre, home or place; or

(b) any other person having the management or control of that centre, home or place;

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

“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;

“place of temporary care and protection” means any place or institution designated 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;

“protector” means any public officer or other person who is appointed or authorised by the Director-General 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 —

- (a) any offence under Part II;
- (b) any offence under Chapter XVI of the Penal Code (Cap. 224); or
- (c) any offence involving the causing of bodily injury to a child or young person;

“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;

“voluntary care agreement” means a care agreement entered into between the Director-General and the parent or guardian of a child or young person under section 11A to secure the safety and welfare of the child or young person;

“young person” means —

- (a) for the purpose of section 29, 30(1), 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 44, 45, 51(1), 53, 54 or 55, a person who is 14 years of age or older but below 16 years of age; and
- (b) for the purpose of any other provision in this Act, a person who is 14 years of age or older but below 18 years of age.

(2) In reckoning the age of a person for the purposes of this Act —

- (a) the person is taken to have attained a particular age expressed in years on the relevant anniversary of the person’s birth;
- (b) a reference to the anniversary of the birth of the person in paragraph (a) is a reference to the day on which the anniversary occurs; and
- (c) where a person was born on 29 February in any year, then, in any subsequent year that is not a leap year, the anniversary of that person’s birth is taken to be 28 February in that subsequent year.

(3) For the purposes of this Act —

- (a) “category 1 matter” means any matter relating to the day-to-day care of a child or young person but does not include such other matter as may be prescribed;
- (b) “category 2 matter” means any matter that does not relate to the day-to-day care of a child or young person but is ordinarily made in the course of providing care for the child or young person (as prescribed in regulations); and
- (c) “category 3 matter” means a matter prescribed, being neither a category 1 matter nor a category 2 matter.

Administration and enforcement of Act

3.—(1) [Deleted by Act 30 of 2019 wef 01/07/2020]

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

(3) The Director-General 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-General or a protector under this Act, subject to such conditions and limitations as may be specified by the

Director-General.

(4) The Director-General 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.

(5) The Director-General 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).

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

(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.

PART II

PROTECTION OF CHILDREN AND YOUNG PERSONS

Welfare

When child or young person in need of care or protection

4.—(1) 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)the child or young person suffers or is likely to suffer from emotional harm because the child or young person has been or is subject to emotional or psychological abuse by his parent or guardian;

(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.

(2) Without limiting subsection (1)(g), the circumstances in which a child or young person may be regarded as being subject to emotional or psychological abuse by his parent or guardian under that subsection include any of the following:

(a)the parent or guardian subjects the child or young person to persistent acts of rejection or degradation that are harmful to the child's or young person's wellbeing or sense of self-worth;

(b)the parent or guardian threatens to physically hurt, kill or abandon the child or young person, or places the child or young person or a related person of the child or young person in any dangerous situation;

(c)the parent or guardian isolates the child or young person by consistently denying opportunities for the child or young person to communicate with any person;

(d)the parent or guardian confines the child or young person in any small space for the purpose of disciplining the child or young person;

(e)the parent or guardian influences the child or young person to develop self-destructive, anti-social, criminal, deviant or other maladaptive behaviour;

Illustrations

(a)The parent or guardian models, permits or encourages anti-social behaviour such as prostitution, performance in pornographic media, initiation of criminal activities, substance abuse or committing violence to any person.

(b)The parent or guardian models, permits or encourages developmentally inappropriate

behaviour by infantilising the child or young person.

(c) The parent or guardian models, permits or encourages any other behaviour that would result in the exploitation or corruption of the child or young person.

(f) the parent or guardian exposes the child or young person to, or places the child or young person at any risk of exposure to, any violence against a related person of the child or young person.

(3) In this section, “related person”, in relation to a child or young person, means another person about whose safety or wellbeing the child or young person would reasonably be expected to be seriously concerned.

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.

(1A) For the purposes of subsection (1) —

(a) a person (A) knowingly permits a child or young person (B) to be ill-treated by another person (C) if A being a person who has the custody, charge or care of B, knows or has reason to believe that B was at risk of being ill-treated by C, and failed to take such steps as A could reasonably have been expected in A’s circumstances to take to protect B from that risk; and

(b) A’s circumstances mentioned in paragraph (a) include but are not limited to A’s past or present experiences of being ill-treated by C, if any.

(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 harm; 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 harm; or

(iii) any injury to his health or development.

(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 harm 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.

(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.

(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 \$40,000 or to imprisonment for a term not exceeding 14 years or to both; and

(b) in any other case, to a fine not exceeding \$8,000 or to imprisonment for a term not exceeding 8 years or to both.

(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.

(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.

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 or young person,

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.

(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.

Sexual exploitation of child or young person

7.—(1) A person shall be guilty of an offence if —

(a) the person, in public or private —

(i) commits or abets the commission of; or

(ii) procures or attempts to procure the commission by another person of, any obscene or indecent act with any child or young person below 16 years of age; or

(b) the person, in public or private, procures or attempts to procure the commission of any obscene or indecent act by any child or young person below 16 years of age.

(2) A person (A) shall be guilty of an offence if —

(a) A, in public or private —

(i) commits or abets the commission of; or

(ii) procures or attempts to procure the commission by another person of, any obscene or indecent act with any young person (B) of 16 years of age or older but below 18 years of age; and

(b) either —

(i) B does not consent to the obscene or indecent act; or

(ii) A is in a relationship that is exploitative of B.

(3) A person (A) shall be guilty of an offence if A, in public or private —

(a) procures or attempts to procure the commission of any obscene or indecent act by any young person (B) of 16 years of age or older but below 18 years of age; and

(b) either —

(i) B does not consent to the obscene or indecent act; or

(ii) A is in a relationship that is exploitative of B.

(4) For the purposes of subsections (2)(b)(i) and (3)(b)(i), it is a defence that A, by reason of mistake of fact or in ignorance of a fact in good faith, believed that B had consented to that obscene or indecent act.

(5) For the purposes of subsections (2)(b)(ii) and (3)(b)(ii), it is not necessary for the prosecution to prove that B did or did not consent to the obscene or indecent act mentioned in subsection (2)(a) or (3)(a), as the case may be.

(6) In deciding whether an accused's relationship with a young person of 16 years of age or older but below 18 years of age is exploitative of the young person for the purposes of subsections (2) and (3), the court is to have regard to all of the following:

(a) the age of the minor;

(b) the difference between the age of the accused and the young person;

(c) the nature of the relationship;

(d) the degree of control or influence exercised by the accused over the young person.

(7) To avoid doubt, the court is not confined to consideration of the matters specified in subsection (6) and may take into account such other matters and evidence as may be relevant in the circumstances of each case.

(8) For the purposes of subsection (6) and subject to subsection (9), it is presumed until the contrary is proved that an accused's relationship with a young person of 16 years of age or older but below 18 years of age is exploitative where the relationship is any of the following:

(a) the accused is a parent, step-parent, guardian or foster parent of the young person;

(b) the accused is the de facto partner of a parent, guardian or foster parent of the young person;

(c) the accused is a member of the teaching or management staff of the school or educational institution at which the young person is a student;

(d) the accused has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction to the young person;

(e) the accused is a custodial officer of an institution in which the young person is detained;

(f)

the accused is a registered medical practitioner, a registered traditional Chinese medicine practitioner or a psychologist and the young person is a patient of the accused;

(g) the accused is an advocate and solicitor or a counsellor and the young person is a client of the accused.

(9) However, the presumption in subsection (8) does not apply to a person who is lawfully

married to a young person of 16 years of age or older but below 18 years of age even though the relationship may fall within any of the relationships mentioned in subsection (8).

(10) Any person who is guilty of an offence under subsection (1) shall be liable on conviction —
(a) if the offence committed involves a child other than as an accused, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 7 years or to both or, if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 10 years or to both; and

(b) if the offence committed involves a young person other than as an accused, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both or, if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 7 years or to both.

(11) Any person who is guilty of an offence under subsection (2) or (3) 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 or, if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 7 years or to both.

(12) For the purposes of subsections (10) and (11), “repeat offender”, in relation to an offence under subsection (1)(a) or (b), (2) or (3), means a person who is convicted or found guilty of that offence (called the current offence) and who was previously convicted or found guilty of —

(a) an offence under subsection (1)(a) or (b), (2) or (3); or

(b) an offence under the repealed section 7 as in force immediately before the date of commencement of section 7 of the Children and Young Persons (Amendment) Act 2019, on at least one previous occasion before the date on which the person is convicted or found **guilty of the current offence.**

Power to obtain and communicate information

8.—(1) The Director-General or a protector may exercise the powers conferred by subsection (2) for any of the following purposes:

(a) the Director-General or protector has reasonable grounds to believe that a relevant offence has been, is being or will be committed against a child or young person, and the Director-General or protector has reason to believe that a particular person can provide any information regarding the commission of the relevant offence;

(b) the Director-General or protector has reasonable grounds to believe that a child or young person is in need of care or protection, and the Director-General or protector has reason to believe that a particular person can provide any information which will assist him in ascertaining —

(i) whether the child or young person is in need of care or protection; and

(ii) the nature of care or protection that the child or young person needs;

(c) where a child or young person (A) is the subject of a voluntary care agreement or an order made under section 49(1) or 49B(2), section 49C (read with section 49B) or section 50(4), and the Director-General or protector has reason to believe that a particular person can provide any information —

(i) relating to the suitability of the fit person to whom, or the place of safety or place of temporary care and protection to which, A is committed;

(ii) relating to the standard of care, protection and supervision that A or any other child or young person who is a member of A’s household, is receiving;

(iii)that will assist the Director-General or protector in formulating a proper care plan to cater to A's safety and sense of wellbeing; or

(iv)that will assist the Director-General or protector in exercising any power or carrying out any duty under the Act with respect to A or any other child or young person who is a member of A's household;

(d)where upon the termination of a voluntary care agreement or an order made under section 49(1) or 49B(2), section 49C (read with section 49B) or section 50(4) for a child or young person (B), B is returned to the care and custody of B's parent or guardian, and the Director-General or protector has reason to believe that a particular person can provide any information relating to the welfare and safety of B or any other child or young person who is a member of B's household.

(2) The Director-General or protector may, by order in writing —

(a)require the particular person mentioned in subsection (1)(a), (b), (c) or (d) to provide to the Director-General or protector the information within the time and manner specified in the order; or

(b)require a person given the order to appear before and provide to the Director-General or protector the information within the time and manner specified in the order.

(3) The Director-General or a protector may communicate any information about a child or young person (whether or not obtained under this section) including a photograph of the child or young person, to any of the following person or persons for a relevant purpose:

(a)another protector or any other person assisting the Director-General or protector in the administration of this Act in respect of the child or young person;

(b)any other person or class of persons as may be prescribed.

(4) No liability shall lie personally against a person for providing any information under subsection (2), or communicating any information under subsection (3).

(5) An individual cannot rely on —

(a)the common law privilege against self-incrimination or exposure to the imposition of a penalty; or

(b)any rule of law relating to legal professional privilege or any other privilege, or the public interest, to refuse to provide the information required under subsection (2) by the Director-General or protector, as the case may be.

(6) However, any information is not admissible in evidence against the individual in any criminal proceeding other than a proceeding for an offence under section 22(b) or section 177 of the Penal Code (Cap. 224), if the information might in fact tend to incriminate the individual.

(7) In this section, "relevant purpose" means either of the following:

(a)a purpose mentioned in subsection (1)(a), (b), (c) or (d);

(b)for a child or young person who is the subject of —

(i)a voluntary care agreement;

(ii)an order made under section 49(1)(b) read with section 49A;

(iii)an order made under section 49B(2) read with section 49D; or

(iv)an order made under section 49C read with sections 49B and 49D, to enable the Director-General, a protector or a care-giver of the child or young person to make a decision on a matter relating to the child or young person and to give effect to such decision.

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

8A.—(1) Where the Director-General, 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-General, protector or police officer may by notice in writing order any person to —

(a) produce the child or young person before the Director-General, 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-General, 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 Youth 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.

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

9.—(1) Where the Director-General, 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-General, 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 Youth 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.

(2) Subject to subsection (3), every child or young person who is removed by the Director-General, 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 Youth 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) If for any reason it is not possible for the child or young person to be brought before a Youth Court within the time specified in subsection (2) —

(a) the Director-General, 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 Youth Court of the removal and the reason for which it is not possible to comply with subsection (2); and

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(b) the Youth 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 Youth Court.

(4) Where the Director-General 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-General 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 Youth 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-General or protector may impose.

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-General, protector or police officer, as the case may be, who presented the child or young person for assessment; and

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(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-General, 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.

(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 pain, suffering or injury, or emotional harm or 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-General, protector or police officer, as the case may be, who presented the child or young person for assessment.

(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).

(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-General, protector or police officer may authorise the hospitalisation of the child or young person.

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 Youth Court to be dealt with under section 49.

(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) 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.

(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-General for the purpose.

(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) If the person convicted under subsection (2) is the holder of a licence under the Public Entertainments 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.

Voluntary care agreements

11A.—(1) The Director-General may enter into a voluntary care agreement —

(a) with both the parents of a child or young person; or

(b) where a child or young person has one or more guardians, with all the guardians, subject to such conditions as may be prescribed, if the Director-General is of the view that the voluntary care agreement will promote the welfare of the child or young person.

(2) Despite subsection (1), where any parent or guardian of a child or young person —

(a) cannot be contacted by the Director-General after reasonable attempts have been taken to contact the parent or guardian; or

(b) is incapable or unwilling to decide whether or not to enter into a voluntary care agreement, the Director-General may enter into a voluntary care agreement in respect of the child or young person with the other parent, or guardian or guardians, as the case may be.

(3) The Director-General may extend the validity period of the voluntary care agreement by up to 3 years without the consent of both the parents or all the guardians of the child or young person (whether the voluntary care agreement was entered before, on or after the date of commencement of section 9 of the Children and Young Persons (Amendment) Act 2019), if —

(a) the voluntary care agreement expires in less than one month unless it is extended;

(b)

either —

(i) both the parents or all the guardians of the child or young person cannot be contacted by the Director-General despite reasonable attempts by the Director-General to do so; or

(ii) both the parents or all the guardians of the child or young person are incapable or unwilling to decide whether or not to extend the voluntary care agreement; and

(c) the Director-General is of the view that it is in the best interests of the child or young person to extend the validity period of the voluntary care agreement.

(4) A voluntary care agreement in respect of a child or young person may be terminated by —

(a) the Director-General giving written notice to the parent or parents, or guardian or guardians who are party to the voluntary care agreement;

(b) any parent or guardian who is a party to the voluntary care agreement giving written notice to the Director-General; or

(c) the parent or guardian who is not a party to the voluntary care agreement, giving written notice to the Director-General and the other parent or guardian or guardians.

(5) The voluntary care agreement in respect of which one or more written notices mentioned in subsection (4) are given terminates on the expiry of the prescribed period after the date of the service of the notice on the last person.

Trafficking in Children and Young Persons

Unlawful transfer of possession, custody or control of child or young person

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 or young person 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 or young person 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) 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 young person or the legal guardian of the child or young person, 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.

Importation of child or young person 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 or young person 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) The Director-General, a protector or any person authorised in that behalf by the Director-General or a protector in writing may require any child or young person and any person who may appear to have the custody or control of the child or young person to appear before the Director-General or protector at any reasonable time and at any convenient place.

(2) The Director-General or a protector may examine the child or young person as to his reasons for entering or being in Singapore and may examine the person respecting the child or young person, and the child or young person 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 Director-General and protector to require security

16. If the Director-General or 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;

(c) is being detained against his will by some person other than his parents or lawful guardian; or
[Act 45 of 2014 wef 01/03/2015]

(d) is a trafficked victim, as defined in section 2 of the Prevention of Human Trafficking Act 2014, 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 Director-General or protector (as the case may be), and that the child or young person will be produced before the Director-General or protector (as the case may be) whenever he requires it; or

(ii) in the first instance, or if default be made in complying with any order made under sub-paragraph (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 Director-General or protector (as the case may be) 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.

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.

(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.

(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. The Director-General or 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, 7, 12 or 13 and seize and detain any article or document which he may have reason to believe relates to the offence.

[Act 30 of 2019 wef 01/07/2020]

General

Powers of entry, etc., for enforcement purpose

19.—(1) The Director-General, a protector or any officer generally or specially authorised in that behalf in writing by the Director-General or a protector may, for an enforcement purpose, do all or any of the following:

(a) enter, and for that purpose, use such force as may be reasonably necessary, and search any premises where he has reasonable cause to suspect that an offence under this Act has been or is being committed;

(b) take any document or other thing at the premises mentioned in paragraph (a), if the Director-General, protector or authorised officer considers it necessary to do so for the purpose of obtaining evidence of an offence under this Act;

(c) photograph or film, or make audio recordings or make sketches, of any part of the premises mentioned in paragraph (a) or anything at the premises or of any person whom the Director-General, protector or authorised officer reasonably believes is acquainted with any facts or circumstances relevant to the enforcement purpose;

(d) photograph any child or young person who is found at the premises mentioned in paragraph (a) or anywhere else, and whom the Director-General, protector or authorised officer is satisfied on reasonable grounds that the child or young person is in need of care or protection.

(2) In this section, “enforcement purpose” means —

(a) ensuring that the provisions of this Act are being complied with; or

(b) investigating an offence under this Act or a contravention of a provision under this Act.

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) the Director-General or a protector;

[Act 30 of 2019 wef 01/07/2020]

(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, the Director-General or a protector, either by name or office, to make complaint of any offence under this Act.

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 the Director-General or 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.

Certificate of Director-General or protector to be evidence

23. A certificate purporting to be under the hand of the Director-General or 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.

(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) 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 person-in-charge 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.

Contribution orders by Director-General or protector

25.—(1) Where an order has been made by the Director-General or a protector under section 16(ii), the Director-General or protector may at the time of or subsequent to the making of the order make a further order (called in this section a 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 contribution order to contribute such weekly or monthly sum as the Director-General or protector, having regard to the parent's or guardian's means, thinks fit for the maintenance of the child or young person.

(2) It shall be the duty of the parent or guardian or other person to comply with the terms of a contribution order made by the Director-General or a protector, as the case may be.

(3) The Director-General or a protector must not make a contribution order without giving the person ordered to contribute an opportunity to be heard.

(4) A contribution order made by the Director-General or a protector 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 Director-General or protector, as the case may be; 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.

(5) If any person wilfully neglects to comply with a contribution order made by the Director-General or a protector 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 designate any orphanage, hospital, home for children and young persons, institution or other place to be a place of temporary care and protection for the purposes of this Act.

27A. [Repealed by Act 30 of 2019 wef 01/07/2020]

PART IIA FOSTERING

Committee on Fostering

27B.—(1) The Minister may establish a Committee on Fostering consisting of such persons as the Minister thinks fit.

(2) The members of the Committee on Fostering may be appointed by the Minister for such period as the Minister determines.

(3) The functions of the Committee on Fostering are —

(a) to periodically review cases where a child or young person is committed to the care of a foster parent under a voluntary care agreement or an order made under section 49(1)(b) or 49B(2), or section 49C read with section 49B; and

(b) to advise the Director-General or a protector on —

(i) whether a proper care plan is implemented by the foster parent for the child or young person; and

(ii) if so, whether the foster parent is providing care, protection and supervision to the child or young person in accordance with the proper care plan.

(4) In this section, “proper care plan” means a plan for the care of a child or young person which —

(a) is formulated by the Director-General; or

(b) if formulated by a protector or an approved welfare officer, meets such requirements as may be specified by the Director-General.

Disclosure of information on child or young person by foster parent

27C. A foster parent of a child or young person may disclose any information relating to the child or young person to any person (whether with or without the consent of any parent or guardian of the child or young person) if the disclosure is necessary —

(a) for the care, protection and supervision of the child or young person; or

(b) to enable the foster parent to claim the following where he is eligible:

(i) childcare leave or extended childcare leave under section 12B of the Child Development Co-Savings Act (Cap. 38A);

(ii) unpaid infant care leave under section 12D of the Child Development Co-Savings Act;

(iii) childcare leave under section 87A of the Employment Act (Cap. 91).

PART III YOUTH 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, is to do the following:

(a) in a proper case, take steps for removing the child or young person from undesirable surroundings, and for securing that proper provision is made for the education or training of the child or young person;

(b) facilitate the protection and rehabilitation of the child or young person, and his reintegration

with his family and with society;

(c) have regard to the needs of, and risks faced by, the child or young person, and facilitate the prevention of —

(i) any recurrence of ill-treatment of the child or young person; or

(ii) any contravention or further contravention of any written law by the child or young person.

(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.

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 Youth Court.

(2) Where the person cannot be brought immediately before a Youth Court as required under subsection (1), the police officer or other officer from a law enforcement agency making the arrest shall, without unnecessary delay and within 48 hours after the person is arrested, take or send the person arrested before a Magistrate.

(3) The Youth 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.

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

(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.

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.

(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.

Constitution of Youth Court

32.—(1) [Deleted by Act 27 of 2014 wef 01/10/2014]

(2) [Deleted by Act 27 of 2014 wef 01/10/2014]

(3) A judge of a Youth Court, when determining the method of dealing with a child or young person in respect of whom a written report is obtained by the Youth Court regarding his background, family history, school record or such other matters, shall sit with 2 advisers from a panel of advisers appointed 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 Youth 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 Youth Court.

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

[Act 27 of 2014 wef 01/10/2014]

Jurisdiction of Youth 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 Youth Court.

(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 Youth 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 Youth Court.

(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 Youth Court.

(4) Where, in the course of any proceedings before any court of appropriate jurisdiction other than a Youth 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.

(5) A Youth 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.

(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 Youth Court.

(7) Where in the course of any trial before a Youth Court the child or young person to whom

the trial relates attains the age of 16 years, nothing in subsection (6) shall prevent the Youth 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.

(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.

Place of sitting and persons who may be present

34.—(1) A Youth 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.

It shall sit in any building or room from that in which sittings of courts other than Youth 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 Youth 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; and

(c) [Deleted by Act 30 of 2019 wef 01/07/2020]

(d) such other persons, including representatives of newspapers or news agencies, as the Court may specially authorise to be present.

35. [Repealed by Act 30 of 2019 wef 01/07/2020]

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) 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 Youth 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 or young person, 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 conducted 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 Youth Court may order his parent or guardian to give security for his good behaviour.

(3) Where a Youth 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 Youth 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 Youth Court.

(2) Where any such case is so remitted, the offender shall be brought before a Youth Court accordingly, and the Youth 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 Youth 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 Youth 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 Youth Court.

(5) A court by which an order remitting a case to a Youth 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 Youth Court; and

(b) shall cause to be transmitted to the Youth 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 Youth 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 Youth Court

42.—(1) Where a child or young person is brought before a Youth 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 Youth 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 Youth 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 Youth 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 Youth 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 Youth 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 Youth 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 Youth 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.

(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 Youth Court thinks fit to provide a report on the child or young person, and may be received and considered by the Court without being read aloud.

(11) For the purpose of subsection (9), the Youth 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 Youth 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 Youth 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 Youth Court under paragraph (a) or (b).

(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 Youth Court directs otherwise.

(13) Where the Youth 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.

(14) If in any case the Youth 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.

Powers of Youth Court on proof of offence

44.—(1) Subject to the provisions of this section, where a Youth 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 deal with the offender, or 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 Youth 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.

(2) For the purpose of subsection (1), the Youth 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), (e), (f) and (j);

(ii) any order under subsection (1)(g) with any one or more of the orders referred to in subsection (1)(d), (e) and (j);

(iii) any order under subsection (1)(h) with any one or more of the orders referred to in subsection (1)(c), (d), (e), (f) and (j); or

(iv) any order under subsection (1)(i) with any one or more of the orders referred to in subsection (1)(d) and (j); and

(b) without prejudice to paragraph (a)(ii) or (iii), to make an order under subsection (1)(h) to run consecutively to an order under subsection (1)(g).

(3) Where the Youth Court makes an order under subsection (1)(g) for the detention of an

offender in a place of detention in combination with a probation order under subsection (1)(e), the period of the offender's detention shall not exceed 3 months.

(4) [Deleted by Act 3/2011 wef 20/07/2011]

(5) If an offender, without reasonable excuse, contravenes any order made by the Youth Court under subsection (1) (referred to hereinafter as the original order) or any condition thereof, the Youth Court may make such order as is necessary for the offender to be produced before it and thereafter, deal with the offender by —

(a) making any order that the Court is empowered to make under subsection (1);

(b) varying the original order or any condition thereof; or

(c) directing the offender to comply with the original order or any condition thereof to the extent that the original order or condition thereof has not been complied with.

(6) Where an offender, while being detained in a place of detention or a juvenile rehabilitation centre pursuant to an order under subsection (1)(g) or (i), is found guilty of another offence by the Youth Court, the Court may, instead of making a fresh order against the offender under subsection (1)(g) or (i), extend the period of detention that is being served by the offender.

(7) Where a Youth Court is satisfied, on the representations of the person-in-charge of a place of detention, a juvenile rehabilitation centre or a place of safety, that a person ordered to be detained in the place of detention, juvenile rehabilitation centre or place of safety is of so unruly a character that he cannot be so detained, the Court may —

(a) order the person to be transferred to and detained in a juvenile rehabilitation centre or in another juvenile rehabilitation centre, as the case may be, which the Court considers more suitable for him and to be detained there for the whole or any part of the unexpired period of detention; or

(b) deal with the person, or order the person to be brought before a District Court to be dealt with, under section 305 of the Criminal Procedure Code if the person —

(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 subsection (1)(i) to be sent to a juvenile rehabilitation centre, and the Youth Court is satisfied, having regard to the person's character, previous conduct and the circumstances of the offence, that to reform the person and to prevent crime, he should undergo a period of training in a reformatory training centre.

Power to convene juvenile case conference to deal with child or young person guilty of offence

45.—(1) Without prejudice to section 44, the Youth Court may, for the purpose of dealing with a child or young person who has been found guilty of committing an offence (referred to in this section as the offender), convene a juvenile case conference in accordance with the prescribed requirements and a juvenile case conference so convened may deal with the offender by —

(a) reprimanding the offender;

(b) administering a formal caution to the offender in the prescribed manner against further committing any offence;

(c) requiring the offender to pay compensation to the victim of the offence in such manner and of such amount as may be determined by the juvenile case conference;

(d) requiring the offender, in accordance with the prescribed requirements, to perform community service, not exceeding 240 hours in the aggregate, of such nature and at such time

and place and subject to such conditions as may be specified by the juvenile case conference;
(e)requiring the offender to apologise to the victim of the offence in such manner as may be specified by the juvenile case conference; or
(f)requiring the offender to do such other act as the juvenile case conference thinks appropriate in the circumstances.

(2) In exercising its powers under this section, the juvenile case conference shall —

(a)comply with the prescribed procedure; and

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

(3) If the offender fails —

(a)to attend at the time and place appointed for a juvenile case conference; or

(b)to comply with any requirement of the juvenile case conference,

the juvenile case conference shall report the matter to the Youth Court and the Court shall thereupon make such order as is necessary for the offender to be produced before the Court and thereafter deal with the offender as the Court thinks fit in accordance with section 44.

[3/2011 wef 20/07/2011]

[20/2001]

[Act 27 of 2014 wef 01/10/2014]

(4) A person who attends a juvenile case conference (not being the offender, the parent or guardian of the offender or any other member of the offender's family) shall not divulge any personal information obtained at the conference relating to any of those persons.

(5) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

46. [Repealed by Act 30 of 2019 wef 01/07/2020]

Maximum age limit for detention in place of detention, juvenile rehabilitation centre or place of safety

47. Subject to section 77 —

(a)no person shall be detained in a place of detention after he has attained the age of 18 years;

(b)a person must not be detained in a juvenile rehabilitation centre after he has attained 19 years of age; and

(c)a person must not be detained in a place of safety after he has attained 21 years of age.

Appeals

48. Any child or young person or his parent or guardian, or the Director-General or a protector, who is dissatisfied with any judgment or order of a Youth Court may appeal to the High Court against the judgment or order in accordance with the provision of any law in force for the time being regulating appeals to the High Court from a District Court.

Children and Young Persons in need of Care and Protection

48A. [Repealed by Act 30 of 2019 wef 01/07/2020]

Procedure

48B.—(1) An application to a Youth Court under section 49 or 49B, section 49C (read with section 49B) or section 50 (called in this subsection the relevant application) must —

(a)be made in the same manner as an application for a summons is made to a District Court or Magistrate's Court under the Criminal Procedure Code; and

(b)be dealt with —

(i) as if the relevant application is a complaint for the purposes of that Code; but

(ii) in accordance with only such provisions of that Code, and with such provisions of any other written law, as may be prescribed by the Family Justice Rules.

(1A) An affidavit sworn for the purposes of an application to a Youth Court under section 49 or 49B, section 49C (read with section 49B) or section 50 may contain statements of information or belief with the sources and grounds of the information or belief.

(1B) Any matter relating to the service of summons issued by a Youth Court in connection with any proceedings under section 49 or 49B, section 49C (read with section 49B) or section 50 may be prescribed by the Family Justice Rules.

(2) For the avoidance of doubt, proceedings under section 49 or 49B, section 49C (read with section 49B) or section 50 shall not be treated as criminal proceedings.

(3) All Family Justice Rules mentioned in this section must be presented to Parliament as soon as possible after publication in the Gazette.

48C. [Repealed by Act 30 of 2019 wef 01/07/2020]

Powers of Youth Court in respect of children and young persons in need of care or protection

49.—(1) Subject to the provisions of this section and on the application made by the Director-General or a protector, if a Youth Court is satisfied that any person brought before it is a child or young person in need of care or protection, the Court may —

(a) order the parent or guardian of the child or young person to enter into a bond to exercise proper care and guardianship of the child or young person for such period as may be specified by the Court;

(b) order —

(i) the child or young person to be committed, for such period as the Court may specify, to the care of one of the following care-providers as may be determined by the Director-General or a protector:

(A) a fit person;

(B) a place of safety;

(C) a place of temporary care and protection; and

(ii) that the Director-General, a protector and the care-giver of the child or young person may, without the consent of any parent or guardian of the child or young person but under the supervision of the Court, make decisions affecting the child or young person in accordance with section 49A; or

(c) without making any order, or in addition to an order, under paragraph (a) or (b), make an order placing the child or young person under the supervision of the Director-General, a protector, an approved welfare officer or any other person appointed for that purpose by the Court, for such period as may be specified by the Court.

[Act 30 of 2019 wef 01/07/2020]

(d) [Deleted by Act 30 of 2019 wef 01/07/2020]

(1A) For the purposes of an order under subsection (1)(b), the Youth Court may further order that the determination by the Director-General or protector as to the fit person to whom, or the place of safety or place of temporary care and protection to which, the child or young person is committed may be varied by the Director-General or a protector (who may or may not have made the determination) during the period of the child's or young person's committal, even though the variation may result in the child or young person being committed to a different

care-provider, if the Director-General or protector (as the case may be) thinks that it is in the best interests of the child or young person to do so.

(1B) Where —

(a) a Youth Court has ordered the committal of a child or young person to the care of a fit person, or a place of safety or place of temporary care and protection (called in this subsection and subsection (1C) the principal care-provider) under subsection (1)(b); and

(b) the principal care-provider is unable to provide care for the child or young person for a period that is at least 8 weeks,

the Director-General or protector may arrange for the child or young person to be committed to the temporary care of another fit person, or a place of safety or place of temporary care and protection during that period, whether or not the arrangement would result in the child or young person being committed to a different care-provider.

(1C) An arrangement by the Director-General or a protector under subsection (1B) is not to be treated as a variation under subsection (1A) if the child or young person is returned to the principal care-provider before the end of the arrangement under subsection (1B).

(1D) Where any parent or guardian of the child or young person disagrees with a determination of the Director-General or a protector under subsection (1)(b) or a variation of the determination under subsection (1A), the parent or guardian (as the case may be) may apply to the Youth Court to review the determination or variation.

(1E) After reviewing a determination under subsection (1)(b) or variation under subsection (1A), the Youth Court may order that the child or young person be committed to the care of such fit person, or to such place of safety or place of temporary care and protection as specified by the Court

(1F) Where 3 variations have been made by the Director-General or a protector under subsection (1A) in respect of a child or young person before the expiry of the period specified by the Youth Court under subsection (1)(b)(i), and the Director-General or a protector is of the view that a further variation during that period is necessary, the Director-General or protector must apply to the Court for an order as to the appropriate fit person to whom, or the appropriate place of safety or place of temporary care and protection to which, the child or young person is to be committed.

(2) A Youth Court may, in making any order under subsection (1), impose such conditions or give such directions as it thinks fit for the purpose of ensuring the safety and well-being of the child or young person in respect of whom such order is made, and every person upon whom such conditions are imposed or to whom such directions are given shall comply with such conditions or directions.

(3) No order under subsection (1) shall be made without giving the parent or guardian of the child or young person an opportunity to attend and be heard.

(3A) Where the Youth Court considers the presence of a child or young person or his parent or guardian to be necessary or expedient for the purposes of the proceedings, the Court may compel the attendance of the child or young person or his parent or guardian by summons.

(3B) The Youth Court may dispense with the attendance of a child or young person in Court if it considers that the prejudicial effects, if any, of dispensing with his attendance is outweighed by any harm or injury to or any other detrimental effect on the welfare of the child or young person that will or may be caused to him by his attendance in Court.

(4) Notwithstanding subsection (3), an order under subsection (1) may be made if the parent or guardian of the child or young person, having been required to attend, has failed to do so or cannot be found within a reasonable time.

(5) In determining what order to be made under subsection (1), the Youth Court shall treat the welfare of the child or young person as the paramount consideration and shall endeavour to obtain such information as to the family background, general conduct, home environment, school record, medical history and state of development of the child or young person as may enable the Court to deal with the case in the best interests of the child or young person.

(6) For the purpose of subsection (5), the Youth Court may —

(a) require any person who, in the opinion of the Court, is able to furnish any information regarding the child or young person to furnish to the Court such information as the Court may specify;

(b) require the parent or guardian of the child or young person to render such assistance to the Court as the Court thinks necessary;

(c) order the child or young person to be sent for an assessment by a registered medical practitioner or an approved welfare officer;

(d) require the parent or guardian of the child or young person to undergo such medical, psychiatric, psychological or other assessment as the Court thinks necessary; and

(e) from time to time adjourn the case for such period as it thinks necessary and make in respect of the child or young person, as an interim order having effect only during the period of adjournment, any order which it could have made under subsection (1).

(7) Where the Youth Court requires any child or young person or the parent or guardian thereof to undergo any assessment under subsection (6)(c) or (d) —

(a) the person carrying out the assessment shall provide a written report to the Court, the Director-General or a protector stating the results of his assessment, and such report may be received and considered by the Court without being read aloud; and

(b) the costs of and incidental to any such assessment shall be borne by the parent or guardian of the child or young person, unless the Court directs otherwise.

(8) If the Youth Court is not satisfied that the child or young person brought before it is in need of protection, the Court may order that the child or young person be returned to the care and custody of his parent or guardian.

(9) The Youth Court may, at any time before the expiry of an order made under subsection (1) and on the application of the Director-General or a protector, vary the period of the order or discharge the order if the Court is satisfied that it would be in the best interests of the person in respect of whom the order was made.

(10) To avoid doubt, where an order to be varied or discharged under subsection (9) is an order made under subsection (1)(b) or (c) and involves a person who is older than 18 years of age (but below 21 years of age) at the time the order is to be varied or discharged, the Youth Court must not extend the period for which the person is to be committed to the care of a fit person or to a place of safety or place of temporary care and protection, or placed under the supervision of the Director-General, a protector, an approved welfare officer or a person appointed by the Court, as the case may be.

(11) If the parent or guardian of the child or young person fails to enter into the bond within the time specified in the order made under subsection (1)(a) or breaches any condition of the

bond, the parent or guardian shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Making of decisions that affect child or young person under court order made under section 49(1)(b)

49A.—(1) Where an order is made by a Youth Court under section 49(1)(b) in respect of a child or young person —

(a) the Director-General, a protector or the care-giver of the child or young person may decide on any category 1 matter relating to the child or young person;

(b) the Director-General or a protector may decide on any category 2 matter relating to the child or young person if —

(i) either of the following grounds is satisfied:

(A) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person cannot be contacted by the Director-General or a protector after reasonable attempts have been made by the Director-General or protector to contact the parents or guardians;

(B) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person are incapable or unwilling to decide on the matter; or

(ii) the Director-General or a protector makes an application to the Court under subsection (2) for an order to enable the Director-General or a protector to decide on any category 2 matter relating to the child or young person, and the Court grants the application;

(c) the care-giver of the child or young person may decide on any category 2 matter relating to the child or young person if —

(i) all the following conditions are satisfied:

(A) either of the grounds mentioned in paragraph (b)(i) is satisfied;

(B) the Director-General or a protector has authorised the care-giver in writing to decide on any category 2 matter relating to the child or young person;

(C) the care-giver has consulted with such person as may be prescribed (if any) with respect to any particular category 2 matter; or

(ii) the Director-General or a protector makes an application to the Court under subsection (2) for an order to enable the care-giver to decide on any category 2 matter relating to the child or young person, and the Court grants the application; and

(d) if the Director-General or a protector is of the view that a decision made by the care-giver of the child or young person under paragraph (a) or (c) is not in the best interests of the child or young person, the Director-General or protector may (where feasible) vary or reverse the decision of the care-giver.

(2) Where an order is made by a Youth Court under section 49(1)(b) in respect of a child or young person and neither of the grounds mentioned in subsection (1)(b)(i) is satisfied, the Court may, on the application of the Director-General or a protector, make an order to enable the Director-General, a protector or care-giver of the child or young person to decide on any category 2 matter relating to the child or young person.

(3) Where an order is made by the Youth Court under section 49(1)(b) or (c) as in force immediately before the date of commencement of section 40 of the Children and Young Persons (Amendment) Act 2019 in respect of a child or young person, the Court may, on the application of the Director-General or a protector, make an order that subsections (1) and (2) apply in

respect of the making of decisions that affect the child or young person.

(4) Where an order is made by a Youth Court —

(a) under section 49(1)(b) or (c) as in force immediately before the date of commencement of section 40 of the Children and Young Persons (Amendment) Act 2019; or

(b) under section 49(1)(b) on or after that date,

in respect of a child or young person, the Court may, on the application of the Director-General or a protector, make an additional order to enable the Director-General or a protector to decide on a category 3 matter relating to the child or young person, if —

(c) one of the following grounds is satisfied:

(i) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person cannot be contacted by the Director-General or a protector after reasonable attempts have been made by the Director-General or protector to contact the parents or guardians;

(ii) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person are incapable or unwilling to decide on the category 3 matter;

(iii) any parent or guardian of the child or young person has decided or is likely to decide on the category 3 matter in a manner that is detrimental to the interests of the child or young person; and

(d) the Court is of the view that it is in the best interests of the child or young person for the Director-General or protector to decide on the category 3 matter.

(5) Any parent or guardian of a child or young person who disagrees with any decision made by the Director-General, a protector or the care-giver of the child or young person under this section may apply to the Youth Court for the Court's determination of the matter.

Youth Court powers in respect of children and young persons in need of enhanced care or protection

49B.—(1) The Director-General or a protector may apply to a Youth Court for an order mentioned in subsection (2) in respect of a child or young person who is the subject of an order made under section 49(1)(b) or (c) as in force immediately before the date of commencement of section 40 of the Children and Young Persons (Amendment) Act 2019, or section 49(1)(b).

(2) On the application of the Director-General or a protector, a Youth Court may, on being satisfied of the conditions mentioned in subsection (3), make an order that —

(a) the child or young person be committed to the care of a fit person as determined by the Director-General or protector, until the child or young person attains 21 years of age or for such shorter period as the Court may specify; and

(b) the Director-General, a protector and the care-giver of the child or young person may, without the consent of any parent or guardian of the child or young person but under the supervision of the Court, make decisions affecting the child or young person in accordance with section 49D.

(3) For the purposes of subsection (2), the conditions are —

(a) the child or young person has, as at the date of the application, been the subject of one or more orders under section 49(1)(b) or (c) as in force immediately before the date of commencement of section 40 of the Children and Young Persons (Amendment) Act 2019, or section 49(1)(b) for a cumulative period that is the specified period or longer;

(b) both the parents of the child or young person, or where the child or young person has one or more guardians, all the guardians of the child or young person are not fit to provide care for the child or young person; and

(c) it is not appropriate to return the child or young person to the care and custody of any of his parents, or where the child or young person has one or more guardians, any of his guardians at any time before the child or young person attains 21 years of age, or such younger age as the Youth Court may determine.

(4) For the purposes of subsection (3)(c), the circumstances in which it is not appropriate to return the child or young person to the care and custody of his parent or guardian under that subsection include the following:

(a) the parent or guardian had on one or more occasions previously failed to comply with the requirements of a proper care plan formulated by the Director-General or a protector for the child or young person;

(b) the parent or guardian had on one or more occasions previously failed or refused to undergo any mediation, counselling, psychotherapy or other assessment programme, treatment or such other activity that is conducted pursuant to a voluntary care agreement or an order made under —

(i) section 51(1) as in force immediately before the date of commencement of section 43 of the Children and Young Persons (Amendment) Act 2019; or

(ii) section 51(4),

for the purpose of facilitating the return of the child or young person to the care and custody of his parent or guardian;

(c) the parent or guardian is incapable or unwilling to comply with the requirements of a proper care plan for the child or young person.

(5) No order under subsection (1) may be made without giving the parent or guardian of the child or young person an opportunity to attend and be heard.

(6) Where the Youth Court considers the presence of a child or young person or his parent or guardian to be necessary or expedient for the purposes of the proceedings, the Court may compel the attendance of the child or young person or his parent or guardian by summons.

(7) The Youth Court may dispense with the attendance of a child or young person in Court if it considers that the prejudicial effects (if any) of dispensing with his attendance is outweighed by any harm or injury to or any other detrimental effect on the welfare of the child or young person that will or may be caused to him by his attendance in Court.

(8) Despite subsection (5), an order under subsection (2) may be made if the parent or guardian of the child or young person, having been required to attend, has failed to do so or cannot be found within a reasonable time.

(9) In determining what order to be made under subsection (2), the Youth Court is to treat the welfare of the child or young person as the paramount consideration and is to endeavour to obtain such information as to the family background, general conduct, home environment, school record, medical history and state of development of the child or young person as may enable the Court to deal with the case in the best interests of the child or young person.

(10) The Youth Court may, at any time before the expiry of an order made under subsection (2) and on the application of any of the following persons, vary or discharge the order if the Court is satisfied that there has been any material change in the circumstances and it would be in the

best interests of the child or young person:

(a) the Director-General or a protector;

(b) any parent or guardian of the child or young person with the leave granted by the Court under subsection (11).

(11) The Youth Court may, on the application of a parent or guardian of a child or young person in respect of whom an order is made under subsection (2), grant leave for the parent or guardian to apply to vary or discharge the order.

(12) In this section and section 49C, “specified period” means —

(a) where the child or young person is below 3 years of age — 12 months; or

(b) where the child or young person is 3 years of age or older — 24 months.

Application of section 49B to children and young persons under voluntary care agreements

49C.—(1) Despite section 49B(1), where —

(a) a child or young person has been committed to the care and custody of a care-giver other than his parent or guardian under one or more voluntary care agreements, whether entered into before, on or after the date of commencement of section 41 of the Children and Young Persons (Amendment) Act 2019, for a cumulative period that is the specified period or longer; and

(b) the child or young person is currently the subject of a voluntary care agreement,

the Director-General or a protector may apply to a Youth Court for an order mentioned in section 49B(2) in respect of the child or young person.

(2) For the purposes of subsection (1), section 49B(2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) applies to an application mentioned in paragraph (1) except that —

(a) any reference to a child or young person in that section is to be read as a reference to a child or young person mentioned in subsection (1); and

(b) section 49B(3)(a) is omitted.

Making of decisions that affect child or young person under court order made under section 49B(2) or 49C (read with section 49B)

49D.—(1) Where an order is made by a Youth Court under section 49B(2) or 49C (read with section 49B) in respect of a child or young person —

(a) the Director-General, a protector or the care-giver of the child or young person may decide on any category 1 matter relating to the child or young person;

(b) the Director-General or a protector may decide on any category 2 matter relating to the child or young person;

(c) the care-giver of the child or young person may decide on any category 2 matter relating to the child or young person if —

(i) the Director-General or a protector has authorised the care-giver in writing to decide on any category 2 matter relating to the child or young person; and

(ii) the care-giver has consulted with such person as may be prescribed (if any) with respect to any particular category 2 matter; and

(d) if the Director-General or a protector is of the view that a decision made by the care-giver of the child or young person under paragraph (a) or (c) is not in the best interests of the child or young person, the Director-General or protector may (where feasible) vary or reverse the decision of the care-giver.

(2) Where an order is made by a Youth Court under section 49B(2) or 49C (read with section 49B) in respect of a child or young person, the Court may, on the application of the

Director-General or a protector, make an additional order to enable the Director-General or a protector to decide on a category 3 matter relating to the child or young person, if —

(a) one of the following grounds is satisfied:

(i) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person cannot be contacted by the Director-General or a protector after reasonable attempts have been made by the Director-General or protector to contact the parents or guardians;

(ii) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person are incapable or unwilling to decide on the category 3 matter;

(iii) any parent or guardian of the child or young person has decided or is likely to decide on the category 3 matter in a manner that is detrimental to the interests of the child or young person; and

(b) the Court is of the view that it is in the best interests of the child or young person for the Director-General or protector to decide on the category 3 matter.

(3) Any parent or guardian of a child or young person who disagrees with any decision made by the Director-General, a protector or the care-giver of the child or young person under this section may make an application to the Youth Court for its determination.

Family guidance orders

Power of Youth Court to make family guidance orders

50.—(1) On the application made by a parent or guardian of a child or young person, a Youth Court may make an order described in subsection (4), where —

(a) the parent or guardian is unable to guide the child or young person and the child or young person needs to be guided by a person other than his parent or guardian;

(b) the parent or guardian, and the child or young person have completed a family programme; and

(c) the Court is satisfied that the parent or guardian understands the consequences which will follow from, and consents to, the making of the order.

(2) An application made under subsection (1) must be accompanied by a recommendation of an approved welfare officer.

(3) A Youth Court may in any appropriate case do either or both of the following:

(a) dispense with the requirement mentioned in subsection (1)(b);

(b) if the Court dispenses with the requirement mentioned in subsection (1)(b), order the parent or guardian, and the child or young person to complete the family programme at any stage of the proceedings.

(4) For the purposes of subsection (1), the Youth Court may order that the child or young person —

(a) be placed under the supervision of an approved welfare officer or some other person appointed for the purpose by the Court for a period not exceeding 3 years;

(b) be committed to the care of a fit person for a period not exceeding 3 years; or

(c) be committed to the care of a place of safety for a period not exceeding 3 years.

(5) An order under subsection (4)(b) or (c) may provide that —

(a) the fit person to whom, or the place of safety to which, the child or young person is to be committed (called in this section a care-provider), be determined by the Director-General or a

protector; and

(b) the determination under paragraph (a) may be varied by the Director-General, a protector or an approved welfare officer (who may or may not have made the determination) during the period of the child's or young person's committal, in accordance with such requirements as may be prescribed, even though the variation may result in the child or young person being committed to a different care-provider, if the Director-General, protector or approved welfare officer (as the case may be) thinks that it is in the best interests of the child or young person to do so.

(6) Where the Youth Court considers the presence of a child or young person or his parent or guardian to be necessary or expedient for the purposes of the proceedings, the Court may compel the attendance of the child or young person or his parent or guardian by summons.

(7) Where the Youth Court requires further information to be provided as to the family background, general conduct, home environment, school record, medical history and state of development of the child or young person, the Court may order that the child or young person be committed to the care of such fit person or such place as may be determined by the Director-General or a protector pending the receipt of such information by the Court.

(8) Where —

(a) a Youth Court has ordered the committal of a child or young person to the care of a fit person or a place of safety (called in this subsection and subsection (9) the principal care-provider) under subsection (4)(b) or (c); and

(b) the principal care-provider is unable to provide care for the child or young person for a period of at least 8 weeks,

the Director-General, a protector or an approved welfare officer may arrange for the child or young person to be committed to the temporary care of another fit person or a place of safety, whether or not the arrangement would result in the child or young person being committed to a different care-provider for that period.

(9) An arrangement by the Director-General, a protector or an approved welfare officer under subsection (8) is not to be treated as a variation under subsection (5)(b) if the child or young person is returned to the principal care-provider before the end of the arrangement under subsection (8).

(10) Where 3 variations have been made by the Director-General, a protector or an approved welfare officer under subsection (5)(b) in respect of a child or young person before the expiry of the period specified by the Youth Court under subsection (4)(b) or (c) (as the case may be), and the Director-General, a protector or an approved welfare officer is of the view that a further variation during that period is necessary, the Director-General, protector or approved welfare officer must apply to the Court for an order as to the appropriate fit person to whom, or the appropriate place of safety to which, the child or young person is to be committed.

(11) The Youth Court has the power to make one order or a combination of orders mentioned in subsection (4)(a), (b) and (c) in relation to a child or young person concerned.

(12) The duration of any order or any combination of orders made by the Youth Court under subsection (4) must not exceed a continuous period of 3 years.

(13) Where a Youth Court makes any order mentioned in subsection (4)(a), (b) and (c) —

(a) a report on the living conditions of the child or young person, the standard of care and supervision provided to the child or young person, the progress made by the child or young

person and such other matters as may be prescribed must be submitted to the Court within 6 months after the order is made, or such other period as the Court may specify in the order, by —

(i) if the Court makes an order mentioned in subsection (4)(a) — an approved welfare officer or a person appointed by the Court;

(ii) if the Court makes an order mentioned in subsection (4)(b) —

(A) in the case where the fit person to whom the child or young person is committed is a relative of the child or young person — an approved welfare officer; or

(B) in any other case — the fit person; or

(iii) if the Court makes an order mentioned in subsection (4)(c) — the care-giver of the child or young person or an approved welfare officer;

(b) the Court may, upon receiving the report mentioned in paragraph (a), order for one or more further reports to be submitted to the Court at such frequency as the Court may specify, for the purpose of monitoring the progress of the child or young person; and

(c) the Court may order a parent or guardian of the child or young person to enter into a bond to undertake to commit his best efforts to exercise proper care and guardianship.

(14) The provisions of section 49(2), (5), (6) and (7) apply, with the necessary modifications, in respect of an order made by the Youth Court under subsection (4) as they apply in respect of an order made by the Court under section 49(1).

(15) The Youth Court may, on the application of the Director-General, a protector or a parent or guardian of a child or young person in respect of whom an order under subsection (4) has been made, vary the period of the order or discharge the order if the Court is satisfied that it is in the best interests of the child or young person to do so.

(16) To avoid doubt, where an order to be varied or discharged under subsection (15) involves a person who is older than 16 years of age (but below 19 years of age) at the time the order is to be varied or discharged, the Youth Court must not extend the period for which the person is to be committed to the care of a fit person or to a place of safety, or placed under the supervision of an approved welfare officer or a person appointed by the Court, as the case may be.

(17) An application made under subsection (1) may only be withdrawn with the consent of the Youth Court.

(18) Where a parent or guardian of a child or young person fails to comply with any order of the Youth Court made under subsection (3)(b), the parent or guardian shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(19) In this section —

“family programme” means such family programme that is approved and specified by the Director-General and which seeks to —

(a) resolve any relationship problem between a child or young person and any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person;

(b) rehabilitate or assist in the rehabilitation of a child or young person;

(c) enable any parent of a child or young person, or where the child or young person has one or more guardians, any of his guardians to manage the child or young person; or

(d) enhance, promote or protect the physical, social and emotional wellbeing and safety of a child or young person;

“recommendation”, in relation to a child or young person, means a document specifying the following:

- (a) the risks and requirements of the child or young person at a particular point in time;
- (b) the proposed activities and programmes that the child or young person or his parent or guardian, or both, should attend for the purpose of enabling the parent or guardian to address the risks and requirements raised about the child or young person at that point in time;
- (c) such other matters as may be prescribed;

“young person” means a person who is 14 years of age or older but below 16 years of age.

Additional powers of Youth Court

Additional orders which may be made by Youth Court in relation to child or young person

51.—(1) Where a child or young person has been dealt with, whether before, on or after the date of commencement of section 43 of the Children and Young Persons (Amendment) Act 2019, in connection with an offence —

- (a) by a court; or
 - (b) in a juvenile case conference where a Youth Court has exercised any of its powers mentioned in section 45(1)(a), (b), (c), (d), (e) and (f) in respect of the child or young person,
- a Youth Court may, on its own motion or on the application of the Director-General or a protector, make either or both of the orders mentioned in subsection (4) as an additional order or additional orders.

(2) Where an order has been made by a Youth Court under —

- (a) section 49(1), whether before, on or after the date of commencement of section 43 of the Children and Young Persons (Amendment) Act 2019;
- (b) section 49B(2); or
- (c) section 49C, read with section 49B,

in respect of a child or young person, the Court may, on its own motion or on the application of the Director-General or a protector, make either or both of the orders mentioned in subsection (4) as an additional order or additional orders.

(3) Where an application has been made under section 50 to a Youth Court in respect of a child or young person, the Court may, before or after the application is heard or at any time when the application is being heard, on its own motion or on the application of the Director-General or a protector, make either or both of the orders mentioned in subsection (4).

(4) For the purposes of subsections (1), (2) and (3), the orders are as follows:

(a) an order requiring the child or young person, either or both the parents of the child or young person, or where the child or young person has one or more guardians, all or any of those guardians, to undergo such mediation, counselling, psychotherapy or other assessment, programme or treatment or to partake in such activity as the Youth Court thinks necessary for the purpose of —

(i) resolving any relationship problem between the child or young person and any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person;

(ii) rehabilitating or assisting in the rehabilitation of the child or young person;

(iii) enabling any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person to manage the child or young person; or

(iv) enhancing, promoting or protecting the physical, social and emotional wellbeing and safety of the child or young person;

(b) an order requiring all or any of the following persons to attend a family conference:

- (i) the child or young person;
 - (ii) either or both the parents, or where the child or young person has one or more guardians, all or any of those guardians, of the child or young person;
 - (iii) such other persons as may be specified by the Youth Court.
- (5) In making an order under subsection (1), (2) or (3), the Youth Court may require any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person to enter into a bond to comply with such order.
- (6) Where a parent or guardian of a child or young person fails to comply with any order of the Youth Court made under subsection (1), (2) or (3), or the requirement mentioned in subsection (5), the parent or guardian shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.
- (7) In this section, “family conference” means a discussion among the participants of the conference on what is necessary to —
- (a) resolve any relationship problem between the child or young person and any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person;
 - or
 - (b) resolve any concern relating to the care, protection and supervision of the child or young person.

Failure to comply with requirements of family guidance order

52. If it appears on information to the Youth Court that a child or young person against whom an order made under section 50 is in force has failed to comply with any of the requirements of the order, the Court may make a fresh order against the child or young person under that section.

PART IIIA

LICENSING OF HOMES FOR CHILDREN
AND YOUNG PERSONS

Homes for children and young persons to be licensed

52A.—(1) No person shall operate a home for children and young persons except under the authority of and in accordance with the terms and conditions of a licence issued by the Director-General.

(2) Any —

(a) person who operates a home for children and young persons without a licence issued by the Director-General under subsection (1); or

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(b) licensee who breaches any term or condition of the licence in respect of a licensed home for children and young persons,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

Application for licence

52B.—(1) An application for the issuance or renewal of a licence shall be made to the Director-General in such form as may be prescribed.

(2) A licensee who wishes to renew his licence must make an application for the renewal of his licence at least 6 months before the expiry of his licence.

[3/2011 wef 20/07/2011]

(3) On receipt of an application, the Director-General may, in his discretion —

- (a) issue or renew a licence subject to such terms and conditions as he may think fit to impose; or
 - (b) refuse to issue or renew the licence.
- (4) The Director-General may refuse to issue or renew a licence if —
- (a) the Director-General is not satisfied that —
 - (i) the applicant is a fit or proper person to hold or continue to hold a licence in respect of a home for children and young persons; or
 - (ii) where the applicant is a body corporate, any member of the board of directors, the committee, board of trustees or other governing body of the body corporate is a fit and proper person;
 - (b) the premises are unfit to be used as a home for children and young persons by reason of the situation, construction, accommodation, staffing, cleanliness or equipment or any other condition of the premises of the proposed home;
 - (c) the premises to be used as a home for children and young persons do not comply with the prescribed requirements;
 - (d) the home for children and young persons would not be under the continuous personal management and supervision of a person of sufficient qualifications and experience to ensure the satisfactory operation of the home; or
 - (e) it is not in the public interest to issue or renew the licence.
- (5) In deciding for the purposes of this section whether a person is a fit and proper person, the Director-General may consider any of the following matters as indicating that the person may not be a fit and proper person:
- (a) that the person associates with a criminal in a way that indicates involvement in an unlawful activity;
 - (b) that in dealings in which the person has been involved, the person or officer —
 - (i) has shown dishonesty or lack of integrity; or
 - (ii) has used harassing tactics;
 - (c) that the person is or was suffering from a mental disorder; or
 - (d) that the person is an undischarged bankrupt or has entered into a composition with his debtors.
- (6) Subsection (5) shall not be construed so as to limit the circumstances in which a person or an officer of a business entity may be considered by the Director-General not to be a fit and proper person.
- (7) Where the Director-General refuses to issue a licence, he shall state in writing the reasons for his refusal.

Fee for and duration of licence

52C.—(1) On the issue or renewal of a licence, the licensee shall pay a fee of such amount as may be prescribed.

(2) Unless earlier revoked, a licence shall be valid for a period of 2 years from the date of its issue or such shorter period as may be specified in the licence in any particular case.

Display of licence

52D.—(1) Every licensee shall cause his or its licence to be permanently displayed in a conspicuous place in the home for children and young persons to which the licence relates where the licence can readily be seen by all persons having access to that home for children and young persons.

(2) Any licensee who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

Transfer of licence

52E.—(1) On an application in writing signed by the licensee of any licensed home for children and young persons and by the person to whom the licensee desires to transfer the licence (referred to in this section as the transferee), the Director-General may, if he thinks fit, either by way of endorsement on the licence or otherwise in writing, transfer the licence to the transferee, and thereupon the transferee shall become the licensee of the home for children and young persons.

(2) The Director-General may refuse to approve the transfer of a licence on any of the grounds on which —

(a) he could have refused to issue a licence to the transferee under section 52B; or

(b) he could have revoked the licence under section 52L.

Inspection of homes for children and young persons

52F.—(1) The Director-General and any officer authorised by him may —

(a) at any time, enter and inspect —

(i) any licensed home for children and young persons; or

(ii) any premises which he has reason to suspect are used for the purposes of a home for children and young persons without a licence;

(b) require any person taking part in the operation or management of a licensed home for children and young persons to —

(i) produce any record, document or other article relating to the management of that home for children and young persons or to any other activity in respect of the home for children and young persons; and

(ii) furnish any other information relating to such management or activity;

(c) remove for further examination any record, document or other article which he has reason to suspect is evidence of the commission of an offence under this Act, or is evidence of a ground for —

(i) the suspension or revocation of the licence of a person in respect of a home for children and young persons; or

(ii) where the home for children and young persons is a juvenile rehabilitation centre or place of safety, the cancellation of the certificate of appointment of the juvenile rehabilitation centre or place of safety; and

(d) do such other things as are necessary for the inspection of a licensed home for children and young persons.

(2) Any person who prevents or obstructs the Director-General or any officer authorised by him in the execution of his powers, or refuses to produce any record, document, article or other information upon being required to do so under 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) In this section, a reference to a record, document, article or information includes any record, document, article or information which exists in any form or medium.

Review Board

52G.—(1) The Minister may, by notification in the Gazette, appoint such persons as he may think fit to be the members of the Review Board.

(2) The members of the Review Board shall hold office for such period as may be specified in the notification referred to in subsection (1).

(3) The functions of the Review Board shall be to —

(a) review the living conditions in and the standard of care and supervision provided by any licensed home for children and young persons to the children and young persons residing therein;

(b) review all cases of children and young persons admitted to a licensed home for children and young persons with a view to ensuring that a proper care plan is in place for such children and young persons; and

(c) advise the Director-General on —

(i) whether any child or young person who has been placed in a juvenile rehabilitation centre or place of safety, may be released on licence from the juvenile rehabilitation centre or place of safety at any time before the completion of his full period of detention; and

(ii) the conditions subject to which such child or young person should be released.

(4) Every member of the Review Board appointed under subsection (1) may enter at any time any licensed home for children and young persons and make such inquiries or examination therein as appear to him necessary and shall also make such reports as may be required by the Minister.

(5) Any person who refuses admittance to any such member of the Review Board appointed under subsection (1) or offers any hindrance or obstruction to such member after his identity is reasonably established 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.

(6) For the purpose of this section, a proper care plan must meet such requirements as may be specified by the Director-General.

Director-General may direct remedial measures

52H.—(1) The Director-General may, in respect of any licensed home for children and young persons, by notice in writing, give such directions as he thinks necessary to ensure that —

(a) it is operated and managed satisfactorily;

(b) the welfare of the children and young persons residing in the home is properly safeguarded and promoted; and

(c) the provisions of this Act are complied with.

(2) For the avoidance of doubt, a direction under subsection (1) may include a direction requiring the licensee of a licensed home for children and young persons to suspend any staff of the home from his duties.

[3/2011 wef 20/07/2011]

(3) A notice under subsection (1) shall —

(a) be served upon the licensee of the home for children and young persons; and

(b) specify the period of time within which a direction shall be complied with.

Duty to furnish information

52I.—(1) The Director-General may, from time to time, by notice in writing, require the licensee of a home for children and young persons to furnish such information as the

Director-General may require relating to —

- (a) the staff and residents;
- (b) the condition or treatment of any resident;
- (c) the premises of the home, the accommodation provided at the home and the environment at the home; and
- (d) any matter relevant to the administration or enforcement of this Act.

(2) A licensee who on receipt of any notice under subsection (1) —

- (a) refuses or fails to furnish any information required by the Director-General; or

[Act 30 of 2019 wef 01/07/2020]

- (b) gives any false or misleading information,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Director-General may order closure of home for children and young persons

52J.—(1) If the Director-General has reason to believe that —

- (a) the premises of a licensed home for children and young persons are unfit or unsafe for use as such; or

- (b) the safety or welfare of the children and young persons residing in the home is being endangered,

he may, by order in writing, direct the immediate closure of the home for children and young persons.

(2) The Director-General may make an order under subsection (1) notwithstanding that the licence in respect of the home for children and young persons has not been cancelled, revoked or suspended.

(3) An order under this section shall be served on the licensee of the home for children and young persons and shall take effect from the date of the service thereof.

(4) It shall be sufficient service of an order under this section if —

- (a) it is delivered personally to the licensee;
- (b) it is sent by registered post to the last known residential or business address of the licensee; or
- (c) a copy of the order is posted in a conspicuous place on or in the premises of the home for children and young persons to which the order relates.

(5) Any person who fails to comply with an order served on him under 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.

Cancellation of licence at request of licensee

52K.—(1) The licensee of any licensed home for children and young persons may, upon giving 6 months' prior notice of his intention to do so, apply for the cancellation of the licence issued in respect of the licensed home for children and young persons.

(2) The executor or administrator of a deceased licensee, may, upon giving one month's prior notice in writing of his intention to do so, apply for the cancellation of the licence issued in respect of the licensed home for children and young persons.

(3) Where a notice has been given under subsection (1) or (2) and has not been withdrawn, the licence shall be deemed to be cancelled upon the expiry of the notice period referred to in that subsection.

Revocation and suspension of licence

52L.—(1) The Director-General may revoke or suspend a licence to use any premises as a home

for children and young persons —

(a) on any of the grounds on which he could have refused to issue a licence under section 52B;
(b) if the licensee fails to comply with any direction given by the Director-General under section 52H;

(c) if the premises has ceased to be used as a home for children and young persons;

(d) if in the opinion of the Director-General —

(i) the standard of care available to or provided to any resident in the home is unsatisfactory;

(ii) any resident has been ill-treated or neglected in a manner likely to cause unnecessary suffering to him or has been kept in an environment that is injurious to his mental or physical health;

(iii) the premises of the home are in such a condition, or the home is managed or conducted in such a manner, that the revocation of the licence is required in the interests of the residents or in the public interest;

(e) if a licensee is convicted of any offence under this Act; or

(f) if a licensee has contravened or failed to comply with any of the provisions of this Act or any condition specified in the licence issued to him.

(2) Before revoking or suspending a licence, the Director-General shall give notice to the licensee of the ground or grounds on which he proposes to revoke or suspend the licence and shall give the licensee an opportunity to show cause as to why the licence should not be revoked or suspended.

(3) A licensee who wishes to show cause against the revocation or suspension of the licence shall submit his reasons in writing to the Director-General within 14 days after the date of the notice given by the Director-General under subsection (2), failing which the Director-General may nonetheless proceed to revoke or suspend the licence, as the case may be.

(4) The Director-General shall give written notice to the licensee of the Director-General's decision to revoke or suspend a licence.

Effect of cancellation, revocation or suspension of licence

52M.—(1) Where the licence of a home for children and young persons is cancelled under section 52K, or revoked or suspended under section 52L, the home shall cease to be used as such with effect from the date on which the licence is cancelled, revoked or suspended, as the case may be.

(2) For the avoidance of doubt, subsection (1) shall have effect notwithstanding any appeal by the licensee to the Minister under section 52O.

Discharge or transfer of children and young persons

52N. When the licence of a home for children and young persons is cancelled, revoked or suspended, or the Director-General has ordered its immediate closure under section 52J, the children and young persons residing therein shall by order of the Minister, either be discharged or transferred to another licensed home for children and young persons specified in the order.

Appeal

52O. Any person aggrieved by any decision of the Director-General under section 52B or 52L may, within 21 days after the date of the written notice of the decision, appeal to the Minister whose decision shall be final.

Exemption

52P.—(1) Subject to subsection (2), this Part shall not apply to —

- (a) any home for children and young persons which is operated by the Government;
 - (b) any early childhood development centre licensed under the Early Childhood Development Centres Act 2017;
 - (c) any school which is registered under the Education Act (Cap. 87);
 - (d) any home for children and young persons which is, and is operated exclusively as, an approved institution under the Probation of Offenders Act (Cap. 252);
 - (e) any place where a child or young person is being cared for by a parent, family member or foster parent; and
 - (f) such other home for children and young persons as may be prescribed.
- (2) Sections 52F and 52G shall apply to a home for children and young persons under the management or control of the Government.

Regulations for this Part

- 52Q.—(1) The Minister may make regulations for the purposes of this Part and, in particular, for the management of licensed homes for children and young persons and for the maintenance of order and discipline of the staff and of the persons residing in such homes.
- (2) Without prejudice to the generality of subsection (1), the Minister may make regulations providing for all or any of the following matters:
- (a) the forms, fees and registers for the purposes of this Act;
 - (b) the operation, management and supervision of a licensed home for children and young persons;
 - (c) the duties and responsibilities of licensees of licensed homes for children and young persons;
 - (d) the standard of care and supervision of children and young persons residing in a licensed home for children and young persons;
 - (e) the control and supervision of activities in a licensed home for children and young persons;
 - (f) the keeping of records;
 - (g) the reports and information to be supplied to the Director-General in respect of a licensed home for children and young persons;
 - (h) the prescribing of anything which may be prescribed under this Part.
- (3) The Director-General may, by notice in writing to the licensee of a licensed home for children and young person, vary or waive wholly, partly or conditionally the requirements of any regulation in respect of that home for children and young persons and may amend or withdraw any such notice.

PART IV

REMAND HOMES

Custody of children and young persons not released on bail

- 53.—(1) The Minister may provide or appoint such remand homes as may be required for the purposes of this Act.
- (2) Whenever any person apparently below the age of 16 years has been arrested and is not released on bail, any police officer shall, notwithstanding anything to the contrary in any other written law, cause that person to be remanded in a remand home until he can be brought before a court unless the officer certifies —
- (a) that it is impracticable to do so;
 - (b) that he is of so unruly a character that he cannot be safely so remanded; or
 - (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable to so

remand him.

(3) The certificate shall be produced to the court before which the person is brought.

Remand of or committal to custody in remand home

54.—(1) A court on remanding a child or young person who is not released on bail shall, notwithstanding anything to the contrary in any other written law, instead of remanding him in custody in a prison, remand him in custody in a remand home named in the order of remand for the period for which he is remanded or until he is from that place delivered in due course of law.

(2) A court committing for trial a child or young person who is not released on bail shall, notwithstanding anything to the contrary in any other written law, instead of committing him to prison, commit him to a remand home, to be remanded there for the period for which he is committed or until he is delivered from that place in due course of law.

(2A) Where an order made by the Youth Court in respect of a child or young person under section 44(1) has been contravened, the Youth Court may, notwithstanding that the person is above the age of 16 years (but below the age of 19 years) at the time of the contravention, order that the person be remanded in a remand home pending any further order by the Court on how he is to be dealt with.

(3) Notwithstanding subsection (1), any person whilst being subject to the jurisdiction of the Youth Court who has attained the age of 16 years but is below the age of 19 years may be remanded at a remand home.

(4) Notwithstanding subsections (1) and (2), in the case of a young person it shall not be obligatory on the court to remand him in or commit him to a remand home under those subsections if the court certifies that it is impracticable to do so, or that he is of so unruly a character that he cannot be safely so remanded or committed, and in that case the court may remand the young person to custody in, or may commit him to, a prison.

(5) An order of remand or committal under this section may be varied or, in the case of a young person who proves to be of so unruly a character that he cannot be safely remanded in a remand home, revoked by any court; and if it is revoked the young person may be remanded in custody in, or committed to, a prison.

(6) The order or judgment in pursuance of which a child or young person is committed to custody in a remand home shall be delivered with the child or young person to the person-in-charge of the remand home and shall be sufficient authority for his remand in that place in accordance with the tenor thereof.

(7) A child or young person while so remanded, and while being conveyed to and from the remand home, shall be deemed to be in lawful custody, and if he escapes may be apprehended without warrant and brought back to the remand home in which he was remanded.

PART V

PLACES OF DETENTION

Provision of places of detention

55.—(1) The Minister may provide or appoint such places of detention as may be required for the purposes of this Act.

(2) The order or judgment in pursuance of which a child or young person is committed to custody in a place of detention shall be delivered with the child or young person to the person-in-charge of the place of detention and shall be sufficient authority for his detention in that place in accordance with the tenor thereof.

(3) A child or young person while so detained and while being conveyed to and from the place of detention shall be deemed to be in lawful custody, and if he escapes may be apprehended without warrant and brought back to the place of detention in which he was detained.

(4) When any person is, under the provisions of this Act, committed by an order or judgment of a court to a place of detention, the order or judgment shall not be invalidated by any subsequent proof that the person is not a child or young person; but in that case it shall be lawful for the court before which such proof is brought to order the production of the person before it for inquiry and, if it thinks fit, to revoke the order of committal; and the order shall thereupon be cancelled.

PART VI
JUVENILE REHABILITATION CENTRES
AND PLACES OF SAFETY

Minister may appoint juvenile rehabilitation centres and places of safety

56.—(1) The person-in-charge of any institution intended for the reception, care and rehabilitation of persons to be sent there under this Act may apply to the Minister to appoint the institution as a juvenile rehabilitation centre or place of safety.

(2) The Minister may, after directing the Director-General to make such inquiries as he thinks fit, so appoint the institution and issue a certificate of appointment and approval to the person-in-charge thereof, and such certificate shall be published in the Gazette.

(3) Any institution appointed under subsection (2) shall, while that certificate remains in force, be an appointed juvenile rehabilitation centre or place of safety for the purposes of this Act.

Person-in-charge may make regulations with approval of Minister

57. The person-in-charge of an appointed juvenile rehabilitation centre or place of safety may, with the approval of the Minister, make regulations for the regulation and management of the institution under his charge.

Person-in-charge shall send monthly report to Director-General

58. The person-in-charge of an appointed juvenile rehabilitation centre or place of safety shall send a monthly report to the Director-General containing such particulars as may be required by the regulations for the juvenile rehabilitation centre or place of safety.

Minister may cancel certificate

59.—(1) A report on the condition of any appointed juvenile rehabilitation centre or place of safety shall be made to the Minister by the Director-General if the Director-General is dissatisfied with the condition of the juvenile rehabilitation centre or place of safety.

(2) The Minister may, upon consideration of this report, cancel his certificate and, upon notice in writing of such cancellation having been given to the person-in-charge thereof, the juvenile rehabilitation centre or place of safety shall cease to be an appointed juvenile rehabilitation centre or place of safety from such time as is specified in the notice, and such cancellation shall be notified in the Gazette.

Person-in-charge or his executor or administrator may cancel certificate

60.—(1) The person-in-charge of any appointed juvenile rehabilitation centre or place of safety may, upon giving 6 months' previous notice, and the executors and administrators of a deceased person-in-charge may, upon giving one month's previous notice in writing of his or their intention to do so, apply for the cancellation of the certificate given to the juvenile rehabilitation centre or place of safety.

(2) Where a notice has been given under subsection (1) and has not been withdrawn, the certificate shall be deemed on the expiration of the notice to be cancelled, and such cancellation shall be published in the Gazette.

Duties of persons-in-charge

61. The person-in-charge of an appointed juvenile rehabilitation centre or place of safety shall carry out all duties necessary for the reception, care and rehabilitation of any child or young person sent to him under this Act for the period which the child or young person is liable to be detained or until the certificate is cancelled.

62. Whenever the certificate of an appointed juvenile rehabilitation centre or place of safety is cancelled under section 59, no child or young person shall be received into the juvenile rehabilitation centre or place of safety, under any of the provisions of this Act, after notice in writing of such cancellation is given to the person-in-charge of the juvenile rehabilitation centre or place of safety.

Discharge or transfer of juveniles

63.—(1) When the certificate of an appointed juvenile rehabilitation centre or place of safety is cancelled, the persons resident therein shall be, by order of the Minister, either discharged or transferred to some other appointed juvenile rehabilitation centre or place of safety or to a juvenile rehabilitation centre or place of safety established under section 64.

(2) The whole period of detention for which any person was sent to such juvenile rehabilitation centre or place of safety shall not be increased by the transfer.

Minister may establish juvenile rehabilitation centres and places of safety

64.—(1) The Minister may, by order published in the Gazette, establish such juvenile rehabilitation centres and places of safety as may be necessary for the purposes of this Act.

[3/2011 wef 20/07/2011]

(2) Every such order shall specify the premises in which the juvenile rehabilitation centre or place of safety to which it refers is to be established and shall state whether the same is to be used for male or female persons, or both.

Control and management of juvenile rehabilitation centres and places of safety established under section 64

65.—(1) Juvenile rehabilitation centres and places of safety established by the Minister under section 64 shall be under the control and management of —

(a) the Director-General; or

(b) a governing board consisting of such persons as may be appointed by the Minister.

(2) In controlling and managing any juvenile rehabilitation centre or place of safety established under section 64, the Director-General or a governing board appointed under subsection (1)(b) shall have the powers, functions and duties conferred or imposed on the person-in-charge of a juvenile rehabilitation centre or a place of safety by this Act.

Director-General may make regulations for juvenile rehabilitation centres and places of safety

66. The Director-General may, with the approval of the Minister, make regulations for the management of juvenile rehabilitation centres or places of safety established under the provisions of this Act and for the maintenance of order and discipline of the staff and the persons detained therein.

67. [Repealed by Act 3/2011 wef 20/07/2011]

PROVISIONS APPLICABLE TO PERSONS BEING DETAINED IN JUVENILE REHABILITATION CENTRES,
PLACES OF SAFETY, REMAND HOMES AND PLACES OF DETENTION

Duties and powers of person-in-charge of juvenile rehabilitation centre, place of safety, remand home or place of detention in respect of persons detained therein

68.—(1) Without prejudice to section 61, the person-in-charge of a juvenile rehabilitation centre, a place of safety, a remand home or a place of detention shall have the following duties in respect of persons who are detained therein under this Act:

- (a) to prevent the escape of such persons from lawful custody;
- (b) to prevent, detect and report on, the commission or attempted commission by such persons of any other unlawful acts;
- (c) to ensure good order and discipline on the part of such persons;
- (d) to attend to the well-being of such persons; and
- (e) to carry out in respect of such persons such other duties as may be prescribed.

(2) For the purpose of discharging his duties under subsection (1), the person-in-charge of a juvenile rehabilitation centre, a place of safety, a remand home or a place of detention may —

(a) give to any person being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention any order that the person-in-charge believes on reasonable grounds to be necessary —

(i) for the security or good order in the juvenile rehabilitation centre, place of safety, remand home or place of detention;

(ii) for the welfare or safe custody of that person or the other persons being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention; or

(iii) for ensuring that that person or any other person being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention does not commit any offence or any breach of discipline;

(b) require any person being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention to provide any information or answer any question that may be relevant to any duty being performed by the person-in-charge;

(c) search any person being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention and any article in the possession of such person;

(d) use such force as is reasonable and necessary —

(i) to compel a person being detained in the juvenile rehabilitation centre, place of safety, remand home or place of detention to obey any order or requirement given or made by the person-in-charge under this section; or

(ii) to restrain any such person who is attempting or preparing to commit or is committing any offence or any breach of discipline; and

(e) exercise such other powers as may be conferred on him by this Act.

(3) In this section, the reference to the person-in-charge of a juvenile rehabilitation centre, a place of safety, a remand home or a place of detention includes any person assisting the person-in-charge of the juvenile rehabilitation centre, place of safety, remand home or place of detention in the management thereof.]

Use of mechanical restraint

68A.—(1) The person-in-charge of any home for children and young persons that is operated by or under the management or control of the Government may use, or authorise any person

who is assisting the person-in-charge of the home to use, mechanical restraint on a person detained in the home for the purposes (called in this section a detainee) mentioned in subsection (2).

(2) The purposes mentioned in subsection (1) are —

(a) to prevent a detainee from escaping from custody, including while transferring that detainee to a prescribed place or from a prescribed place to the home; and

(b) to prevent a detainee from inflicting any bodily injury on himself, or any other detainee or person within the home.

(3) For the purposes of subsection (1) read with subsection (2) —

(a) the person-in-charge of a home for children and young persons and such person authorised by the person-in-charge of the home under subsection (1) may carry or have in their possession or under their control any mechanical restraint in any public place; and

(b) the mechanical restraint must be removed from a detainee immediately once it is no longer necessary.

(4) To avoid doubt, the person-in-charge of a home for children and young persons or such person authorised by the person-in-charge of the home under subsection (1) may not use a mechanical restraint on a detainee as punishment.

(5) In this section, “mechanical restraint” means handcuffs, leg braces, flexi cuffs or any other similar means of restraint.

Minister may discharge or transfer any person from one juvenile rehabilitation centre, place of safety or place of detention to another

69.—(1) The Minister may at any time, notwithstanding any order made by any court, order any person to be discharged from any juvenile rehabilitation centre, place of safety or place of detention or to be transferred from one juvenile rehabilitation centre, place of safety or place of detention to another.

(2) The whole period of detention for which any person was sent to such juvenile rehabilitation centre, place of safety or place of detention shall not be increased by the transfer.

Illness of child or young person detained

70.—(1) In the case of the serious illness of any child or young person who is detained in a juvenile rehabilitation centre, a place of safety, a remand home or a place of detention under the provisions of this Act, in which there is no suitable facilities for the child or young person, the person-in-charge of such juvenile rehabilitation centre, place of safety, remand home or place of detention may, on the certificate of a registered medical practitioner, make an order for his admittance to an approved hospital.

(2) So long as any child or young person who has been removed to an approved hospital under subsection (1) remains therein, the registered medical practitioner thereof shall, at the end of every month, transmit to the person-in-charge of the juvenile rehabilitation centre, place of safety, remand home or place of detention where the child or young person was detained a certificate signed by him that it is in his opinion necessary that he should remain in the approved hospital.

(3) In this section, “approved hospital” includes any hospital which the Minister may, by notification in the Gazette, declare to be a hospital for the purposes of this section.

Return from approved hospital to juvenile rehabilitation centre, place of safety, remand home or place of detention

71.—(1) So soon as, in the opinion of the registered medical practitioner in charge in any approved hospital, it is no longer necessary that any child or young person who has been removed to the approved hospital should remain therein, he shall transmit to the person-in-charge of the juvenile rehabilitation centre, place of safety, remand home or place of detention where the child or young person was detained a certificate stating that the necessity has ceased.

(2) Upon the transmission of the certificate, the person-in-charge shall immediately cause the child or young person to be brought back to the juvenile rehabilitation centre, place of safety, remand home or place of detention if he is still liable to be detained therein.

Duty to inform person-in-charge

72. Where a child or young person detained in a juvenile rehabilitation centre or place of safety is admitted to an approved hospital, it shall be the duty of a registered medical practitioner or any officer of the approved hospital to inform the person-in-charge of the juvenile rehabilitation centre or place of safety, if he has reason to believe that the child or young person may escape.

Special custody in hospital

73.—(1) Where in any case, from the gravity of the offence for which any child or young person may be in custody or for any other reason, the person-in-charge of the place where the child or young person is detained considers it to be desirable to take special measures for the security of the child or young person while under treatment in an approved hospital, it shall be lawful for the person-in-charge to give the child or young person into the charge of at least one fit and proper person who shall always be with the child or young person day and night.

(2) The person referred to in subsection (1) shall be vested with full power and authority to do all things necessary to prevent the child or young person from escaping, and shall be answerable for his safe custody until such time as he is handed over to the person-in-charge on his discharge from the approved hospital or until such time as his period of detention expires, whichever is earlier.

Power of Director-General or protector to give consent to medical examination or medical treatment to child or young person in need thereof

74. Where a child or young person who has been committed to the care of a fit person or who is being detained in a juvenile rehabilitation centre, a place of safety, an approved institution, a remand home, a place of detention, a place of temporary care and protection or any other place being used for the reception and care of children or young persons is in need of any medical examination or medical treatment (including any surgical procedure) and —

(a) the consent of the parent or guardian of the child or young person to such medical examination or medical treatment cannot be obtained despite all reasonable efforts; and

(b) any delay in carrying out the medical examination or medical treatment would cause the child or young person unnecessary suffering or endanger his health,

the Director-General or a protector may give consent to the carrying out of such medical examination or medical treatment and any consent so given shall, for all intents and purposes, be sufficient consent and authorisation for the carrying out of the medical examination or medical treatment.

Saving of powers of High Court

75. Nothing contained in this Act shall be held to lessen or affect the powers of the Judges of the High Court to direct persons confined in Singapore to be brought before the Court by an

Order for Review of Detention.

Review of cases of persons ordered to be detained in juvenile rehabilitation centres or places of safety

76.—(1) The person-in-charge of any juvenile rehabilitation centre or place of safety shall review all cases of children or young persons committed to the juvenile rehabilitation centre or place of safety under section 44 or 50 and may, after such review, recommend to the Director-General that any child or young person shall be released on licence.

(2) The Director-General, on the advice of the Review Board and notwithstanding any order made by any court, shall have power to order the release on licence of any person who has been detained in a juvenile rehabilitation centre or a place of safety, at any time before the completion of his full period of detention and on such conditions as may be stated by the Director-General in the order, including a condition that he shall be under the supervision of such person as may be specified in the order.

(3) The Director-General may at any time modify or cancel any of the conditions.

[Act 30 of 2019 wef 01/07/2020]

(4) [Deleted by Act 3/2011 wef 20/07/2011]

(5) [Deleted by Act 3/2011 wef 20/07/2011]

(6) If a person released from a juvenile rehabilitation centre or a place of safety on licence by order of the Director-General fails to comply with any condition of his licence, the Director-General may order the return of that person to the juvenile rehabilitation centre or place of safety from which he was released, to be detained there for the unexpired portion of his original period of detention or such shorter period as the Director-General thinks fit.

(7) Where a person has returned to the juvenile rehabilitation centre or place of safety under subsection (6), the Director-General may, on the advice of the Review Board, order the release on licence of that person if he has served a minimum period of 6 months under detention after his return.

(8) If any person while under licence or after his recall is sentenced to imprisonment, any period for which he is imprisoned under that sentence shall count as part of the period for which he is liable to detention in a juvenile rehabilitation centre or a place of safety under his original detention order.

Escape from juvenile rehabilitation centres or places of safety

77.—(1) Every person detained under this Act in a juvenile rehabilitation centre or a place of safety shall serve the full period of his detention as ordered by the court and shall be deemed to be in lawful custody until he is lawfully discharged therefrom.

(2) If any person who is being detained under this Act in a juvenile rehabilitation centre or place of safety escapes from the juvenile rehabilitation centre or place of safety before the expiry of his period of detention —

(a) he may be apprehended without warrant by a police officer or an approved welfare officer and brought back to the juvenile rehabilitation centre or place of safety by the police officer or approved welfare officer, as the case may be; and

(b) the period of his detention in the juvenile rehabilitation centre or place of safety shall be extended by the period (as computed by the person-in-charge of the juvenile rehabilitation centre or place of safety) for which he was at large.

(3) Notwithstanding anything stated in this section, no person shall be detained in any juvenile

rehabilitation centre or place of safety after he attains 21 years of age.

Penalties for assisting or inducing persons to escape and for harbouring or concealing escaped persons

78. Any person who —

(a) knowingly assists, directly or indirectly, any person legally detained in any juvenile rehabilitation centre, place of safety or place of detention or committed to the care or custody of a person or detained in any approved hospital to escape therefrom;

(b) induces any such person so to escape; or

(c) knowing that any such person ordered to be detained or committed has escaped from any such juvenile rehabilitation centre, place of safety or place of detention or from the care or custody of a person or from an approved hospital, harbours or conceals or assists in harbouring or concealing that person, or causes or induces him not to return to such school, home, person, place of detention or approved hospital,

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.

Prohibition against conveying certain articles to persons being detained in juvenile rehabilitation centre, place of safety, remand home or place of detention

79. Any person who without lawful authority —

(a) conveys, supplies or causes to be conveyed or supplied to any person being detained in a juvenile rehabilitation centre, a place of safety, a remand home or a place of detention; or

(b) hides or places in a juvenile rehabilitation centre, a place of safety, a remand home or a place of detention for the use of any person being detained therein,

any letter or document, or any intoxicating liquor, tobacco, drug, opiate, money, clothing, provisions, toiletry or any other article 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.

Evidence of orders of Minister

80. A copy under the hand of the Director-General shall be evidence of any order, authority or direction given by the Minister under the provisions of this Act.

Presumption

81. The production of the warrant or other document, in pursuance of which a child or young person is directed to be sent to a juvenile rehabilitation centre, a place of safety, a remand home or a place of detention or committed to the care or custody of a person or directed to be sent to an approved hospital, with a statement endorsed thereon or annexed thereto purporting to be signed by the person-in-charge of the juvenile rehabilitation centre, place of safety, place of detention, remand home or approved hospital or by the person to whose care or custody the child or young person is committed, as the case may be, to the effect that the child or young person named therein was duly —

(a) received into and is at the date of the signing thereof detained in such juvenile rehabilitation centre, place of safety, remand home or place of detention; or

(b) taken into his care or custody and is at the date of signing thereof still in his care or custody, or has been otherwise dealt with according to law,

shall in all proceedings relating to that child or young person be prima facie evidence of the identity and of the lawful detention or disposal of the child or young person named in that

warrant or document.

Evidence

82. A copy of the regulations of a juvenile rehabilitation centre, a place of safety, a remand home or a place of detention appointed or established under the provisions of this Act or of an approved hospital, purporting to be signed by the Director-General shall be evidence of such regulations in all legal proceedings.

PART VIII

EXPENSES AND CONTRIBUTIONS

Contributions by parents or guardians

83. Where an order has been made by a Youth Court under any of the provisions of this Act committing a child or young person to the care of a fit person, or sending the child or young person to a place of temporary care and protection, place of detention, juvenile rehabilitation centre or place of safety, it shall be the duty of a parent or guardian or other person having the custody of the child or young person to make contributions in respect of the maintenance of the child or young person.

Contribution order

84.—(1) When an order has been made by a Youth Court committing a child or young person to the care of a fit person or sending the child or young person to a place of temporary care and protection, a place of detention, a hostel, a juvenile rehabilitation centre or a place of safety, the Court which makes the order may, at the same time or subsequently, make an order (referred to in this section as a contribution order) on the parent or guardian or person having the custody of the child or young person requiring him to contribute such weekly or monthly sum as the Court, having regard to the means of the parent, guardian or person having the custody of the child or young person, thinks fit.

(2) An order made under subsection (1) may be made against a parent or guardian or person having the custody of the child or young person, who, having been required to attend, has failed to do so.

(3) Subject to subsection (2), no such order shall be made without giving the parent or guardian or person having the custody of the child or young person an opportunity to be heard.

(4) A contribution order shall remain in force —

(a) in the case of a child or young person committed to the care of a fit person, so long as the order for his committal is in force; and

(b) in the case of a child or young person ordered to be sent to a place of temporary care and protection, place of detention, juvenile rehabilitation centre or place of safety, until he ceases to be under the care of the person in charge for the time being of such place of temporary care and protection, place of detention, juvenile rehabilitation centre or place of safety.

(5) No contribution shall be payable under a contribution order in respect of any period during which a person ordered to be sent to a place of temporary care and protection, place of detention, juvenile rehabilitation centre or place of safety is released on licence from a juvenile rehabilitation centre or a place of safety or placed under the supervision of an approved welfare officer.

(6) A contribution order made under this section —

(a) may be varied, revoked or suspended by the Youth Court; and

[Act 27 of 2014 wef 01/10/2014]

(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.

(7) If any person wilfully neglects to comply with a contribution order made under this section, the Youth 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.

PART IX MISCELLANEOUS

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

84A.—(1) A person must not, without the Director-General's approval, publish or broadcast —
(a) any information or picture that identifies, or is likely to lead to the identification of any child or young person as a child or young person who —

(i) had been or is the subject of any investigation under this Act;

(ii) had been or is arrested on or after the date of commencement of section 50 of the Children and Young Persons (Amendment) Act 2019, for an offence committed under any written law;

(iii) had been or is taken into care or custody by the Director-General, a protector, any officer generally or specially authorised in that behalf in writing by the Director-General or a protector or a police officer under this Act;

(iv) had attended or is attending a family programme in relation to an application to be made under section 50; or

(v) was or is the subject of an order made by a court under this Act; or

(b) any information or picture mentioned in paragraph (a) even after the child or young person attains 18 years of age (called in this section the protected person).

(2) A court may —

(a) on the application made by the Director-General or a protector, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of section 27A(1) as in force immediately before the date of commencement of section 50 of the Children and Young Persons (Amendment) Act 2019 or subsection (1)(a); or

(b) on the application made by the protected person, order a person to remove the publication, or stop the broadcast, of any information or picture that is published or broadcast in contravention of subsection (1)(b).

(3) The court may make an order under subsection (2) even if —

(a) the application is not served on the person against whom the order is to be made (called in this section the respondent) or is not served on the respondent within a reasonable time before the hearing of the application; or

(b) where the application has been served on the respondent, the respondent does not appear at the hearing of the application,

so long as the court is satisfied, on a balance of probabilities, that the order is necessary for the protection and safety of the child or young person concerned or the protected person, as the case may be.

(4) If any information or picture is published or broadcast in contravention of subsection (1)(a)

or (b) —

(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 of the newspaper or periodical publication;

(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 each 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.

(5) A court may, in addition to any punishment mentioned in subsection (4), order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of subsection (1)(a) or (b).

(6) Where any proceeding is pending before a court as at the date of commencement of section 50 of the Children and Young Persons (Amendment) Act 2019 for a contravention of section 27A(1) as in force immediately before that date (called in this subsection the unamended Act), the court may, in addition to any punishment mentioned in section 27A(2) of the unamended Act, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of section 27A(1) of the unamended Act.

(7) In this section, “broadcast” and “publish” have the same meanings as in section 84B(9).

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

84B.—(1) Subject to subsection (2), a person must not —

(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;

(b) publish or broadcast any picture as being or including a picture of any child or young person so concerned in any such proceedings; or

(c) publish or broadcast any information or picture mentioned in paragraph (a) or (b) even after the child or young person attains 18 years of age (called in this section the protected person).

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

(3) A court may —

(a) on the application made by the Director-General or a protector, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of —

(i) section 35(1)(a) or (b) as in force immediately before the date of commencement of section 50 of the Children and Young Persons (Amendment) Act 2019; or

(ii) subsection (1)(a) or (b) on or after that date; or

(b) on the application made by the protected person, order a person to remove the publication, or stop the broadcast, of any information or picture that is published or broadcast in

contravention of subsection (1)(c).

(4) The court may make an order under subsection (3) even if —

(a) the application is not served on the person against whom the order is to be made (called in this section the respondent) or is not served on the respondent within a reasonable time before the hearing of the application; or

(b) where the application has been served on the respondent, the respondent does not appear at the hearing of the application,

so long as the court is satisfied, on a balance of probabilities, that the order is necessary for the protection and safety of the child or young person concerned or the protected person, as the case may be.

(5) 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 of the newspaper or periodical publication;

(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 each 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.

(6) A court may, in addition to any punishment mentioned in subsection (5), order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of subsection (1)(a), (b) or (c).

(7) Where any proceeding is pending before a court as at the date of commencement of section 50 of the Children and Young Persons (Amendment) Act 2019 for a contravention of section 35(1)(a) or (b) as in force immediately before that date (called in this subsection the unamended Act), the court may, in addition to any punishment mentioned in section 35(3) of the unamended Act, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of section 35(1)(a) or (b) of the unamended Act.

(8) Subsection (1) is 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.

(9) In this section —

“broadcast” means sounds or visual images —

(a) 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;

(b) broadcast through the Internet or any website, web service or Internet application, whether or not intended for general reception; or

(c) broadcast through any messaging system;

“messaging system” means any system that enables the transmission of short text messages, or of any visual communication, voice communication or electronic mail —

(a) from a digital mobile telephone to another digital mobile telephone; or

(b) from an electronic mail address to a digital mobile telephone, and the other way around;

“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, including (to avoid doubt) through —

- (a) the Internet or any website, web service or Internet application; or
- (b) any messaging system.

Powers of Youth Court conferred on other courts

85. Except as otherwise provided, nothing in this Act shall affect the powers of a Magistrate’s Court, a District Court or the High Court, and all the powers which may be exercised under this Act by a Youth Court may, in like manner, be exercised by a Magistrate’s Court, a District Court or the High Court.

Protection from personal liability

86.—(1) No liability shall lie personally against any of the following persons who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act:

- (a) the Director-General;
 - (b) any protector;
 - (c) any police officer;
 - (d) any approved welfare officer or volunteer welfare officer;
 - (e) any probation officer or volunteer probation officer;
 - (f) any member of the panel of advisers;
 - (g) any foster parent;
 - (h) the person-in-charge of any juvenile rehabilitation centre, home for children and young persons, place of detention, place of safety, place of temporary care and protection or remand home;
 - (i) any person appointed by the Director-General or a protector to whose care a child or young person is committed under a voluntary care agreement;
 - (j) any member of the Review Board, Committee on Fostering or a governing board;
 - (k) any other person acting under the direction of the Director-General or a protector.
- (2) No liability shall lie personally against any person appointed by a court or pursuant to an order of a court, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of any order made by a court under this Act.

Information relating to children and young persons in need of care or protection

87.—(1) Any person who knows or has reason to suspect that a child or young person is in need of care or protection may make a notification to the Director-General, a protector or a police officer of the facts and circumstances on which his knowledge or suspicion is based.

(2) Where the Director-General, a protector or a police officer not below the rank of sergeant (A) receives any notification under subsection (1), A may, without affecting any other power conferred on him by this Act, communicate any information contained in the notification to —

- (a) where A is the Director-General — a protector or any other person assisting the Director-General in the administration or enforcement of this Act in respect of the child or young person;
- (b) where A is a protector — the Director-General, another protector or any other person assisting A in the administration or enforcement of this Act in respect of the child or young person;

(c) where A is a police officer — the Director-General or a protector; and
(d) any other person or class of persons as may be prescribed,
in order that A may take such action as may be necessary in accordance with this Act to ensure that the child or young person concerned receives the care or protection that he needs.

(3) A person who makes a notification under subsection (1) —

(a) shall not, by virtue of doing so, be held in any proceedings before any court or tribunal or in any other respect to have breached any code of professional etiquette or ethics, or to have departed from any accepted form of professional conduct; and

(b) insofar as he has acted in good faith, shall incur no civil or criminal liability in respect of the notification or the provision of any information contained in the notification.

(3A) No liability shall lie personally against a person for communicating any information under subsection (2) if the person had done so in good faith and with reasonable care in compliance with that subsection.

(4) Any person appearing as a witness in any proceedings in any court or tribunal or before a person authorised by law to hear evidence shall not be compelled —

(a) to disclose the identity of any person who has made a notification under subsection (1), or any information likely to lead to the disclosure of the identity of such a person; or

(b) to produce any report or document which identifies, or is likely to identify, any person who has made a notification under subsection (1).

Confidentiality of information relating to children and young persons

87A.—(1) Any person to whom any information relating to a child or young person has been disclosed to him by the Director-General or a protector in the performance of any duty or the exercise of any power by the person, must not disclose the information to another person unless the disclosure has been authorised by the Director-General or protector, as the case may be.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Offences by bodies corporate, etc.

87B.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any act or default on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any act or default on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership shall be guilty of that offence and shall be liable to be

proceeded against and punished accordingly.

(5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any act or default on the part of such an officer or a member, the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) In this section —

“body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

(a) in relation to a body corporate, means any director, member of the committee of management, chief executive officer, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; and

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of the committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(7) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

Regulations

88.—(1) The Minister may make regulations for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) Without prejudice to the generality of subsection (1) or any other provision of this Act, the Minister may make regulations for all or any of the following matters:

(a) the care, maintenance and education of children and young persons committed to the care, custody or control of any person under the provisions of this Act and the duties of persons to whose care, custody or control the children and young persons have been committed;

(b) the care, detention, temporary absence, maintenance, education, and conduct and discipline of persons below 21 years of age in juvenile rehabilitation centres, places of safety, remand homes, places of detention and places of temporary care and protection;

(c) the constitution, functions and procedures of a governing board, the Committee on Fostering and the Review Board;

(d) the inspection of juvenile rehabilitation centres, places of safety, remand homes, places of detention and places of temporary care and protection and returns to be furnished by persons in charge of such places;

(e) the management of juvenile rehabilitation centres, places of safety, remand homes, places of detention and places of temporary care and protection;

(f) the considerations, conditions and requirements subject to which a voluntary care agreement may be made;

(g)the effect of a voluntary care agreement and the validity period of such voluntary care agreement;

(h)the implementation, variation and termination of a voluntary care agreement.

Family Justice Rules

89.—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules —

(a)to regulate and prescribe the procedure and practice to be followed in the Youth Courts; and

(b)to provide for any matter relating to any such procedure or practice.

(2) The Family Justice Rules may, instead of providing for any matter, refer to any provision made or to be made about that matter by practice directions issued for the time being by the registrar of the Family Justice Courts.

(3) All Family Justice Rules made under this section shall be presented to Parliament as soon as possible after publication in the Gazette.

LEGISLATIVE HISTORY

CHILDREN AND YOUNG PERSONS ACT

(CHAPTER 38)

This Legislative History is provided for the convenience of users of the Children and Young Persons Act. It is not part of the Act.

1. Act 1 of 1993—Children and Young Persons Act 1993

Date of First Reading	:	16 November 1992
		(Bill No. 38/1992 published on 17 November 1992)
Date of Second and Third Readings	:	18 January 1993
Date of commencement	:	21 March 1993

2. 1994 Revised Edition—Children and Young Persons Act

Date of operation	:	15 March 1994
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3. Act 20 of 2001—Children and Young Persons (Amendment) Act 2001

Date of First Reading	:	22 February 2001
		(Bill No. 12/2001 published on 23 February 2001)

Date of Second and Third Readings : 20 April 2001
Date of commencement : 1 October 2001

4. 2001 Revised Edition—Children and Young Persons Act

Date of operation : 31 December 2001

5. Act 42 of 2005—Statutes (Miscellaneous Amendments) (No. 2) Act 2005

Date of First Reading : 17 October 2005
(Bill No. 30/2005 published on 18 October 2005)
Date of Second and Third Readings : 21 November 2005
Date of commencement : 1 January 2006
(Item (3) of Fourth Schedule)

6. Act 22 of 2007—Dentists (Amendment) Act 2007

(Consequential amendments made to Act by)

Date of First Reading : 27 February 2007
(Bill No. 9/2007 published on 27 February 2007)
Date of Second and Third Readings : 12 April 2007
Date of commencement : 1 January 2008

7. Act 51 of 2007—Penal Code (Amendment) Act 2007

(Consequential amendments made to Act by)

Date of First Reading : 17 September 2007
(Bill No. 38/2007 published on 18 September 2007)
Date of Second Reading : 22 October 2007
Date of Third Reading : 23 October 2007
Date of commencement : 1 February 2008

8. Act 15 of 2010—Criminal Procedure Code 2010

Date of First Reading	:	26 April 2010
		(Bill No. 11/2010 published on 26 April 2010)
Date of Second and Third Readings	:	19 May 2010
Date of commencement	:	2 January 2011

9. Act 3 of 2011—Children and Young Persons (Amendment) Act 2011

Date of First Reading	:	22 November 2010
		(Bill No. 35/2010 published on 22 November 2010)
Date of Second and Third Readings	:	11 January 2011
Date of commencement	:	20 July 2011

10. Act 2 of 2012—Statutes (Miscellaneous Amendments) Act 2012

Date of First Reading	:	21 November 2011
		(Bill No. 22/2011 published on 21 November 2011)
Date of Second and Third Readings	:	18 January 2012
Date of commencement	:	1 March 2012 (except sections 26 and 29)

11. Act 27 of 2014—Family Justice Act 2014

(Consequential amendments made by)

Date of First Reading	:	8 July 2014
		(Bill No. 21/2014 published on 8 July 2014)
Date of Second and Third Readings	:	4 August 2014
Date of commencement	:	1 October 2014

12. Act 27 of 2014—Family Justice Act 2014

(Consequential amendments made by)

Date of First Reading	:	8 July 2014
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(Bill No. 21/2014 published on
8 July 2014)

Date of Second and Third Readings : 4 August 2014
Date of commencement : 1 January 2015

13. Act 45 of 2014—Prevention of Human Trafficking Act 2014

(Consequential amendments made by)

Date of First Reading : 7 October 2014
(Bill No. 39/2014 published on
7 October 2014)
Date of Second and Third Readings : 3 November 2014
Date of commencement : 1 March 2015

14. Act 28 of 2017—Public Entertainments and Meetings (Amendment) Act 2017

Date of First Reading : 3 April 2017 (Bill No. 22/2017
published on 3 April 2017)
Date of Second and Third Readings : 8 May 2017
Date of commencement : 1 August 2017

15. Act 19 of 2017—Early Childhood Development Centres Act 2017

Date of First Reading : 6 February 2017 (Bill No.
7/2017 published on 6
February 2017)
Date of Second and Third Readings : 28 February 2017
Date of commencement : 2 January 2019

16. Act 15 of 2019—Criminal Law Reform Act 2019

Date of First Reading : 11 February 2019 (Bill No.
6/2019 published on 11
February 2019)
Date of Second and Third Readings : 6 May 2019
Date of commencement : 1 January 2020

17. Act 30 of 2019—Children and Young Persons (Amendment) Act 2019

Date of First Reading	: 5 August 2019 (Bill No. 22/2019 published on 5 August 2019)
Date of Second and Third Readings	: 4 September 2019
Date of commencement	: 1 July 2020

COMPARATIVE TABLE

CHILDREN AND YOUNG PERSONS ACT

(CHAPTER 38)

The following provisions in the 1994 Revised Edition of the Children and Young Persons Act have been renumbered by the Law Revision Commissioners in this 2001 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Children and Young Persons Act.

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Early Childhood Development Centres Act 2017

(No. 19 of 2017)

An Act to regulate the operation of early childhood development centres, to provide for other connected or incidental matters, to repeal the Child Care Centres Act (Chapter 37A of the 2012 Revised Edition) and to make consequential and related amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

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THE SCHEDULE Excluded early childhood development centres

PART 1

PRELIMINARY

Short title and commencement

1. This Act is the Early Childhood Development Centres Act 2017 and comes into operation on a date that the Minister appoints by notification in the Gazette.

Interpretation

2. In this Act, unless the context otherwise requires —

“applicant” means a person making an application;

“application” , in relation to a licence, means an application for or to renew a licence;

“authorised officer” , for any provision of this Act, means a public officer who is appointed as an authorised officer under section 5(3) for the purposes of that provision;

“Chief Licensing Officer” means the public officer appointed under section 5(1)(a);

“code of practice” means a code of practice issued or approved by the Chief Licensing Officer under section 36, and includes any such code of practice as amended from time to time under that section;

“early childhood development centre” means any premises where any early childhood development service is provided or is to be provided;

“early childhood development service” means the provision of care or education, or care and education, habitually of 5 or more children who are below 7 years of age, for a fee, reward or profit by a person who is not a relative or guardian of all the children;

“key appointment holder” , in relation to an applicant or a licensee —

(a) that is a company, limited liability partnership or other body corporate, means —

(i) a member of the board of directors or committee or board of trustees or other governing board of the applicant or licensee (as the case may be); and

(ii) any other person, by whatever name called, who has general management or supervision of the business of the early childhood development centre to which the application or licence (as the case may be) relates;

(b) that is a partnership, means —

(i) a partner of the applicant or licensee (as the case may be); and

(ii) any other person, by whatever name called, who has general management or supervision of the business of the early childhood development centre to which the application or licence (as the case may be) relates; and

(c) in any other case, means any person, by whatever name called, who has general management or supervision of the business of the early childhood development centre to which the application or licence (as the case may be) relates;

“licence” means a licence granted or renewed under this Act authorising the licensee to operate the early childhood development centre specified in the licence;

“licensee” means a person who is the holder of a licence;

“modification” and “modify” , in relation to the conditions of a licence, include deleting or varying and substituting a condition, and adding a condition;

“operate” , for an early childhood development centre, means to control or direct the operations of the centre in connection with a business of providing or offering early childhood development service at that centre;

“premises” includes a building, an enclosure, ground and open air space;

“repealed Act” means the Child Care Centres Act (Cap. 37A) repealed by this Act.

Act does not apply to certain centres

3. This Act does not apply to, or in relation to any of the following:

(a) any early childhood development centre —

(i) operated by or on behalf of the Government; or

(ii) specified in the Schedule (called in this Act an excluded early childhood development centre);

(b) any person deployed, engaged or permitted by —

(i) the Government to perform any duty or provide any service at a centre mentioned in paragraph (a)(i); or

(ii) the operator of an excluded early childhood development centre to perform any duty or provide any service at that centre.

Purpose of Act

4. The purpose of this Act is to regulate the operation of early childhood development centres, so as to —

- (a) protect the safety, wellbeing and welfare of children at early childhood development centres; and
- (b) promote the quality, and continuous improvement in the quality, of early childhood development services at early childhood development centres.

Appointment of officers

5.—(1) The Minister may appoint —

- (a) a public officer as the Chief Licensing Officer for the purposes of this Act; and
 - (b) such number of public officers as Assistant Chief Licensing Officers as may be necessary.
- (2) The Chief Licensing Officer and Assistant Chief Licensing Officers may be known by such title as the Minister determines from time to time.
- (3) The Chief Licensing Officer may, in relation to any provision of this Act, appoint a public officer to be an authorised officer for the purposes of that provision, either generally or in a particular case.
- (4) Subject to subsection (5), the Chief Licensing Officer may, with the approval of the Minister, delegate the exercise of all or any of the powers conferred or duties imposed upon the Chief Licensing Officer by any provision of this Act (except the power of delegation conferred by this subsection) to an Assistant Chief Licensing Officer.
- (5) Any delegation under subsection (4) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Chief Licensing Officer may specify; and any reference in the provision of this Act to the Chief Licensing Officer includes a reference to such an Assistant Chief Licensing Officer.

PART 2

**LICENSING OF EARLY CHILDHOOD
DEVELOPMENT CENTRES**

No operation of early childhood development centre without licence, etc.

6.—(1) A person must not operate (whether solely or jointly with any other person) an early childhood development centre unless the person —

- (a) is authorised to do so by a licence under this Act;
- (b) is exempt from this subsection by or under this Act in relation to that centre; or
- (c) is directed by the Chief Licensing Officer under section 18 to do so despite the expiry or revocation of the licence for that centre.

(2) A person must not advertise or otherwise hold out that the person is operating an early childhood development centre under a licence, unless the person holds a valid licence under this Act.

(3) A person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Application for or to renew licence

7.—(1) An application must be made to the Chief Licensing Officer in accordance with this section.

(2) An application must —

- (a) be in the form and manner required by the Chief Licensing Officer;
- (b) be accompanied by a non-refundable application fee (if prescribed) paid in the manner required by the Chief Licensing Officer; and
- (c) be accompanied by any information that the Chief Licensing Officer requires to decide on the application.

(3) A separate application must be made for every early childhood development centre that a person operates or intends to operate (as the case may be) under the authority of a licence.

(4) In addition to the requirements under subsections (2) and (3), an application to renew a licence must —

- (a) be made not later than the prescribed time before the date the licence expires (called in this subsection the renewal deadline); and
- (b) if made later than the renewal deadline, be accompanied by a non-refundable late renewal application fee (if prescribed) paid in the manner required by the Chief Licensing Officer.

(5) The Chief Licensing Officer or an authorised officer may —

- (a) carry out such inquiries and investigations in relation to an application under subsection (1) as are necessary for a proper consideration by the Chief Licensing Officer of the application; and
- (b) request that the applicant provide, within a specified time, any additional information that the Chief Licensing Officer requires for a proper consideration of the application.

(6) The Chief Licensing Officer may refuse an application —

- (a) that is incomplete or otherwise not made in accordance with this section; or
- (b) if the applicant fails to provide the additional information requested under subsection (5)(b).

Grant or renewal of licence

8.—(1) After considering any application for or to renew a licence, the Chief Licensing Officer may —

- (a) on payment of a licence fee or renewal fee (if prescribed), grant or renew the licence (as the case may be); or
- (b) refuse (without compensation) to grant or renew the licence, as the case may be.

(2) A person may be granted more than one licence.

(3) In deciding whether a licence should be granted or renewed, the Chief Licensing Officer must have regard to, and give such weight as the Chief Licensing Officer considers appropriate to, all of the following matters:

- (a) whether the applicant has the appropriate character and fitness to operate and maintain an early childhood development centre;
- (b) whether every key appointment holder of the applicant has the appropriate character and fitness to act in that capacity;
- (c) whether the applicant, or any key appointment holder of the applicant, has been —
 - (i) convicted of an offence under this Act;

- (ii) convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the applicant or key appointment holder (as the case may be) had acted dishonestly; or
- (iii) convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed;
- (d) whether the applicant has, during the prescribed period immediately before the application, failed to pay any charge or fee charged or imposed under this Act, the repealed Act or the Education Act (Cap. 87) in connection with the operation of an early childhood development centre;
- (e) whether the applicant has previously —
 - (i) been refused the grant or renewal of a licence under this Act or the repealed Act;
 - (ii) had any licence revoked or shortened under this Act or the repealed Act;
 - (iii) been the subject of any other regulatory sanction under this Act;
 - (iv) been refused registration of a school under the Education Act; or
 - (v) had any registration of a school cancelled under the Education Act;
- (f) whether any key appointment holder of the applicant is disqualified under section 19 to act or continue to act as a key appointment holder;
- (g) whether the applicant has, or is likely to have, the financial capacity to operate and maintain an early childhood development centre;
- (h) whether the applicant is the owner or lessee of the premises to be used as an early childhood development centre, or has a licence from another person to occupy those premises;
- (i) whether the premises to be used as an early childhood development centre are fit to be used as such a centre, having regard to —
 - (i) location, accommodation, staffing or equipment; and
 - (ii) building structure, fire safety, public health and sanitation requirements prescribed under this Act or any other written law;
- (j) whether the applicant has the capacity to deliver early childhood development services according to such requirements relating to the types and content of the curriculum or programme for early childhood development centres as may be prescribed;
- (k) whether there is any other relevant matter that makes it contrary to the public interest to grant or renew the licence.

(4) For the purpose of determining whether a person has the appropriate character and fitness under subsection (3)(a) or (b), the Chief Licensing Officer must take into account the prescribed considerations (if prescribed).

(5) To avoid doubt, the Chief Licensing Officer is not confined to consideration of the matters in subsection (3) or prescribed under subsection (4), and may take into account such other matters and evidence as may be relevant.

Form and validity of licence

9.—(1) Every licence must state its class and be in such form as the Chief Licensing Officer may determine.

(2) Every licence granted or renewed under this Act is to continue in force for such period as may be specified in the licence unless it is earlier revoked or has its term shortened under section 16.

Licence conditions

10.—(1) In granting or renewing a licence to any person to operate an early childhood

development centre, the Chief Licensing Officer may impose such conditions as the Chief Licensing Officer considers requisite or expedient having regard to the purpose of this Act.

(2) The Chief Licensing Officer may impose —

- (a) conditions generally applicable to all licences;
- (b) conditions specifically applicable to a class of licences; or
- (c) conditions specifically applicable to a particular licence.

(3) In particular, a licence to operate an early childhood development centre may include conditions —

- (a) relating to the operation, operating hours and maintenance of the centre;
- (b) relating to the care, education, safety and security of children attending the centre;
- (c) relating to the conduct of employees, agents and contractors of the licensee;
- (d) relating to the safety and security of persons performing duties or engaged in work at the centre; and

(e) requiring the licensee to undergo and pass such audit as the Chief Licensing Officer may determine for compliance with —

- (i) the provisions of this Act;
- (ii) the conditions of the licence;
- (iii) the applicable codes of practice issued, approved or amended by the Chief Licensing

Officer under section 36; and

- (iv) any direction given by the Chief Licensing Officer under section 17.

(4) For the purpose of subsection (3)(e) —

(a) the audit may be conducted only by —

- (i) authorised officers; or
- (ii) such qualified individuals or such qualified audit team as may be approved by the Chief Licensing Officer for the purpose; and

(b) the Chief Licensing Officer may require the licensee —

- (i) to submit to the Chief Licensing Officer or to the persons conducting the audit such information as the Chief Licensing Officer may specify which pertains to the operation of any early childhood development centre by the licensee; and
- (ii) to allow the persons conducting the audit to carry out on-site collection or verification of any information which pertains to the operation of any early childhood development centre by the licensee.

(5) Without prejudice to subsection (1), the Chief Licensing Officer may grant a renewal of a licence with or without modifying the conditions of the licence, but section 11 does not apply to or in relation to granting a renewal of a licence with modifications to the conditions of the licence.

Modification of conditions of licence

11.—(1) The Chief Licensing Officer may modify the conditions of a licence in accordance with this section without compensating the licensee to whom the licence is granted.

(2) Before modifying any conditions of a licence, the Chief Licensing Officer must give notice to the licensee —

- (a) stating that the Chief Licensing Officer proposes to make the modification in the manner as specified in the notice; and
- (b) specifying the time (being not less than 14 days after the date of service of the notice on the

licensee) within which the licensee may make written representations to the Chief Licensing Officer with respect to the proposed modification.

(3) Upon receiving any written representation mentioned in subsection (2)(b), the Chief Licensing Officer must consider that representation and may —

- (a) reject the representation;
- (b) amend the proposed modification in such manner as the Chief Licensing Officer thinks fit having regard to the representation; or
- (c) withdraw the proposed modification.

(4) Where —

- (a) the Chief Licensing Officer rejects any written representation under subsection (3)(a);
- (b) the Chief Licensing Officer amends any proposed modification to the conditions of the licence under subsection (3)(b); or
- (c) no written representation is received by the Chief Licensing Officer within the time specified in subsection (2)(b), or any written representation made under that subsection is subsequently withdrawn, and the licensee has not given immediate effect to the modification, the Chief Licensing Officer must issue a direction in writing to the licensee in question requiring the licensee, within the time specified by the Chief Licensing Officer, to give effect to the modification as specified in the notice under subsection (2) or as amended by the Chief Licensing Officer, as the case may be.

Security deposit

12.—(1) Before granting or renewing a licence, the Chief Licensing Officer may require an applicant or a licensee (as the case may be) to give to the Chief Licensing Officer a security deposit.

(2) The Chief Licensing Officer may determine —

- (a) the form of the security deposit (such as but not limited to a performance bond or bank guarantee);
- (b) the manner in which the security deposit is to be given; and
- (c) the amount of the security deposit.

(3) The Chief Licensing Officer may —

- (a) require the licensee to add to the amount of the security deposit given or to be given, within the time specified by the Chief Licensing Officer; or
- (b) reduce the amount of security deposit given or to be given by the licensee with effect from the date specified by the Chief Licensing Officer.

(4) In determining whether to require a security deposit and the amount of the security deposit, the Chief Licensing Officer must have regard to, and give such weight as the Chief Licensing Officer considers appropriate to, all of the following matters:

- (a) the track record of an applicant or a licensee in complying with —
 - (i) requirements under any written law (including the repealed Act) applicable to the applicant's or licensee's operation of an early childhood development centre; and
 - (ii) any requirement imposed by or under this Act;

- (b) the likelihood, or the commencement, of proceedings for the taking of regulatory action against a licensee;

- (c) any other matter as may be prescribed.

Transfer of licence

13.—(1) A licence, and any right, benefit or privilege under the licence, is not transferable to any other person unless the Chief Licensing Officer approves in writing the transfer.

(2) An application for the Chief Licensing Officer's approval to transfer a licence must be made by the licensee and the intended transferee in accordance with this section.

(3) An application under subsection (2) to transfer a licence must —

- (a) be made in the form and manner required by the Chief Licensing Officer;
- (b) be accompanied by a non-refundable application fee (if prescribed) paid in the manner required by the Chief Licensing Officer; and
- (c) be accompanied by any information that the Chief Licensing Officer requires to decide on the application.

(4) In addition to the requirements under subsection (3), the application under subsection (2) to transfer a licence must be made not later than a prescribed time, being a time before the licence expires.

(5) The Chief Licensing Officer or an authorised officer may —

- (a) carry out such inquiries and investigations in relation to the application under subsection (2) as are necessary for a proper consideration by the Chief Licensing Officer of the application to transfer a licence; and
- (b) request that the applicant making the application under subsection (2) provide, within a specified time, any additional information that the Chief Licensing Officer requires for a proper consideration of that application.

(6) The Chief Licensing Officer may refuse an application under subsection (2) to transfer a licence —

- (a) that is incomplete or otherwise not made in accordance with this section; or
- (b) if the applicant fails to provide the additional information requested under subsection (5)(b).

(7) After considering the matters mentioned in section 8 and such other matters as may be prescribed (if prescribed), the Chief Licensing Officer may —

- (a) approve the transfer of the licence; or
- (b) refuse (without compensation) to approve the transfer of the licence.

(8) To avoid doubt, the Chief Licensing Officer is not confined to consideration of the matters mentioned in section 8 or prescribed under subsection (7), and may take into account such other matters and evidence as may be relevant.

(9) The Chief Licensing Officer's approval under this section may be given with or without conditions.

(10) The transfer of a licence takes effect on —

- (a) the date on which the conditions (if any) for the Chief Licensing Officer's approval of the transfer are met; or
- (b) such other date as the Chief Licensing Officer may specify.

(11) The transfer of a licence does not affect any criminal or civil liability incurred by the original licensee.

(12) A licence that is transferred in accordance with this section is to continue in force for the remaining term of the licence unless it is earlier revoked or has its term shortened under section 16.

Voluntary cessation of operation or surrender of licence

- 14.—(1) A licensee must not, without giving the Chief Licensing Officer prior notice —
- (a) wholly and permanently cease operating the early childhood development centre specified in the licensee's licence; or
 - (b) for any reason surrender the licence.
- (2) A notice under subsection (1) must be made to the Chief Licensing Officer not later than the prescribed time before the following date, whichever is applicable:
- (a) the date on which the early childhood development centre is to wholly and permanently cease operations;
 - (b) the date on which the licensee intends the surrender of the licence to take effect.
- (3) No part of any licence fee or renewal fee may be refunded to the licensee upon the cessation of the operation of an early childhood development centre or surrender of a licence under this section.

Lapse of licence

- 15.—(1) Unless expired or earlier revoked under section 16, a licence in respect of an early childhood development centre lapses —
- (a) if the licensee is an individual, on the date of death of the licensee;
 - (b) if the licensee is a partnership, body corporate or an unincorporated association, on the date the licensee ceases to exist;
 - (c) on the date that the licensee is no longer the owner or a lessee of, or no longer has a licence to occupy, the premises used as the early childhood development centre; or
 - (d) if no children are enrolled in that centre for a continuous period prescribed, at the end of that period.
- (2) No part of any licence fee or renewal fee may be refunded upon the lapse of a licence under this section.

Revocation of licence and other regulatory sanctions

- 16.—(1) Subject to subsection (3), if the Chief Licensing Officer is satisfied that —
- (a) a licensee is contravening or not complying with, or has contravened or failed to comply with —
 - (i) a condition of the licensee's licence;
 - (ii) any provision of this Act, the contravention of or non-compliance with which is not an offence;
 - (iii) any provision of a code of practice applicable to the licensee;
 - (iv) any direction given to the licensee under subsection (2)(e) or (g) or section 27(4); or
 - (v) any requirement of the Chief Licensing Officer under subsection (2)(c);
 - (b) the licensee is no longer a suitable person to be granted a licence, having regard to the matters mentioned in section 8;
 - (c) the licensee is, or likely to be, declared a bankrupt or has gone, or likely to go into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
 - (d) the licensee has made any assignment to, or composition with, the licensee's creditors or, if a company, is unable to pay its debts;
 - (e) the licensee has, in connection with the application for the grant or renewal of the licensee's licence, made a statement or furnished any information or document which is false or

misleading in a material particular; or

(f) the licensee is convicted of any offence under this Act, the Chief Licensing Officer may revoke (without compensation and without refunding any fee) the licensee's licence, with or without forfeiting any performance bond, guarantee or other form of security furnished by the licensee under this Act.

(2) However, the Chief Licensing Officer may (without compensation), in lieu of revoking a licensee's licence under subsection (1), do any one or more of the following:

- (a) censure the licensee in writing, which may be published in such manner and made accessible to such persons as the Chief Licensing Officer thinks fit;
- (b) modify any condition of the licence;
- (c) require the furnishing of any performance bond, guarantee or other form of security, or an additional performance bond, guarantee or other form of security, to secure compliance by the licensee with any matter mentioned in subsection (1)(a)(i) to (v) or for the purpose of meeting any financial penalty arising out of any proceedings with a view to regulatory action started or likely to start against the licensee, or both;
- (d) subject to subsection (8), forfeit the whole or part of any performance bond, guarantee or other form of security furnished under paragraph (c) or section 12;
- (e) direct the licensee to do, or refrain from doing, such things as specified in the direction, and within such period as specified in the direction (if specified), to rectify a contravention or non-compliance;
- (f) shorten (for not longer than such period for a licence of such term as may be prescribed) the term of the licence without any compensation and without refund of any licence fee or renewal fee;
- (g) direct the licensee to pay, within a period specified in a direction, a financial penalty of such amount as the Chief Licensing Officer thinks fit, being —

- (i) not more than \$5,000 for each contravention or non-compliance mentioned in subsection (1) that is the subject; or

- (ii) in any other case, not more than \$5,000.

(3) Before exercising any power under subsection (1) or (2), the Chief Licensing Officer must give written notice to the licensee concerned —

- (a) stating that the Chief Licensing Officer intends to take regulatory action against the licensee under this section;
- (b) specifying the type of action in subsection (1) or (2) the Chief Licensing Officer proposes to take, and each instance of non-compliance that is the subject of the action; and
- (c) specifying the time (being not less than 14 days after the service of the notice on the licensee) within which written representations may be made to the Chief Licensing Officer with respect to the proposed action.

(4) The Chief Licensing Officer may, after considering any written representation under subsection (3)(c), decide to take such regulatory action in subsection (1) or (2) as the Chief Licensing Officer considers appropriate.

(5) Where the Chief Licensing Officer has made any decision under subsection (4) against any licensee, the Chief Licensing Officer must serve on the licensee concerned a notice of the decision.

(6) Subject to section 43, a decision to revoke a licence, or to impose a regulatory action in

subsection (2), which is specified in the notice given under subsection (5) is to take effect from the date on which that notice is given, or on such other date as may be specified in the notice.

(7) The revocation, or shortening of the term, of any licence or the issuing of any direction under this section does not prejudice the enforcement by any person of any right or claim against the licensee or former licensee, or by the licensee or former licensee of any right or claim against any person.

(8) Where any financial penalty is imposed on a licensee under subsection (2)(g) for contravening or not complying with any matter mentioned in subsection (1)(a)(i) to (v), any performance bond, guarantee or other form of security given by the licensee to secure compliance by the licensee with that matter mentioned in subsection (1)(a)(i) to (v) must not be forfeited by the Chief Licensing Officer for that contravention except to the extent to pay the financial penalty.

(9) A licensee who fails to pay any amount of a financial penalty imposed under subsection (2)(g) within the period specified for payment by the Chief Licensing Officer under that subsection is liable to pay interest at the same rate as for a judgment debt on the unpaid amount.

(10) Despite subsection (8), any financial penalty imposed on a licensee under subsection (2)(g) and any interest payable under subsection (9) is recoverable as a debt due to the Government, and the licensee's liability to pay is not affected by the licensee's licence ceasing, for any reason, to be in force.

(11) In any proceedings under this section in relation to the conviction of a licensee or any person for a criminal offence, the Chief Licensing Officer is to accept the licensee's or person's conviction as final and conclusive.

(12) For the purposes of subsection (1)(d), a company is unable to pay its debts if it is a company which is deemed to be so unable under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018.

Directions concerning safety, wellbeing, etc., of children

17.—(1) The Chief Licensing Officer may (without compensation) give a direction to a licensee if the Chief Licensing Officer has reasonable grounds to believe that there are circumstances that may endanger, or are likely to endanger, the safety, wellbeing and welfare of children or other individuals at an early childhood development centre.

(2) Any direction given under subsection (1) —

(a) may require the licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, such things as are specified in the direction or are of a description as specified in the direction;

(b) is to take effect at such time, being the earliest practicable time, as is determined by or under that direction; and

(c) may be varied or revoked at any time by the Chief Licensing Officer.

(3) To avoid doubt, the direction may require a licensee to stop the operation of an early childhood development centre, or any part of an early childhood development centre, until the Chief Licensing Officer is satisfied that the circumstances mentioned in subsection (1) no longer exist.

(4) Before giving a direction under subsection (1) to a licensee, the Chief Licensing Officer must, unless the Chief Licensing Officer in respect of any particular direction considers that it is not practicable or desirable, give notice to the licensee —

(a) stating that the Chief Licensing Officer proposes to give the direction and the effect of the

proposed direction; and

(b) specifying the time within which written representations to the proposed direction may be made,

and the Chief Licensing Officer must consider the written representations which are duly made.

(5) A direction given under subsection (1) need not be published in the Gazette.

(6) Every licensee must comply with a direction given to the licensee under this section.

(7) A licensee who fails to comply with a direction given under subsection (1) 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 12 months or to both.

Directions when licence expires, etc.

18.—(1) This section applies where —

(a) a licence expires, or is expiring but no application to renew the licence is made before the renewal deadline mentioned in section 7(4)(a);

(b) a licence is transferred under section 13;

(c) a licensee ceases to operate the early childhood development centre specified in the licence or surrenders the licence, or gives notice under section 14 of the cessation of the operation of the centre or surrender of the licence;

(d) a licence lapses under section 15(1)(b) or (c);

(e) a licensee is given notice under section 16 of the revocation, or shortening of the term, of the licence; or

(f) a licensee is given a direction under section 17 to cease the operation of an early childhood development centre, or any part of an early childhood development centre.

(2) The purpose of this section is to secure the orderly cessation by a licensee of the operation of an early childhood development centre with minimal disruption to the children attending the centre.

(3) The Chief Licensing Officer may (without compensation), for the purpose of this section, give directions to one or more of the following persons:

(a) the licensee;

(b) a key appointment holder of the licensee;

(c) if there is no key appointment holder of the licensee who is able to comply with the directions, any person who was a key appointment holder of the licensee in the period of 6 months immediately preceding the date of the relevant event in subsection (1).

(4) Without limiting subsection (3), the Chief Licensing Officer may (without compensation) give all or any of the following directions under that subsection:

(a) the licensee must inform, in writing, the parents or guardian of every child who attends the affected centre, and every employee of the licensee or other person deployed at the affected centre, of the relevant event in subsection (1);

(b) the licensee must not enrol any more children in the affected centre;

(c) the licensee must not collect any deposit or fee in respect of any child attending the affected centre;

(d) the licensee must refund to the parents or guardian any deposit or fee due to them before the affected centre ceases operations;

(e) the licensee must return the licence to the Chief Licensing Officer;

(f) the licensee must submit, within the prescribed period after the cessation of the affected

centre' s operation, such audited statement of subsidy as may be required by the Chief Licensing Officer;

(g) the licensee must provide the Chief Licensing Officer with such assistance as may be specified by the Chief Licensing Officer in respect of alternative care or education arrangements for the children who attend the affected centre;

(h) any other direction that the Chief Licensing Officer thinks is necessary to ensure the orderly cessation by the licensee of the operation of the affected centre so as to cause minimal disruption to the children who attend the affected centre, which may include a direction for the continued operation of the affected centre for such period after the expiry or revocation of the licence as may be specified by the Chief Licensing Officer.

(5) In giving a direction under subsection (3), the Chief Licensing Officer may specify the period within which the direction must be complied.

(6) A person who, without reasonable excuse —

(a) fails to comply with a direction given under subsection (3); or

(b) fails to comply with a direction given under subsection (3) within the period specified by the Chief Licensing Officer,

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 12 months or to both.

(7) In this section, “licensee” includes a person who has ceased to hold a licence.

Disqualification of key appointment holders

19.—(1) Despite the provisions of any other written law, a person must not, without the written consent of the Chief Licensing Officer, act or continue to act as a key appointment holder for any licensee of an early childhood development centre if —

(a) the person is convicted of an offence under this Act;

(b) the person is convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the person had acted dishonestly;

(c) the person is convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed;

(d) the person is or has been a director of, or directly concerned in the management of —

(i) an early childhood development centre for which a licence has been refused or is revoked;

(ii) a child care centre for which a licence under the repealed Act was, under that Act, refused or revoked; or

(iii) a kindergarten for which registration under the Education Act (Cap. 87) has been refused or cancelled;

(e) the person is a teacher whose registration under the Education Act has been cancelled;

(f) the person was prohibited under the repealed Act from being employed at a child care centre;

(g) the person has, under this Act, been refused approval to be deployed at an early childhood development centre or has had his or her approval cancelled (except where the cancellation is due to the centre ceasing to exist); or

(h) the person does not satisfy any of the prescribed criteria for a key appointment holder of a licensee.

(2) Where the Chief Licensing Officer' s consent under this section is sought, the Chief Licensing

Officer or an authorised officer may —

(a) carry out such inquiries and investigations into the person who is to act or continue to act as a key appointment holder, as necessary for a proper consideration by the Chief Licensing Officer of the matter; and

(b) request that the person provide, within a specified time, any additional information that the Chief Licensing Officer requires for a proper consideration of the matter.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) Any licensee who knowingly allows a person to act or continue to act as a key appointment holder of the licensee in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Use of premises for other purpose

20.—(1) Subject to subsection (2), the licensee of an early childhood development centre must not, during that centre's operating hours as specified in the licensee's licence, use that centre for any purpose other than for the ordinary conduct and business of an early childhood development centre.

(2) The Chief Licensing Officer may, subject to such conditions as the Chief Licensing Officer may impose, permit the licensee of an early childhood development centre to receive children who are 7 years of age or older but below 14 years of age at that centre for the purpose of providing them with care or education, or care and education, during that centre's operating hours.

Register of licensees

21. The Chief Licensing Officer must cause to be kept and maintained a register of licensees, in the form and manner and containing the information the Chief Licensing Officer thinks fit.

PART 3

APPROVAL FOR PERSONS PERFORMING DUTIES AT EARLY CHILDHOOD DEVELOPMENT CENTRES

Prescribed duties or classes of duties

22. For the purposes of this Part, the Minister may prescribe the duties or classes of duties that require approval under section 23.

Approval for performance of, and deployment of individuals to perform, prescribed duties

23. A licensee of an early childhood development centre must not perform, and must not deploy an individual to perform, at that centre any prescribed duty or prescribed class of duties relating to —

(a) the provision of care or education to children at that centre; or

(b) the operation of that centre,

unless the performance by that licensee of, or deployment of that individual to perform (as the case may be), the prescribed duty or prescribed class of duties at that centre is with the approval of the Chief Licensing Officer.

Application for approval

24.—(1) An application for approval to perform, or to deploy an individual to perform, any prescribed duty or prescribed class of duties at an early childhood development centre must be

made by the licensee of that centre to the Chief Licensing Officer in accordance with this section.

(2) An application under subsection (1) must state the prescribed duty or duties, or the prescribed class or classes of duties, for which approval is sought and —

- (a) be in the form and manner required by the Chief Licensing Officer;
- (b) be accompanied by a non-refundable application fee (if prescribed) paid in the manner required by the Chief Licensing Officer; and
- (c) be accompanied by any information the Chief Licensing Officer requires to determine the application.

(3) The Chief Licensing Officer or an authorised officer may —

- (a) carry out such inquiries and investigations in relation to an application under subsection (1) as are necessary for a proper consideration by the Chief Licensing Officer of the application; and
- (b) request that the applicant provide, within a specified time, any additional information that the Chief Licensing Officer requires for a proper consideration of the application.

(4) The Chief Licensing Officer may refuse an application —

- (a) that is incomplete or otherwise not made in accordance with this section; or
- (b) if the applicant fails to provide the additional information requested under subsection (3)(b).

Grant of approval

25.—(1) In determining whether to grant approval for a licensee to perform, or for an individual to be deployed to perform, any prescribed duty or prescribed class of duties at an early childhood development centre, the Chief Licensing Officer must have regard to, and give such weight as the Chief Licensing Officer considers appropriate to, all of the following matters:

- (a) whether the licensee or individual has the requisite professional expertise and qualifications to perform the prescribed duty or duties or prescribed class or classes of duties for which approval is sought;
- (b) whether the licensee or individual has the appropriate character and fitness;
- (c) whether the licensee or individual has been —
 - (i) convicted of an offence under this Act;
 - (ii) convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the licensee or individual (as the case may be) had acted dishonestly; or
 - (iii) convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed;
- (d) whether there is any other relevant matter that makes it contrary to the public interest to grant approval.

(2) For the purpose of determining whether a licensee or an individual has the requisite professional expertise and qualifications under subsection (1)(a), the Chief Licensing Officer must have regard to, and give such weight as the Chief Licensing Officer considers appropriate to, all of the following matters:

- (a) whether the licensee or individual possesses such academic and language qualifications as may be specified by the Chief Licensing Officer;
- (b) whether the licensee or individual has completed such training, or passed such course or courses, as may be specified by the Chief Licensing Officer;
- (c) whether the licensee or individual has such working experience as may be specified by the Chief Licensing Officer.

(3) For the purpose of determining whether a licensee or an individual has the appropriate character and fitness under subsection (1)(b), the Chief Licensing Officer must take into account the prescribed considerations (if prescribed).

(4) To avoid doubt, the Chief Licensing Officer is not confined to consideration of the matters in subsection (1) or prescribed under subsection (3) and may take into account such other matters and evidence as may be relevant.

(5) An approval granted under this section for a licensee to perform, or for an individual to be deployed to perform, any prescribed duty or prescribed class of duties at an early childhood development centre —

(a) is for the prescribed duty or duties or the prescribed class or classes of duties for which the approval is sought; and

(b) ceases when the licensee or individual (as the case may be) ceases to perform at that centre the prescribed duty or duties or the prescribed class or classes of duties for which the approval is granted.

(6) To avoid doubt, if —

(a) the licensee intends to perform a duty or a class of duties; or

(b) the licensee intends to deploy an individual to perform a duty or a class of duties, that is different from that for which approval is granted, a fresh application for approval must be made to the Chief Licensing Officer.

Conditions of approval

26.—(1) In granting any approval under section 25 to any licensee, the Chief Licensing Officer may impose such conditions as the Chief Licensing Officer considers requisite or expedient having regard to the purpose of this Act.

(2) The Chief Licensing Officer may impose —

(a) conditions generally applicable in relation to all prescribed duties;

(b) conditions specifically applicable in relation to a class of prescribed duties; or

(c) conditions specifically applicable in relation to a particular prescribed duty.

(3) In particular, an approval granted under section 25 may include conditions —

(a) relating to the training of, and the passing of examinations or tests and obtaining of qualifications by, the licensee or individual (as the case may be) for whom the approval is granted; and

(b) relating to the updating of the particulars of the licensee or individual (as the case may be) for whom the approval is granted.

(4) Subject to subsections (5), (6) and (7), it is lawful for the Chief Licensing Officer to modify the conditions of an approval without compensating the licensee to whom and the individual for whom the approval is granted.

(5) Before modifying any conditions of an approval, the Chief Licensing Officer must give notice to the licensee to whom the approval is granted —

(a) stating that the Chief Licensing Officer proposes to make the modification in the manner as specified in the notice; and

(b) specifying the time (being not less than 14 days after the date of service of the notice on the licensee) within which the licensee may make written representations to the Chief Licensing Officer with respect to the proposed modification.

(6) Upon receiving any written representation mentioned in subsection (5), the Chief Licensing

Officer must consider that representation and may —

- (a) reject the representation;
- (b) amend the proposed modification in such manner as the Chief Licensing Officer thinks fit having regard to the representation; or
- (c) withdraw the proposed modification.

(7) Where —

- (a) the Chief Licensing Officer rejects any written representation under subsection (6)(a);
- (b) the Chief Licensing Officer amends any proposed modification to the conditions of the approval under subsection (6)(b); or
- (c) no written representation is received by the Chief Licensing Officer within the time specified in subsection (5)(b), or any written representation made under that subsection is subsequently withdrawn, and the licensee has not given immediate effect to the modification, the Chief Licensing Officer must issue a direction in writing to the licensee in question requiring the licensee, within the time specified by the Chief Licensing Officer, to give effect to the modification as specified in the notice under subsection (5) or as amended by the Chief Licensing Officer, as the case may be.

Cancellation and suspension of approval

27.—(1) Subject to subsection (3), the Chief Licensing Officer may (without compensation) cancel any approval granted under section 25, in respect of one or more or all of the prescribed duties or prescribed classes of duties on any of the following grounds:

- (a) any ground that would have entitled the Chief Licensing Officer to refuse an application for approval in respect of the licensee or individual;
- (b) the Chief Licensing Officer is not satisfied as to the character or fitness of the licensee or individual;
- (c) the licensee has, in connection with the application for approval, made a statement or furnished any information or document which is false or misleading in a material particular;
- (d) the licensee or individual has contravened any of the provisions of this Act, or has been —
 - (i) convicted of an offence under this Act;
 - (ii) convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the licensee or individual (as the case may be) had acted dishonestly; or
 - (iii) convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed;
- (e) the licensee fails to comply with any direction under subsection (4);
- (f) the early childhood development centre where the licensee or individual (as the case may be) performs the prescribed duty or duties or prescribed class or classes of duties ceases operations.

(2) Subject to subsection (3), where —

- (a) the Chief Licensing Officer considers that one or more events mentioned in subsection (1) have occurred, but the event or events are not of sufficient gravity to cancel the approval; or
- (b) the licensee or individual (as the case may be), for whom the approval relates, has been charged with an offence under this Act or a prescribed offence, whether the offence was

committed before, on or after the date the offence is prescribed,
the Chief Licensing Officer may (without compensation) suspend the approval, in respect of one or more or all of the prescribed duties or prescribed classes of duties, for such period as the Chief Licensing Officer thinks fit.

(3) If the Chief Licensing Officer cancels or suspends the approval under subsection (1) or (2), the Chief Licensing Officer must, without delay, serve on the licensee a notice of the cancellation or suspension, as the case may be.

(4) In the case of the suspension of any approval, the Chief Licensing Officer may (without compensation), in addition to the notice under subsection (3), issue such directions to the licensee as the Chief Licensing Officer thinks fit, including but not limited to the following:

- (a) the licensee must attend, or ensure the individual who is the subject of the approval attends, such training during the period of suspension as the Chief Licensing Officer may specify;
- (b) the licensee must attend, or ensure the individual who is the subject of the approval attends, such medical or health assessment or treatment during the period of suspension as the Chief Licensing Officer may specify.

Notification of cessation of performance of, or deployment to perform, duty

28.—(1) A licensee must notify the Chief Licensing Officer of the cessation of the performance by the licensee of any prescribed duty or prescribed class of duties, and of the deployment of any individual to perform any prescribed duty or prescribed class of duties, at the licensee's early childhood development centre.

(2) A notification under subsection (1) must be made to the Chief Licensing Officer not later than the prescribed time after the cessation of the performance or deployment (as the case may be).

PART 4

THIRD-PARTY EDUCATION SERVICE PROVIDERS AT EARLY CHILDHOOD DEVELOPMENT CENTRES

Approval to engage individuals to provide educational service

29. A licensee of an early childhood development centre must not engage any individual to provide, for a fee or reward, any educational service for children at that centre, unless the provision of such service by the individual is with the approval of the Chief Licensing Officer.

Application for approval

30.—(1) An application for approval to engage an individual to provide, for a fee or reward, any educational service for children at an early childhood development centre must be made by the licensee of that centre to the Chief Licensing Officer in accordance with this section.

(2) An application under subsection (1) must —

- (a) be in the form and manner required by the Chief Licensing Officer;
- (b) be accompanied by a non-refundable application fee (if prescribed) paid in the manner required by the Chief Licensing Officer; and
- (c) be accompanied by any information the Chief Licensing Officer requires to determine the application.

(3) The Chief Licensing Officer or an authorised officer may —

- (a) carry out such inquiries and investigations in relation to an application under subsection (1) as are necessary for a proper consideration by the Chief Licensing Officer of the application; and
 - (b) request that the applicant provide, within a specified time, any additional information that the Chief Licensing Officer requires for a proper consideration of the application.
- (4) The Chief Licensing Officer may refuse an application —
- (a) that is incomplete or otherwise not made in accordance with this section; or
 - (b) if the applicant fails to provide the additional information requested under subsection (3)(b).

Grant of approval

31.—(1) In determining whether to grant approval in relation to an application under section 30, the Chief Licensing Officer must have regard to, and give such weight as the Chief Licensing Officer considers appropriate to, all of the following matters:

- (a) whether the individual has the appropriate character and fitness;
- (b) whether the individual has been —
 - (i) convicted of an offence under this Act;
 - (ii) convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the individual had acted dishonestly; or
 - (iii) convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed;
- (c) whether there is any other relevant matter that makes it contrary to the public interest to grant approval.

(2) For the purpose of determining whether an individual has the appropriate character and fitness under subsection (1)(a), the Chief Licensing Officer must take into account the prescribed considerations (if prescribed).

(3) To avoid doubt, the Chief Licensing Officer is not confined to consideration of the matters in subsection (1) or prescribed under subsection (2) and may take into account such other matters and evidence as may be relevant.

(4) An approval granted under this section for an individual to provide an educational service at an early childhood development centre operated by a licensee ceases when the individual ceases to be engaged by the licensee to provide the educational service.

Conditions of approval

32.—(1) In granting any approval under section 31 to any licensee, the Chief Licensing Officer may impose such conditions as the Chief Licensing Officer considers requisite or expedient having regard to the purpose of this Act.

(2) In particular, an approval granted under section 31 may include conditions —

- (a) relating to the training of, and the passing of examinations or tests and obtaining of qualifications by, the individual for whom the approval is granted; and
- (b) relating to the updating of the particulars of the individual for whom the approval is granted.

(3) Subject to subsections (4), (5) and (6), it is lawful for the Chief Licensing Officer to modify the conditions of an approval without compensating the licensee to whom and the individual for whom the approval is granted.

(4) Before modifying any conditions of an approval, the Chief Licensing Officer must give notice to the licensee to whom the approval is granted —

- (a) stating that the Chief Licensing Officer proposes to make the modification in the manner as

specified in the notice; and

(b) specifying the time (being not less than 14 days after the date of service of the notice on the licensee) within which the licensee may make written representations to the Chief Licensing Officer with respect to the proposed modification.

(5) Upon receiving any written representation mentioned in subsection (4), the Chief Licensing Officer must consider that representation and may —

(a) reject the representation;

(b) amend the proposed modification in such manner as the Chief Licensing Officer thinks fit having regard to the representation; or

(c) withdraw the proposed modification.

(6) Where —

(a) the Chief Licensing Officer rejects any written representation under subsection (5)(a);

(b) the Chief Licensing Officer amends any proposed modification to the conditions of the approval under subsection (5)(b); or

(c) no written representation is received by the Chief Licensing Officer within the time specified in subsection (4)(b), or any written representation made under that subsection is subsequently withdrawn, and the licensee has not given immediate effect to the modification, the Chief Licensing Officer must issue a direction in writing to the licensee in question requiring the licensee, within the time specified by the Chief Licensing Officer, to give effect to the modification as specified in the notice under subsection (4) or as amended by the Chief Licensing Officer, as the case may be.

Cancellation of approval

33.—(1) Subject to subsection (2), the Chief Licensing Officer may (without compensation) cancel any approval granted under section 31 on any of the following grounds:

(a) any ground that would have entitled the Chief Licensing Officer to refuse an application for approval;

(b) the Chief Licensing Officer is not satisfied as to the character or fitness of the individual for whom approval is granted to provide the educational service for children;

(c) the licensee has, in connection with the application for approval, made a statement or furnished any information or document which is false or misleading in a material particular;

(d) the individual for whom approval is granted has contravened any of the provisions of this Act, or has been —

(i) convicted of an offence under this Act;

(ii) convicted, whether in Singapore or elsewhere, of an offence involving dishonesty or the conviction for which involved a finding that the individual had acted dishonestly; or

(iii) convicted of a prescribed offence, whether the offence was committed before, on or after the date the offence is prescribed;

(e) the early childhood development centre for which the approval is granted ceases operations.

(2) If the Chief Licensing Officer cancels the approval under subsection (1), the Chief Licensing Officer must, without delay, serve on the licensee a notice of the cancellation.

Notice of cessation of engagement

34.—(1) A licensee must notify the Chief Licensing Officer of the cessation of the engagement of any individual to provide any educational service at the licensee's early childhood development

centre.

(2) A notification under subsection (1) must be made to the Chief Licensing Officer not later than the prescribed time after the cessation of the engagement of the individual.

PART 5

ENFORCEMENT AND MONITORING COMPLIANCE

Record-keeping and giving information on quality of service

35.—(1) A licensee must —

(a) keep and retain, for such period as may be prescribed, such records that are relevant for monitoring or evaluating under this Part the quality of an aspect of early childhood development services as may be prescribed; and

(b) give to the Chief Licensing Officer, within such period and in such manner as may be prescribed, such information that is relevant for monitoring or evaluating under this Part the quality of an aspect of early childhood development services as may be prescribed.

(2) A licensee must not in purported compliance with a requirement under subsection (1) make a record of any matter or thing in such a way that it does not correctly record the matter or thing.

(3) Any licensee who —

(a) contravenes subsection (1)(a) or (2); or

(b) without reasonable excuse, contravenes subsection (1)(b),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Codes of practice

36.—(1) The Chief Licensing Officer may, from time to time —

(a) issue one or more codes of practice applicable to all licensees or the licensees of specified classes of licences;

(b) approve as a code of practice applicable to all licensees or the licensees of specified classes of licences any document prepared by a person other than the Chief Licensing Officer, as in force at a particular time or as amended from time to time, if the Chief Licensing Officer considers the document as suitable for this purpose; or

(c) amend or revoke any code of practice issued under paragraph (a) or approved under paragraph (b),

with respect to all or any of the matters in subsection (2).

(2) The matters for the purposes of subsection (1) are —

(a) the conduct of licensees;

(b) the measures necessary for licensees to deal with any outbreak of infectious diseases, plague, epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any other public emergency; and

(c) for licensees —

(i) the management, administration and operations of early childhood development centres;

(ii) the provision of early childhood development services; and

(iii) the quality of any aspect of early childhood development services provided at early childhood development centres.

(3) A code of practice may, in particular, specify the duties and obligations of any licensee in relation to the operation of any early childhood development centre to which the licence relates.

- (4) If any provision in any code of practice is inconsistent with any provision of this Act, such provision, to the extent of the inconsistency —
- (a) is to have effect subject to this Act; or
 - (b) having regard to this Act, is not to have effect.
- (5) Where any code of practice is issued, approved, amended or revoked by the Chief Licensing Officer under subsection (1), the Chief Licensing Officer must —
- (a) publish a notice of the issue, approval, amendment or revocation (as the case may be) of the code of practice to every licensee to whom the code of practice applies;
 - (b) specify in the notice mentioned in paragraph (a), the date of issue, approval, amendment or revocation (as the case may be); and
 - (c) ensure that, so long as the code of practice remains in force, copies of that code of practice are available for inspection, free of charge, by licensees to whom the code of practice applies.
- (6) No code of practice, no amendment to any issued or approved code of practice, and no revocation of any issued or approved code of practice, has any force or effect until the notice mentioned in subsection (5) is published in accordance with that subsection.
- (7) A code of practice issued or approved under this section does not have any legislative effect.
- (8) Subject to subsection (9), every licensee must comply with the relevant codes of practice applicable to the licensee.
- (9) The Chief Licensing Officer may, either generally or for such time as the Chief Licensing Officer may specify, waive the application of any code of practice or any part of a code of practice issued or approved under this section to any licensee.
- (10) Any contravention or failure to comply by a licensee with any code of practice applicable to the licensee does not of itself render the licensee liable to criminal proceedings, but any such contravention may, in any proceedings (criminal or otherwise under this Act) in connection with an offence under this Act, be relied on by any party to those proceedings as tending to establish or negate any liability which is in question in those proceedings.

Powers of entry, etc., for enforcement purpose

- 37.—(1) The Chief Licensing Officer or an authorised officer may, for an enforcement purpose, do all or any of the following in relation to an early childhood development centre (whether or not it is the subject of a licence):
- (a) enter and inspect the centre, and inspect any equipment or other thing at the centre;
 - (b) enter and search the centre, if the Chief Licensing Officer or authorised officer reasonably believes that evidence of the commission of an offence under this Act can be found at the centre;
 - (c) inspect and make copies of, or take extracts from, any document or material kept at the centre;
 - (d) take any document or other thing at the centre, if the Chief Licensing Officer or authorised officer considers it necessary to do so for the purpose of obtaining evidence of an offence under this Act, and for this purpose may ask an individual who is able to operate any equipment at the centre to do so for the purpose of enabling the Chief Licensing Officer or authorised officer to ascertain whether the equipment, or a disk, tape or storage device that can be used or associated with the equipment, contains information that is relevant to the enforcement purpose;
 - (e) require any person whom the Chief Licensing Officer or authorised officer reasonably believes has committed an offence under this Act to furnish evidence of that person's identity;
 - (f) require any person whom the Chief Licensing Officer or authorised officer reasonably

believes is in possession of a document or information relevant to the enforcement purpose to take reasonable steps to produce the document or provide the information;

(g) require any person whom the Chief Licensing Officer or authorised officer reasonably believes is acquainted with any facts or circumstances relevant to the enforcement purpose —

(i) to answer any question to the best of the person's knowledge, information and belief, immediately or at such place and time specified in writing; or

(ii) to take reasonable steps to provide information or produce a document, immediately or at such place and time specified in writing;

(h) photograph or film, or make audio recordings or make sketches, of any part of the centre or anything at the centre or of any person whom the Chief Licensing Officer or authorised officer reasonably believes is acquainted with any facts or circumstances relevant to the enforcement purpose.

(2) In this section, “enforcement purpose” means —

(a) ensuring that the provisions of this Act, the conditions imposed on a licence or for an approval granted under this Act, the provisions of any code of practice and any direction issued by the Chief Licensing Officer under this Act are being complied with; or

(b) investigating an offence under this Act or a contravention of a provision under this Act.

Offence of obstructing, etc., Chief Licensing Officer or authorised officer in exercise of powers, etc.

38. A person who, without reasonable excuse —

(a) obstructs, hinders or delays the Chief Licensing Officer or an authorised officer in the exercise of any power under section 37;

(b) neglects or refuses to produce a document, material or thing or to furnish any information as required under section 37; or

(c) neglects or refuses to attend before the Chief Licensing Officer or authorised officer as required under section 37,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Furnishing false information

39. A person who makes a statement or furnishes any information to the Chief Licensing Officer or an authorised officer under this Act which the person knows or ought reasonably to know to be false in a material particular or misleading by reason of the omission of a material particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Offences by corporations

40.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the officer, employee or agent had that state of mind,
is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

(i) an officer of the corporation, or a member of a corporation (in the case where the affairs of

the corporation are managed by its members); or

(ii) an individual who is involved in the management of the corporation and is in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

(iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence, shall be guilty of the same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code (Cap. 224); or

(b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

(a) any person purporting to act in any such capacity; and

(b) for a corporation whose affairs are managed by its members, any of those members as if the member was a director of the corporation;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

41.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

(i) an officer of the unincorporated association or a member of its governing body;
(ii) a partner in the partnership; or
(iii) an individual who is involved in the management of the unincorporated association or partnership and who is in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or

(iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence, shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code (Cap. 224); or

(b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer” , in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

Composition of offences

42.—(1) The Chief Licensing Officer, or any authorised officer authorised in writing by the Chief Licensing Officer for the purpose of this provision, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$5,000.

(2) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.

PART 6

APPEALS

Appeal to Minister

43.—(1) The former holder of a licence revoked under section 16 (called the appellant) may appeal to the Minister against the decision of the Chief Licensing Officer under that section to revoke the licence.

(2) A licensee (called the appellant) who is aggrieved by any of the following decisions of the Chief Licensing Officer may appeal to the Minister against the decision:

- (a) any refusal by the Chief Licensing Officer under section 8 to renew the licensee's licence;
- (b) any condition imposed by the Chief Licensing Officer on the licensee's licence under section 10;
- (c) any modification of any condition of the licensee's licence under section 11;
- (d) any provision contained in a code of practice applicable to the licensee that is issued, approved or amended by the Chief Licensing Officer under section 36;
- (e) any refusal by the Chief Licensing Officer to transfer the licensee's licence under section 13;
- (f) any regulatory action taken against the licensee under section 16;
- (g) any direction given by the Chief Licensing Officer under section 17 or 18;
- (h) any refusal by the Chief Licensing Officer under section 25 to grant approval for the licensee to perform, or for the deployment of an individual to perform, any of the prescribed duties or prescribed classes of duties at the licensee's early childhood development centre;
- (i) any cancellation or suspension of the Chief Licensing Officer's approval under section 27 for the licensee to perform, or for the deployment of an individual to perform, any of the prescribed duties or prescribed classes of duties at the licensee's early childhood development centre;
- (j) any refusal by the Chief Licensing Officer under section 31 to grant approval for the licensee to engage an individual to provide any educational service at the licensee's early childhood development centre;
- (k) any cancellation of the Chief Licensing Officer's approval under section 33 for the licensee to engage an individual to provide any educational service at the licensee's early childhood development centre.

(3) An applicant for a licence (called the appellant) may appeal to the Minister against any refusal by the Chief Licensing Officer under section 8 to grant the applicant the licence.

(4) A person (called the appellant) who is aggrieved by any refusal by the Chief Licensing Officer under section 19 to give written consent for that person to act or continue to act as a key appointment holder for any licensee of an early childhood development centre may appeal to the Minister against the refusal.

(5) An appeal under this section must be in writing and specify the grounds on which it is made, and be made within a prescribed period after the date of receipt of the decision that is appealed against.

(6) The Minister may reject the appeal of an appellant who fails to comply with subsection (5).

(7) The Minister may require —

- (a) a party to the appeal; or
 - (b) a person who is not a party to the appeal but appears to the Minister to have any information or document that is relevant to the appeal, to provide the Minister with the information or document the Minister requires for the purpose of considering and determining the appeal.
- (8) A person who is required to provide any information or document under subsection (7) must provide it in such manner and within such period as may be specified by the Minister.
- (9) After consideration of an appeal, the Minister may —
- (a) reject the appeal and confirm the Chief Licensing Officer's decision; or
 - (b) allow the appeal and substitute or vary the Chief Licensing Officer's decision.
- (10) The Minister's decision on an appeal is final.
- (11) Every appellant must be notified of the Minister's decision under subsection (9).
- (12) An appeal against the Chief Licensing Officer's decision does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision, and unless otherwise directed by the Minister, the decision appealed against must be complied with until the determination of the appeal.

Designation of others to hear appeals

44. The Minister may designate the following persons to hear and determine in the Minister's place, any appeal under section 43:

- (a) any Minister of State or Senior Minister of State, for his or her Ministry;
- (b) any Parliamentary Secretary or Senior Parliamentary Secretary, for his or her Ministry, and any reference in section 43 to the Minister includes a reference to the Minister of State or Senior Minister of State, or Parliamentary Secretary or Senior Parliamentary Secretary, so designated for that appeal.

PART 7

MISCELLANEOUS

Preservation of secrecy

45.—(1) An individual who is or has been the Chief Licensing Officer, an Assistant Chief Licensing Officer or an authorised officer must not disclose any information relating to any early childhood development centre which has been obtained by the individual in the performance of his or her duties, or in the exercise of his or her functions, under this Act, except —

- (a) with the consent of the person to whom the information relates, and if the person is a child below 7 years of age, the consent of a parent or guardian of the child;
 - (b) for the purpose of the performance of his or her duties or the exercise of his or her functions under this Act;
 - (c) for the purpose of assisting a law enforcement agency in the investigation of any offence under any written law;
 - (d) when lawfully required to do so by any court or under the provisions of any written law;
 - (e) where the disclosure is made to a public agency for the purpose of policy formulation or review; or
 - (f) where the disclosure is made to a public agency and is necessary in the public interest.
- (2) For the purposes of this section, a reference to an individual disclosing any information

includes the giving of permission by that individual for another individual to have any access to a record, document or other thing which is in that individual's possession or under that individual's control by virtue of that individual being or having been involved in the administration or enforcement of this Act.

(3) An individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) In this section —

“law enforcement agency” means any authority or person charged with the duty of investigating offences or charging offenders under any written law;

“public agency” means the Government, including any ministry, department, agency or Organ of State.

Protection from personal liability

46. No liability shall lie personally against the Chief Licensing Officer, any Assistant Chief Licensing Officer or any authorised officer acting under the direction of the Chief Licensing Officer who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

Service of documents

47.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

(a) by giving it to the individual personally;

(b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;

(c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;

(d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;

(e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or

(f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

(a) by giving it to any partner or other like officer of the partnership;

(b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;

(c) by sending it by fax to the fax number used at the partnership's business address; or

(d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

(a) by giving it to the secretary or other like officer of the body corporate or unincorporated

association or the limited liability partnership' s manager;

(b) by leaving it at, or by sending it by prepaid registered post to, the body corporate' s or unincorporated association' s registered office or principal office in Singapore;

(c) by sending it by fax to the fax number used at the body corporate' s or unincorporated association' s registered office or principal office in Singapore; or

(d) by sending it by email to the body corporate' s or unincorporated association' s last email address.

(5) Service of a document under this section takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

(b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and

(c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(6) A document may be served on a person under this Act by email only with that person' s prior written consent.

(7) This section does not apply to documents to be served in proceedings in court.

(8) In this section —

“business address” means —

(a) in the case of an individual, the individual' s usual or last known place of business in Singapore; or

(b) in the case of a partnership (other than a limited liability partnership), the partnership' s principal or last known place of business in Singapore;

“document” includes a notice permitted or required by this Act to be served;

“last email address” means —

(a) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; or

(b) the last email address of the addressee concerned known to the person giving or serving the document;

“residential address” means an individual' s usual or last known place of residence in Singapore.

Jurisdiction of courts

48. Despite the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate' s Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

General exemption

49.—(1) The Minister may, by order in the Gazette, exempt any person or any class of persons from all or any of the provisions of this Act, subject to such terms or conditions as may be specified in the order.

(2) An order under subsection (1) may provide for the exemption of any person in respect of any early childhood development centre or any class of early childhood development centres.

Amendment of Schedule

50.—(1) The Minister may, by order in the Gazette, amend the Schedule.

(2) The Minister may, in an order under subsection (1), make such provisions of a saving or

transitional nature consequent on the enactment of the order as the Minister may consider necessary or expedient.

(3) All orders made under subsection (1) are to be presented to Parliament as soon as possible after publication in the Gazette.

Regulations

51.—(1) The Minister may make regulations for carrying out or giving effect to this Act.

(2) In particular, the Minister may make regulations for any of the following:

- (a) the classes of licences and early childhood development centres;
- (b) the form and manner in which, and the time within which, an application for or in relation to a licence may be made, and the information and evidence required to be provided in connection with such an application;
- (c) the form and manner in which, and the time within which, an application for the Chief Licensing Officer's approval under this Act may be made, and the information and evidence required to be provided in connection with such an application;
- (d) the carrying out of inquiries and investigations of applicants;
- (e) for early childhood development centres —
 - (i) the duties and responsibilities of licensees;
 - (ii) the qualifications, experience, appointment, duties, responsibilities, training and discipline of persons for the purposes of the operation, management and supervision of the centres;
 - (iii) the admission of children to the centres, enrolment capacity, and the minimum or maximum age of children who may be admitted to any class or type of centres;
 - (iv) the medical examination of children cared for or receiving education, and employees and other persons approved to perform duties or provide educational services at the centres;
 - (v) the exclusion from the centres of any child, employee or other person, and measures to preserve the health and wellbeing of children, employees or other persons;
 - (vi) the control and supervision of activities in the centres;
 - (vii) the types and content of the curriculum and programme carried out in the centres;
 - (viii) the adequacy, suitability and use of equipment, facilities and space in the centres;
 - (ix) the food to be provided in the centres;
 - (x) the keeping and maintenance of registers, records, timetables, menus and books of account, and the periods of retention;
 - (xi) the returns, reports and other information to be submitted to the Chief Licensing Officer, the publication of such returns, reports or other information by the Chief Licensing Officer, and the periods of publication;
 - (xii) the publication, by licensees in the form and manner determined by the Chief Licensing Officer, of information relating to the provision of care or education at the centres, including but not limited to fees, schedules, programmes, premises, and employees and persons approved to perform duties or provide educational services at the centres;
 - (xiii) the building structure, layout, hygiene and sanitation of the centres;
 - (xiv) the precautions to be taken against fire or other peril likely to endanger the lives or health of children cared for in the centres;
 - (xv) service standards or other requirements, restrictions or conditions which are to apply

in the provision of care or education by a licensee, employees and persons approved to perform duties or provide educational services at the centres;

(xvi) the fees and other charges to be paid in respect of the services provided in the centres or otherwise on account of the attendance of children at the centres and the restriction or prohibition of any further fees and charges or of any specified fees and charges;

(xvii) the methods of payment or collection of fees and charges and the restriction or prohibition of collections or subscriptions of moneys by the centres; and

(xviii) the administration and computation of any Government subsidy for eligible parents of children attending the centres, the submission of applications for subsidy and the refund or recovery of any subsidy that is wrongly given;

(f) the fees to be paid in respect of applications for and the grant, renewal or late renewal and transfer of any licence, and applications for approval, and otherwise in connection with the administration of this Act, and the waiver, reduction or refund of such fees;

(g) the procedure for appeals under this Act;

(h) all matters and things required or permitted to be prescribed under or for the purposes of this Act.

(3) The regulations made under this section may —

(a) allow the Chief Licensing Officer to waive any requirement of the regulations in respect of any licensee or early childhood development centre, subject to such conditions as the Chief Licensing Officer may determine;

(b) prescribe the offences under this Act that may be compounded; and

(c) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Repeal of Child Care Centres Act

52. The Child Care Centres Act (Cap. 37A) is repealed.

Consequential and related amendments to other Acts

53.—(1) Item 5 of the Third Schedule to the Central Provident Fund Act (Cap. 36, 2013 Ed.) is deleted and the following item substituted therefor:

“5. Early Childhood Development Centres Act 2017.” .

(2) Section 52P(1) of the Children and Young Persons Act (Cap. 38, 2001 Ed.) is amended by deleting paragraph (b) and substituting the following paragraph:

“(b) any early childhood development centre licensed under the Early Childhood Development Centres Act 2017;” .

(3) Section 4 of the Education Act (Cap. 87, 1985 Ed.) is amended —

(a) by deleting the word “and” at the end of paragraph (a); and

(b) by deleting the full-stop at the end of paragraph (b) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(c) to or in relation to any early childhood development centre licensed under the Early Childhood Development Centres Act 2017.” .

(4) Section 13(1) of the Income Tax Act (Cap. 134, 2014 Ed.) is amended by deleting the words

“a child care centre licensed under the Child Care Centres Act (Cap. 37A)” in paragraph (zb) and substituting the words “an early childhood development centre licensed under the Early

Childhood Development Centres Act 2017” .

(5) The Private Education Act (Cap. 247A, 2011 Ed.) is amended by renumbering section 72 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) This Act does not apply to, or in relation to, any early childhood development centre licensed under the Early Childhood Development Centres Act 2017, the key appointment holders (as defined in that Act) of the licensee of the centre, and the teachers of the centre.” .

Saving and transitional provisions

54.—(1) Every licence under the repealed Act that, immediately before the appointed day, is in force for a child care centre (called in this section an existing regulated child care centre) is deemed to be a licence granted under this Act subject to the same conditions (if applicable) of the licence under the repealed Act, and continues in force as if this Act had not been enacted until the earlier of the following:

- (a) expiry of the licence under the repealed Act;
- (b) 24 months after the appointed day.

(2) Section 6 of this Act does not apply to a kindergarten that, immediately before the appointed day, is registered under the Education Act (Cap. 87) (called in this section an existing regulated kindergarten) and its registration under that Act continues to be in force in respect of that kindergarten as if that section had not been enacted, until the earlier of the following:

- (a) the day that the kindergarten is granted a licence under this Act;
- (b) 12 months after the appointed day.

(3) Every individual (whether or not he or she is an employee of an operator of an existing regulated child care centre or existing regulated kindergarten) who, immediately before the appointed day, is deployed by that operator to undertake any duty which is a prescribed duty under Part 3 of this Act at that centre or kindergarten, is deemed to be an individual whose deployment at that centre or kindergarten to perform that duty is approved by the Chief Licensing Officer under this Act for a period of 24 months after the appointed day.

(4) Subsection (5) applies if, before the appointed day, an application for a licence was made under the repealed Act but the application has not been decided immediately before that day.

(5) The application must be considered and decided under this Act as if the application were made under section 7.

(6) An application for registration of a kindergarten as a school made under the Education Act before the appointed day but not decided immediately before that day lapses on that day.

(7) Where —

- (a) an appeal has been made to the Minister under the repealed Act in relation to an existing regulated child care centre; or
- (b) an appeal has been made to the Minister or the Appeals Board under the Education Act in relation to an existing regulated kindergarten,

and the appeal has not been dealt with or disposed of immediately before the appointed day, the appeal may be dealt with under the repealed Act or the Education Act (as the case may be) as if this Act had not been enacted.

(8) This Act does not affect —

- (a) any investigation commenced under the repealed Act before the appointed day, and every such investigation may be continued and everything in relation to such investigation may be done

in all respects after that day as if this Act had not been enacted;

(b) the continued operation or force of any order or decision of the Director-General of Social Welfare made under the repealed Act before the appointed day; and

(c) any right of appeal accrued before the appointed day in respect of any order or decision mentioned in paragraph (b).

(9) Every subsidiary legislation made under the repealed Act and in force immediately before the appointed day continues in force as if made under this Act, so far as the subsidiary legislation is not inconsistent with the provisions of this Act and until the subsidiary legislation is revoked or repealed under this Act.

(10) For a period of 2 years after the commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

(11) In this section, “appointed day” means the day this Act comes into operation.

THE SCHEDULE

Section 3(a)

Excluded early childhood development centres

1. Any enrichment centre which solely provides for children any, or any combination, of the following enrichment activities:

(a) instruction in a particular arts or sporting activity (such as but not limited to art, dance, music, a sport or children’s gym);

(b) a recreational activity (such as but not limited to a camp or an excursion);

(c) tuition or coaching in a particular subject or topic (such as but not limited to a language, science or mathematics).

2. Any centre which solely provides therapy or other related services for children with special needs.

3. Any playgroup centre which sole purpose is the care or education of children who are younger than 4 years of age for a period of 2 hours or shorter each time, through play and activities encouraging socialisation amongst those children.

4. Any institution registered under the Private Education Act (Cap. 247A) which provides a foreign or an international educational curriculum covering both pre-primary and full-time primary levels.

5. Any home for children and young persons which is licensed under the Children and Young Persons Act (Cap. 38).

6. Any place of temporary care and protection appointed or declared under the Children and Young Persons Act.

7. Any place of safety appointed or established under the Children and Young Persons Act.

8. Any place of safety established under the Women’s Charter (Cap. 353).

9. Any premises used to facilitate a care arrangement pursuant to a voluntary care agreement or a court order for committal to the care of a fit person under the Children and Young Persons Act.

Employment Act
(Chapter 91, Section 70)

Adoption of Children Act
(CHAPTER 4)

(Original Enactment: Ordinance 18 of 1939)

REVISED EDITION 2012

(31st March 2012)

An Act to make provision for the adoption of infants.

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THE SCHEDULE Adoption of children
Legislative History

Short title

1. This Act may be cited as the Adoption of Children Act.

Interpretation

2. In this Act, unless the context otherwise requires —
“court” means the High Court or a Family Court;
“father” , in relation to an illegitimate infant, means the natural father;
“parent” , in relation to an illegitimate infant, does not include the natural father;
“Registrar” , in relation to any court, means the Registrar of that court.

Power to make adoption orders

3.—(1) Upon an application in the prescribed manner by any person desirous of being authorised to adopt an infant who has never been married, the court may, subject to the provisions of this Act, make an order (referred to in this Act as an adoption order) authorising the applicant to adopt that infant.

(2) A person so authorised to adopt the infant and an infant authorised to be adopted are referred to in this Act as an adopter and an adopted child respectively, and infant means a person under the age of 21 years.

(3) Where an application for an adoption order is made by 2 spouses jointly, the court may make the order authorising the 2 spouses jointly to adopt an infant.

(4) An adoption order may be made authorising the adoption of an infant by the mother or father of the infant, either alone or jointly with her or his spouse.

(5) Except as provided in this section, no adoption order shall be made authorising more than one person to adopt an infant.

Restrictions on making adoption orders

4.—(1) An adoption order shall not be made in any case where —

(a) the applicant is under the age of 25 years; or
(b) the applicant is less than 21 years older than the infant in respect of whom the application is made.

(2) Notwithstanding subsection (1), it shall be lawful for the court, if it thinks fit, to make an adoption order —

(a) where the applicant is under the age of 25 years and less than 21 years older than the infant if —

- (i) the applicant and the infant are within the prohibited degrees of consanguinity; or
- (ii) in other special circumstances which justify as an exceptional measure the making of

an adoption order where the applicant and the infant are not within the prohibited degrees of consanguinity;

(b) in the case of an application by 2 spouses jointly where one of the spouses and the infant are within the prohibited degrees of consanguinity, notwithstanding that the other spouse is under the age of 25 years and less than 21 years older than the infant; and

(c) in the case of an application by 2 spouses jointly where neither spouse is within the prohibited degrees of consanguinity with the infant, notwithstanding that one or both the spouses are less than 21 years older than the infant.

(3) An adoption order shall not be made in any case where the sole applicant is a male and the infant in respect of whom the application is made is a female unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

(4) An adoption order shall not be made except with the consent of every person or body who is a parent or guardian of the infant in respect of whom the application is made or who has the actual custody of the infant or who is liable to contribute to the support of the infant; but the court may dispense with any consent required by this subsection if the court is satisfied that the person whose consent is to be dispensed with —

(a) has abandoned, neglected, persistently ill-treated the infant or cannot be found and that reasonable notice of the application for an adoption order has been given to the parent or

guardian where the parent or guardian can be found;

(b) is unfit by reason of any physical or mental incapacity to have the care and control of the infant, that the unfitness is likely to continue indefinitely and that reasonable notice of the application for an adoption order has been given to the parent or guardian; or

(c) ought, in the opinion of the court and in all the circumstances of the case to be dispensed with, notwithstanding that such person may have made suitable initial arrangements for the infant by placing the infant under the care of the authorities of a home for children and young persons, the protector under the Children and Young Persons Act (Cap. 38) or some other person.

(5) An adoption order shall not be made upon the application of one of 2 spouses without the consent of the other of them; except that court may dispense with any consent required by this subsection if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving such consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

(6) An adoption order shall not be made in favour of any applicant who is not resident in Singapore or in respect of any infant who is not so resident.

(7) For the purpose of subsection (6), an infant shall be deemed not to be resident in Singapore —

(a) if he is authorised or permitted to remain in Singapore by virtue of a visit pass, a student's pass or a special pass issued by the Controller of Immigration, irrespective of the number of occasions such a pass is issued to him or renewed; or

(b) if his presence in Singapore is unlawful under the provisions of the Immigration Act (Cap. 133) or the regulations made thereunder.

Matters with respect to which court to be satisfied

5. The court before making an adoption order shall be satisfied —

(a) that every person whose consent is necessary under this Act and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;

(b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and

(c) that the applicant has not received or agreed to receive, and that no person has made or given, or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction.

Terms and conditions of order

6. The court in an adoption order may impose such terms and conditions as the court may think fit and in particular may require the adopter by bond or otherwise to make for the adopted child such provision, if any, as in the opinion of the court is just and expedient.

Effect of adoption order

7.—(1) Upon an adoption order being made —

(a) all rights, duties, obligations and liabilities of the parent or parents, guardian or guardians of the adopted child, in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a guardian or to consent or give notice of dissent to marriage shall be extinguished;

(b) all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as though the adopted child was a child born to the adopter in lawful wedlock; and

(c) in respect of the same matters and in respect of the liability of a child to maintain its parents, the adopted child shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock,

except that in any case where 2 spouses are the adopters, such spouses shall, in respect of the matters in paragraphs (a) to (c) and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the adopted child in the same relation as they would have stood if they had been the lawful father and mother of the adopted child, and the adopted child shall stand to them respectively in the same relation as a child would have stood to a lawful father and mother respectively.

(2) Where, at any time after the making of an adoption order —

(a) the adopter or the adopted person or any other person dies intestate in respect of any movable or immovable property, that property shall devolve in all respects as if the adopted person were the child of the adopter born in lawful wedlock and not the child of any other person;

(b) in any disposition of movable or immovable property made, whether by instrument inter vivos or by will (including codicil) after the date of an adoption order —

(i) any reference (whether express or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person;

(ii) any reference (whether express or implied) to the child or children of the adopted person's natural parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted person; and

(iii) any reference (whether express or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if he were the child of the adopter born in lawful wedlock and were not the child of any other person.

(3) Where an adopted child or the spouse or issue of an adopted child takes any interest in movable or immovable property under a disposition by the adopter or under any intestacy, or where an adopter takes any interest in movable or immovable property under a disposition by an adopted child or the spouse or issue of an adopted child, or under the intestacy of an adopted child or the spouse or issue of an adopted child, any estate or other duty which becomes leviable in respect thereof shall be payable at the same rate as if the adopted child had been a child born to the adopter in lawful wedlock.

(4) For the purposes of this section, “disposition” means an assurance of any interest in property by any instrument whether inter vivos or by will including codicil.

(5) For the purposes of section 20 or 21 of the Civil Law Act (Cap. 43), a person shall be deemed to be the parent or child of the person deceased notwithstanding that he was only related to him in consequence of adoption; and accordingly in deducing any relationship which under the provisions of that section is included within the meaning of the expressions “parent” and “child” an adopted child shall be treated as being, or as having been, the legitimate offspring of

his adopter.

(6) Notwithstanding anything in this section, trustees or personal representatives —

(a) may convey or distribute any movable or immovable property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein; and

(b) shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution,

but nothing in this subsection shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

(7) Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of this section in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent adoption order and in relation to any disposition of property made after that date.

(8) For the purpose of the law relating to marriage, an adopter and the person whom he has been authorised to adopt under an adoption order and all children and adopted children of the adopter shall be deemed to be within the prohibited degrees of consanguinity; and this subsection shall continue to have effect notwithstanding that some person other than the adopter is authorised by a subsequent order to adopt the same infant.

(9) An adoption order shall not by itself affect the citizenship of the adopted child.

Power to make interim orders

8.—(1) Upon any application for an adoption order, the court may postpone the determination of the application and may make an interim order (which shall not be an adoption order for the purposes of this Act) giving the custody of the infant to the applicant for a period not exceeding 2 years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the court may think fit.

(2) All such consents as are required to an adoption order shall be necessary to an interim order but subject to a like power on the part of the court to dispense with any such consent.

Power to make subsequent order in respect of infant already subject to an order

9. An adoption order or an interim order may be made in respect of an infant who has already been the subject of an adoption order, and, upon any application for such further adoption order, the adopter or adopters under the adoption order last previously made shall, if living, be deemed to be the parent or parents of the infant for all the purposes of this Act.

Procedure

10.—(1) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules —

(a) to prescribe any matter which may be prescribed under this Act;

(b) to provide for the manner in which any application to the court is to be made, heard and determined; and

(c) to provide for all matters of procedure and incidental matters under this Act.

(2) The Family Justice Rules may, instead of providing for any matter, refer to any provision made or to be made about that matter by practice directions issued for the time being by the registrar of the Family Justice Courts.

(3) For the purpose of any application under this Act and subject to the Family Justice Rules, the court shall appoint some person or body to act as a guardian in adoption of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the court.

Restriction on payments

11. It shall not be lawful for any adopter or for any parent or guardian except with the sanction of the court to receive any payment or other reward in consideration of the adoption of any infant under this Act or for any person to make or give or agree to make or give to any adopter or to any parent or guardian any such payment or reward.

Registration of adopted children

12.—(1) Where an adoption order has been made, the Registrar of the court by which the adoption order was made shall forthwith send to the Registrar-General of Births and Deaths a notice in the form set out in the Schedule, setting out the following particulars so far as they are known to the court:

- (a) the full name of the child before the making of the adoption order;
- (b) the full name of the child conferred by the adoption order;
- (c) the date and place of birth of the child;
- (d) the birth certificate registration number or entry number of the last preceding adoption or re-registration number;
- (e) the sex of the child;
- (f) the names of the natural or last preceding adopting parents of the child;
- (g) the name or names and the occupation and address of the adopting parent or adopting parents;
- (h) the date and country of birth, race and dialect group, nationality and citizenship, and Singapore identity card number of the adopting parent or adopting parents;
 - (i) the maiden name of the adopting mother if she is or has been married;
 - (j) in the case of adoption by a single adopter, whether the adoptive parent wishes that the words “adoptive father” or “adoptive mother” as the case may require, appear on the face of any certified copy of the entry of birth of the child issued after the birth has been registered under this section;
- (k) the date of the adoption order and a description of the court by which it was made;
- (l) such other particulars as may be required by the Registrar-General.

(2) Where —

- (a) the precise date of the infant’s birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth; and
- (b) the country of birth of the infant is not proved to the satisfaction of the court, the particulars of that country may be omitted from the order and from the entry in the register maintained by the Registrar-General.

(3) Upon receipt of the form referred to in subsection (1), the Registrar-General shall if the birth of the adopted child has been registered in Singapore cause the entry in the relevant register of births to be marked with the word “Adopted”. Particulars as to the birth of the child shall then be registered separately substituting the name conferred by the adoption for the name of the child prior to adoption, and recording the name, address and description of each adopting parent

in substitution for the particulars as to the natural or last adopting parents.

(4) In any case where the birth of the adopted child has not been registered in Singapore, the Registrar-General, upon being satisfied as to the correctness of the information supplied to him as to the date and place of birth of the child, shall register particulars as to the birth of the child in accordance with the procedure in subsection (3).

(5) Where a copy of the entry as to the birth of any child to which this section relates is required for any purpose, the Registrar-General, subject to any regulations as to payment of fees as are prescribed, shall supply a copy of the last entry made pursuant to subsection (3) omitting in the copy the word “Adopted” that appears in the original or former entry.

(6) No person shall be permitted to inspect any such original or former entry, or to take a copy of such original or former entry unless that person has certified, and the Registrar-General is satisfied, that the particulars recorded in the original or former entry are material for the purpose for which the inspection is required.

(7) Where on 15th May 1972 an adoption order has already been made in respect of an infant, the Registrar-General shall upon application being made by either of the adopting parents, or in the event of both adopting parents being dead, by the adopted child register particulars as to the birth of the child in accordance with subsection (3) and upon registration, subsection (5) shall apply to any copy of an entry as to the birth of the adopted child.

(8) The copy of the entry as to the birth of the child supplied by the Registrar-General under subsection (5) shall have the same effect in law as a copy of any entry as to the birth of a child who is not adopted.

(9) Rules made by the Minister under the Registration of Births and Deaths Act (Cap. 267) may make provision as to the duties to be performed by Registrars, Supervising Deputy Registrars and Deputy Registrars in the administration of this Act.

(10) The Adopted Children Register maintained under section 11 repealed by the Adoption of Children (Amendment) Act 1972 (Act 9 of 1972) shall cease to be maintained and no extracts therefrom shall be issued except by an order of court.

(11) The Registrar-General shall keep such other registers and books, and make such entries therein as may be necessary to record and make traceable the connection between any entry in the Adopted Children Register previously maintained under section 11 repealed by the Adoption of Children (Amendment) Act 1972 and any entry in the registers of births made pursuant to this section, but the registers and books kept under this subsection shall not be, nor shall any index thereof be, open to public inspection or search nor except under an order of court shall the Registrar furnish any person with any information contained in or with any copy or extract from any such registers or books.

Child Development Co-Savings Act

(CHAPTER 38A)

(Original Enactment: Act 13 of 2001)

REVISED EDITION 2002

(31st July 2002)

An Act to encourage married persons in Singapore to have more children, to facilitate the provision of cash grants and the making of financial provision for the development of children, to enable financial provision to be made for children of parents who have been granted a divorce, a judicial separation or an annulment of marriage, and for matters connected therewith.

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PART I PRELIMINARY

Short title

1. This Act may be cited as the Child Development Co-Savings Act.

Interpretation

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

“adoptive father” includes a man who —

(a) applies to adopt a child in accordance with any written law relating to the adoption of children; or

(b) has obtained a dependant’s pass for a child whom he intends to adopt in accordance with any written law relating to the adoption of children;

“adoptive mother” includes a woman who —

(a) applies to adopt a child in accordance with any written law relating to the adoption of children; or

(b) has obtained a dependant' s pass for a child whom she intends to adopt in accordance with any written law relating to the adoption of children;

“approved person” means a person approved by the Minister as an approved person under the regulations made under section 7;

“bank account” means a bank account opened under the regulations made under section 3;

“benefit period” , in relation to a female employee to whom subsection (1), (1A) or (1B) of section 9 applies, means such period as she is entitled under the applicable subsection to receive payment from her employer at her gross rate of pay;

“confinement” means the delivery of one or more children from one pregnancy;

“dependant' s pass” , in relation to a child, means a dependant' s pass issued in respect of the child under regulations made under the Immigration Act (Cap. 133) to enable the child to remain, or to enter and remain, in Singapore for the purposes of adoption under the Adoption of Children Act (Cap. 4), and includes a document evidencing that the application for the dependant' s pass has been approved;

“eligibility date” , in relation to an application to adopt a child in accordance with any written law relating to the adoption of children, means —

(a) if the child is a citizen of Singapore, the date on which the application to adopt the child is made; or

(b) if the child is not a citizen of Singapore, the date on which a dependant' s pass is issued in respect of the child;

“employee” means any person who has entered into or works under a contract of service with an employer in Singapore, and includes a workman and any officer or employee of the Government;

“employer” means any person who employs another person under a contract of service and includes —

(a) the Government;

(b) any statutory authority;

(c) the duly authorised agent or manager of the employer; and

(d) the person who owns or who is carrying on or is for the time being responsible for the management of the profession, business, trade or work in which the employee is engaged;

“estimated delivery date” means the estimated delivery date of a child as certified by a medical practitioner;

“gross rate of pay” means the total amount of money (including allowances) to which an employee is entitled under the employee' s contract of service, either for working for a period of time (that is, for an hour, a day, a week or a month, or for such other period, as may be stated or implied in the contract of service) or for each completed piece or task of work, but does not include any of the following:

(a) additional payments by way of overtime payments;

(b) additional payments by way of bonus payments or annual wage supplements;

(c) any sum paid to the employee to reimburse the employee for special expenses incurred by the employee in the course of the employee' s employment;

(d) productivity incentive payments;

(e) travelling, food or housing allowances;

“lost income” , in relation to a period during which a self-employed man or self-employed

woman ceased to be actively engaged in his or her trade, business, profession or vocation, means the income that he or she would otherwise have derived from that trade, business, profession or vocation had he or she continued to be actively engaged in that trade, business, profession or vocation during that period;

“medical practitioner” means a medical practitioner registered under the Medical Registration Act (Cap. 174);

“member” means a member of the Scheme;

“natural father” , in relation to a child, includes a person who is identified in the registration of the birth of the child as the father of the child;

“parent” , in relation to a child, includes a legal guardian of the child;

“part-time employee” has the same meaning as in section 66A(1) of the Employment Act (Cap. 91);

“personal representative” means the executor, original or by representation, or administrator for the time being of a deceased person;

“productivity incentive payment” has the same meaning as in section 2(1) of the Employment Act (Cap. 91);

“PSE account” has the same meaning as in the Education Endowment and Savings Schemes Act (Cap. 87A);

“Scheme” means the Child Development Co-Savings Scheme established by the regulations made under section 3;

“self-employed man” means any man resident in Singapore who engages in or carries on any trade, business, profession or vocation other than employment under a contract of service and derives income from such trade, business, profession or vocation, or such other man declared by the Minister to be a self-employed man for the purposes of this Act;

“self-employed woman” means any woman resident in Singapore who engages in or carries on any trade, business, profession or vocation other than employment under a contract of service and derives income from such trade, business, profession or vocation or such other woman declared by the Minister to be a self-employed woman for the purposes of this Act;

“specified event” , in relation to a woman, means —

(a) the woman’ s confinement;

(b) the making of an application by the woman to adopt a child in accordance with any written law relating to the adoption of children, if —

(i) the woman is not the child’ s natural mother; and

(ii) at the time of the application, the child —

(A) is below the age of 12 months; and

(B) is a citizen of Singapore;

(c) the issue of a dependant’ s pass in respect of a child whom the woman intends to adopt in accordance with any written law relating to the adoption of children, if —

(i) the woman is not the child’ s natural mother; and

(ii) at the time the dependant’ s pass is issued, the child —

(A) is below the age of 12 months; and

(B) is not a citizen of Singapore;

(d) the adoption of a child by the woman under any foreign law relating to the adoption of children, if —

- (i) the woman is not the child's natural mother; and
 - (ii) at the time of the adoption, the child is below the age of 12 months;
- “weekly index” , in relation to a male or female employee or a self-employed man or self-employed woman, means his or her number of work days per week determined in accordance with the Schedule.
- (2) For the purpose of determining whether a woman's specified event (called in this subsection the relevant specified event) is the woman's first, second, third or subsequent specified event —
- (a) any previous specified event of the woman is to be disregarded if, at the time of the relevant specified event, either of the following applies to each child from the previous specified event:
 - (i) the child is dead;
 - (ii) the child has been adopted by another person (other than jointly with the woman); and
 - (b) any previous specified event involving an application by the woman to adopt a child is to be disregarded if, at the time of the relevant specified event, the application has been withdrawn or refused.
- (3) The Minister may, by order in the Gazette, amend the Schedule.
- (4) The Minister may, in an order under subsection (3), make such provisions of a saving or transitional nature consequent to the enactment of that order as the Minister may consider necessary or expedient.

PART II

CHILD DEVELOPMENT CO-SAVINGS SCHEME

[13/2011 wef 01/05/2011]

Establishment of Child Development Co-Savings Scheme to assist families

- 3.—(1) The Minister may by regulations establish a scheme to be called the Child Development Co-Savings Scheme —
- (a) to encourage married women to have more children, by the provision of financial assistance for the development of the children of families through a co-savings arrangement;
 - (aa) to provide financial assistance for the development of any other child through a co-savings arrangement;
 - (b) to facilitate the provision of cash grants made by the Government from time to time for the development of children;
 - (c) to facilitate the making of financial provision for the development of a child, whether or not the child is eligible for a co-savings arrangement, through the making of contributions to the child's bank account by or on behalf of any parent of the child; and
 - (d) to make financial provision for a child whose parents have obtained a judgment for the dissolution or annulment of their marriage or judicial separation, through the transfer of matrimonial assets divided between the parents by a court pursuant to the divorce, annulment or judicial separation proceedings into the child's bank account.
- (2) Without prejudice to the generality of subsection (1), such regulations may provide for —
- (a) different types of membership of the Scheme, and the eligibility criteria, benefits and terms and conditions for each type of membership of the Scheme;
 - (b) the appointment of one or more managing agents responsible for the operation and administration of the Scheme and the powers, functions and duties of such managing agents, including the duty of such managing agents to comply with any requirement relating to

confidentiality of information;

- (c) the payment of contributions to the Scheme by or on behalf of any parent of a member, whether or not the member is eligible for a co-savings arrangement;
- (d) the payment of moneys to a member, and the amount, mode, manner and terms and conditions of any such payment;
- (e) the opening of and the type of bank account for each member into which such moneys will be paid;
- (f) the suspension or termination of such bank account and the circumstances in which the account may be suspended or terminated;
- (g) the terms and conditions governing the relationship between the bank at which a bank account under the Scheme is opened and maintained and the member and the trustee of such bank account;
- (h) the purposes for which the moneys paid under the Scheme can be utilised and the terms and conditions subject to which withdrawals of such moneys can be made;
- (i) the transfer of any moneys standing to the credit of a member in his bank account to his PSE account or such other account in his name as may be prescribed, or the withdrawal of such moneys, at such time, in such manner and in such circumstances as may be prescribed;
- (j) the consequences for any breach of the regulations, including making any act or omission in contravention of such regulations an offence and prescribing penalties for such offence not exceeding a fine of \$20,000 or imprisonment for a term not exceeding 12 months or both; and
- (k) different provisions in respect of a child eligible for membership of the Scheme whose parents have not attained the age of majority.

(3) In this section, “co-savings arrangement”, in relation to a child, means an arrangement whereby the Government makes contributions to the bank account of a child eligible for that arrangement, equal to the contributions made by or on behalf of any parent of the child.

Compulsory substitution of trustee

4.—(1) Unless otherwise provided in an order of court or directed by the Minister, the trustee of the moneys standing to the credit of a member’s bank account shall —

- (a) where the custody, care and control of the member is granted (under an order of court or by agreement between the parents of the member) to the parent of the member who is not the trustee, be substituted with the parent to whom custody, care and control has been granted;
- (b) where the care and control of the member is granted (under an order of court or by agreement between the parents of the member) to the parent of the member who is not the trustee, be substituted with the parent to whom care and control has been granted, notwithstanding that custody of the member remains with the parent who is the trustee;
- (c) where the custody, care and control, or care and control, of the member is granted (under an order of court or by agreement between the parents of the member) to a person other than the parents of the member, be substituted with the person granted custody, care and control, or care and control, of the member;
- (d) where the member is legally adopted by any person, be substituted with the adopter of the member;
- (e) where the trustee is dead and the member has no other legal guardian, be substituted with the personal representative of the trustee;
- (f) where the trustee is no longer able to act as trustee by reason that the trustee lacks capacity

(within the meaning of the Mental Capacity Act (Cap. 177A)) to exercise the trustee's functions as trustee, and the member has no other legal guardian, be substituted with —

(i) a donee of a lasting power of attorney which is granted by the trustee under that Act, and under which the trustee confers on the donee authority either to make decisions concerning the trustee's property and affairs or to exercise the functions as trustee;

(ii) a deputy appointed or deemed to be appointed for the trustee by the court under that Act, and who is conferred power either to make decisions concerning the trustee's property and affairs or to exercise the functions as trustee; or

(iii) if there is no such donee or deputy, a person nominated by the Minister; and

(g) where the trustee is unable or unwilling to act as trustee for any other reason and the member has no other legal guardian, be substituted with the person nominated by the trustee and approved by the Minister to act in the place of the existing trustee.

(2) Notwithstanding subsection (1), the Minister may, if he considers it necessary, direct that a trustee be removed and substituted with such other person as the Minister may nominate.

(3) This section shall have effect notwithstanding anything to the contrary in the Trustees Act (Cap. 337).

Protection of benefits

5. Subject to the Education Endowment and Savings Schemes Act (Cap. 87A) and any regulations made under section 3 (in so far as they provide for the withdrawal, transfer or utilisation of any moneys paid into a member's bank account), the ownership of any moneys paid into a member's bank account by the Government or the parent of the member under the Scheme shall, with effect from the date of such payment, belong to the member absolutely and —

(a) the payment by the parent shall not constitute "matrimonial asset" within the meaning of section 112 of the Women's Charter (Cap. 353);

(b) the payment by the parent shall not constitute a transaction at undervalue or an unfair preference under section 361 or 362 of the Insolvency, Restructuring and Dissolution Act 2018 or form part of the estate of a parent who has been adjudicated bankrupt; and

(c) the moneys in the bank account of the member shall not be assignable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim.

Moneys payable on death of member

6.—(1) Where a member dies, the moneys standing to his credit in his bank account shall be paid to the Public Trustee for disposal in accordance with —

(a) the Intestate Succession Act (Cap. 146), if the member was not a Muslim at the time of his death; or

(b) section 112 of the Administration of Muslim Law Act (Cap. 3), if the member was a Muslim at the time of his death.

(2) The receipt of the Public Trustee shall be a good discharge to the Minister and the managing agent for such portions of the moneys payable out of the bank account on the death of a member as are payable to the Public Trustee under subsection (1).

(3) All moneys paid out of the bank account on the death of any member shall be deemed to be impressed with a trust in favour of the person or persons determined by the Public Trustee in accordance with subsection (1) to be entitled thereto but shall, without prejudice to the Estate Duty Act (Cap. 96), be deemed not to form part of the deceased member's estate or to be subject to his debts.

Approved persons

7.—(1) The Minister may make regulations to approve a person as an approved person for the purposes of the Scheme and for purposes connected therewith.

(2) Without prejudice to the generality of subsection (1), such regulations may —

- (a) prescribe the manner in which applications for approval as an approved person may be made;
- (b) require any refund of payment made for any service which has not been provided by an approved person to be credited into the bank account of the member;
- (c) require the approved person to execute a security bond as a pre-condition for such approval;
- (d) specify such other terms and conditions subject to which the approval of the Minister is granted; and
- (e) empower the Minister to revoke the approval granted to an approved person and prescribe the circumstances in which such power is to be exercised.

Recovery of payment by Government

8.—(1) Where any payment has been made into a member's bank account by the Government under the Scheme and such payment is —

- (a) made in reliance of any false or misleading statement or document made or furnished by the parent of the member;
- (b) made by reason of a mistake of fact; or
- (c) utilised for purposes not authorised by the Scheme,

the Government may recover such payment from any moneys standing to the credit of the member's bank account.

(2) Where the Government is entitled to recover any payment from a member's bank account under subsection (1), the bank at which the account is opened and maintained shall not authorise any further withdrawal from the account until the payment due to the Government has been deducted from the moneys standing to the credit of the account and paid to the Government.

PART III

MATERNITY PROTECTION AND BENEFITS, ADOPTION LEAVE, CHILDCARE LEAVE, EXTENDED CHILDCARE LEAVE, UNPAID INFANT CARE LEAVE, SHARED PARENTAL LEAVE AND PATERNITY LEAVE

Length of maternity benefit period, etc., for female employee or self-employed woman

9.—(1) Subject to subsections (2) and (3), sections 9A and 12E and any regulations made under section 20, every female employee who satisfies the requirements of section 9A(1) shall be entitled to absent herself from work —

- (a) during —
 - (i) the period of 4 weeks immediately before her confinement; and
 - (ii) the period of 12 weeks immediately after her confinement;
- (b) during a period of 16 weeks, as agreed to by her and her employer, commencing —
 - (i) not earlier than 28 days immediately preceding the day of her confinement; and
 - (ii) not later than the day of her confinement; or
- (c) during —
 - (i) a period of 8 weeks, as agreed to by her and her employer, commencing —
 - (A) not earlier than 28 days immediately preceding the day of her confinement; and

(B) not later than the day of her confinement; and

(ii) one or more than one later period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 8 times the employee's weekly index or 48 days (whichever is the lower), and all of which must be taken within the period of 12 months commencing on the day of her confinement, and for such period of her absence from work, she shall be entitled to receive payment from her employer at her gross rate of pay.

(1A) Subject to subsection (3A), sections 9A and 12E and any regulations made under section 20, every female employee who —

(a) delivers a child who is not a citizen of Singapore at the time of his birth;

(b) satisfies the requirements of section 9A(1A); and

(c) absents herself from work under section 76(1) of the Employment Act (Cap. 91), shall be entitled —

(i) where section 76(1)(a) of that Act applies and her confinement during which the child is delivered is her first or second specified event —

(A) if the child becomes a citizen of Singapore within the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act;

(B) if the child becomes a citizen of Singapore after the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act but within that period —

(BA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act; and

(BB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act; or

(C) if the child becomes a citizen of Singapore within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(a)(ii) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the relevant period;

(ii) where section 76(1)(a) of that Act applies and her confinement during which the child is delivered is her third or subsequent specified event —

(A) if the child becomes a citizen of Singapore within the period referred to in section 76(1)(a)(ii) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to

in section 76(1)(a)(ii) of that Act; or

(B) if the child becomes a citizen of Singapore within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(a)(ii) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the relevant period;

(iii) where section 76(1)(b) of that Act applies and her confinement during which the child is delivered is her first or second specified event —

(A) if the child becomes a citizen of Singapore within the first 8 weeks of the period referred to in section 76(1)(b) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the period referred to in section 76(1)(b) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(b) of that Act;

(B) if the child becomes a citizen of Singapore after the first 8 weeks of the period referred to in section 76(1)(b) of that Act but within that period —

(BA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(b) of that Act; and

(BB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(b) of that Act; or

(C) if the child becomes a citizen of Singapore within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(b) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the relevant period;

(iv) where section 76(1)(b) of that Act applies and her confinement during which the child is delivered is her third or subsequent specified event —

(A) if the child becomes a citizen of Singapore within the period referred to in section 76(1)(b) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(b) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(b) of that Act; or

(B) if the child becomes a citizen of Singapore within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(b) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the relevant period;

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(v) where section 76(1)(c) of that Act applies and her confinement during which the child is delivered is her first or second specified event —

(A) if the child becomes a citizen of Singapore within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more than one later period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 4 times the employee's weekly index or 24 days (whichever is the lower), and all of which must be taken within the period of 12 months commencing on the day of her confinement; or

(B) if the child becomes a citizen of Singapore after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

(BA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day the child becomes a citizen of Singapore; and

(BB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more than one later period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 4 times the employee's weekly index or 24 days (whichever is the lower), and all of which must commence on or after the day the child becomes a citizen of Singapore and be taken within the period of 12 months commencing on the day of her confinement; or

(vi) where section 76(1)(c) of that Act applies and her confinement during which the child is delivered is her third or subsequent specified event —

(A) if the child becomes a citizen of Singapore within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(c)(i) of that Act, and for every period referred to in section 76(1)(c)(ii) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more than one later period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 4 times the employee's weekly index or 24 days (whichever is the lower), and all of which must be taken within the period of 12 months commencing on the day of her confinement; or

(B) if the child becomes a citizen of Singapore after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

(BA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day the child becomes a citizen of Singapore; and

(BB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more than one later period, each being of such duration as is agreed between the

employee and her employer, all of which in aggregate are equal in duration to 4 times the employee's weekly index or 24 days (whichever is the lower), and all of which must commence on or after the day the child becomes a citizen of Singapore and be taken within the period of 12 months commencing on the day of her confinement.

(1B) Subject to subsection (3), sections 9A and 12E and any regulations made under section 20, every female employee who —

- (a) delivers a child who is not a citizen of Singapore at the time of his birth;
- (b) satisfies the requirements of section 9A(1A); and
- (c) is not entitled to absent herself from work under section 76(1) of the Employment Act (Cap. 91),

shall be entitled to absent herself from work during, and to receive payment from her employer at her gross rate of pay for —

(i) the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 16 weeks commencing on the day of her confinement;

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(ii) if the child becomes a citizen of Singapore within the period of 8 weeks commencing on the day of her confinement —

(A) the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 8 weeks commencing on the day of her confinement; and

(B) one or more than one later period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 8 times the employee's weekly index or 48 days (whichever is the lower), and all of which must be taken within the period of 12 months commencing on the day of her confinement; or

(iii) if the child becomes a citizen of Singapore after the period of 8 weeks commencing on the day of her confinement, one or more than one period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 8 times the employee's weekly index or 48 days (whichever is the lower), and all of which must commence on or after the day the child becomes a citizen of Singapore and be taken within the period of 12 months commencing on the day of her confinement.

(1C) [Deleted by Act 33 of 2016 wef 01/01/2017]

(1D) [Deleted by Act 33 of 2016 wef 01/01/2017]

(1E) [Deleted by Act 33 of 2016 wef 01/01/2017]

(1F) [Deleted by Act 33 of 2016 wef 01/01/2017]

(2) Where a female employee has worked in her employment for any day during the benefit period before her confinement, she shall be entitled —

- (a) to receive, in addition to her gross rate of pay for that day, an amount that is equivalent to a day's pay at the gross rate of pay; or
- (b) to absent herself from work on another day at the end of the benefit period.

(3) Where the employment of a female employee is terminated (whether by resignation or dismissal, upon the completion of her contract of service, or for any other reason) before she has exercised, wholly or partly, her entitlement to absent herself from work during a period referred to in subsection (1)(c)(ii), (1A)(v)(A)(AB) or (B)(BB) or (vi)(A)(AB) or (B)(BB) or (1B)(ii)(B) or (iii), she shall forfeit that entitlement (or the balance thereof) upon the termination of her employment.

(3A) For the avoidance of doubt, where the employment of a female employee is terminated (whether by resignation or dismissal, upon the completion of her contract of service, or for any other reason) before she has exercised, wholly or partly, her entitlement to absent herself from work during a period referred to in section 76(1)(c)(ii) of the Employment Act (Cap. 91), she shall forfeit her entitlement (or the balance thereof) to receive payment from her employer at her gross rate of pay for that period under subsection (1A)(v)(A)(AA) or (B)(BA) or (vi)(A)(AA) or (B)(BA) upon the termination of her employment.

(4) Subject to subsection (5), sections 9A and 12E and any regulations made under section 20, every self-employed woman who —

(a) satisfies the requirements of section 9A(1);

(b) ceases to be actively engaged in her trade, business, profession or vocation —

(i) during —

(A) the period of 4 weeks immediately before her confinement; and

(B) the period of 12 weeks immediately after her confinement;

(ii) during a period of 16 weeks commencing —

(A) not earlier than 28 days immediately preceding the day of her confinement; and

(B) not later than the day of her confinement; or

(iii) during —

(A) a period of 8 weeks commencing —

(AA) not earlier than 28 days immediately preceding the day of her confinement; and

(AB) not later than the day of her confinement; and

(B) one or more than one later period —

(BA) all of which in aggregate are equal in duration to 8 times her weekly index or 48 days (whichever is the lower); and

(BB) all of which are within the period of 12 months commencing on the day of her confinement; and

(c) has lost any income by reason of her ceasing to be actively engaged in that trade, business, profession or vocation,

is entitled to claim from the Government her lost income for the applicable period mentioned in subsection (5).

(4A) Subject to subsection (5), sections 9A and 12E and any regulations made under section 20, every self-employed woman who —

(a) delivers a child who is not a citizen of Singapore at the time of the child's birth;

(b) satisfies the requirements of section 9A(1A);

(c) ceases to be actively engaged in her trade, business, profession or vocation —

(i) during the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 16 weeks commencing on the day of her confinement;

(ii) if the child becomes a citizen of Singapore within the period of 8 weeks commencing on the day of her confinement, during —

(A) the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 8 weeks commencing on the day of her confinement; and

(B) one or more than one later period —

(BA) all of which in aggregate are equal in duration to 8 times her weekly index or 48 days (whichever is the lower); and

(BB) all of which are within the period of 12 months commencing on the day of her confinement; or

(iii) if the child becomes a citizen of Singapore after the period of 8 weeks commencing on the day of her confinement, during one or more than one period, all of which in aggregate are equal in duration to 8 times her weekly index or 48 days (whichever is the lower), and all of which commence on or after the day the child becomes a citizen of Singapore and are within the period of 12 months commencing on the day of her confinement; and

(d) has lost any income by reason of her ceasing to be actively engaged in that trade, business, profession or vocation,

is entitled to claim from the Government her lost income for the applicable period mentioned in subsection (5).

(4B) [Deleted by Act 33 of 2016 wef 01/01/2017]

(4C) [Deleted by Act 33 of 2016 wef 01/01/2017]

(5) A self-employed woman shall be entitled to receive payment from the Government —

(a) if her confinement mentioned in subsection (4) or (4A) is her first or second specified event —

(i) under subsection (4), for such period of her cessation of active engagement in her trade, business, profession or vocation which is after the first 8 weeks of such cessation; or

(ii) under subsection (4A), for a period of her cessation of active engagement in her trade, business, profession or vocation which —

(A) does not exceed 8 weeks; and

(B) is after a period of 8 weeks commencing not earlier than 28 days immediately preceding the date of that confinement, during which she ceases to be actively engaged in her trade, business, profession or vocation; and

(b) if her confinement mentioned in subsection (4) or (4A) is her third or subsequent specified event, under subsection (4) or (4A), for the whole period of her cessation of active engagement in her trade, business, profession or vocation.

(5A) Unless disqualified by subsection (6), and subject to section 9A and any regulations made under section 20, every woman who is or was a female employee or a self-employed woman, who delivers a child and satisfies the requirements under section 9A(2), shall be entitled to claim from the Government —

(a) an amount equivalent to 56 days of her total income during such period before delivery as may be prescribed, where her confinement during which the child is delivered is her first or second specified event; or

(b) an amount equivalent to 112 days of her total income during such period before delivery as may be prescribed, where her confinement during which the child is delivered is her third or subsequent specified event.

(5B) [Deleted by Act 33 of 2016 wef 01/01/2017]

(5C) [Deleted by Act 33 of 2016 wef 01/01/2017]

(5D) [Deleted by Act 33 of 2016 wef 01/01/2017]

(5E) [Deleted by Act 33 of 2016 wef 01/01/2017]

(6) Except as provided in subsections (6A) and (6B), a woman who is or was a female employee or a self-employed woman is not entitled to claim any payment from the Government under subsection (5A) if —

(a) she is also a female employee who is entitled to absent herself from work or to receive payment from her employer under subsection (1), (1A) or (1B), in respect of the same confinement, regardless of whether she has forfeited the whole or part of her entitlement to absent herself from work or to receive payment from her employer under subsection (3) or (3A), as the case may be; or

(b) she is also a self-employed woman who is entitled to claim from the Government her lost income under subsection (4) or (4A), in respect of the same confinement.

(6A) Subsection (6) and section 12M do not disqualify a female employee from claiming payment from the Government under subsection (5A) in respect of any period when she is on leave of absence without pay granted by her employer at her request, if the leave is for a continuous period ending at least 12 months after the date of the delivery mentioned in subsection (5A).

(6B) Subsections (3), (3A) and (6) do not disqualify a female employee whose employment is terminated on the completion of her contract of service from claiming payment from the Government under subsection (5A) if she would have been entitled to absent herself from work or to receive payment from her employer under subsection (1), (1A) or (1B) had her employment not been so terminated.

(7) In subsection (5A), “total income” , in relation to a period prescribed for the purposes of subsection (5A), means —

(a) in the case of a female employee who is or was employed by one or more employers in that period, the total gross rate of pay which she is entitled to receive from all her employers in respect of that period;

(b) in relation to a woman who is or was self-employed, the income she derived from her trade, business, profession or vocation during the prescribed period; and

(c) in relation to a woman who is or was both a female employee and a self-employed woman in that period, the aggregate of —

(i) the total gross rate of pay which she is entitled to receive from all her employers in respect of the period she was employed during the prescribed period; and

(ii) the income she derived from her trade, business, profession or vocation, where she was self-employed, during the prescribed period.

(8) Despite subsection (7), “total income” in subsection (5A) excludes the gross rate of pay that a female employee is entitled to receive from her employer in respect of the period she was employed by that employer during the period prescribed for the purposes of subsection (5A), if —

(a) upon the making of any representations to the Minister charged with the responsibility for manpower under section 35 of the Industrial Relations Act (Cap. 136), that Minister is satisfied that the female employee was dismissed with just cause or excuse by that employer before her confinement; or

(b) an Employment Claims Tribunal has decided, after hearing a claim mentioned in section 14(2) or 84(2) of the Employment Act, that the female employee was dismissed with just cause or excuse, or for sufficient cause, by that employer before her confinement.

(9) The Government may recover as a civil debt from a woman who delivers a child any amount paid to her under subsection (5A) if —

(a) under subsection (6), she is not entitled to the amount; or

(b) the amount was paid to her in reliance on subsection (6A) in respect of any period when she

is on leave of absence without pay granted by the employer at her request, but her leave subsequently ends less than 12 months after the date of the delivery mentioned in subsection (5A).

(10) The Government may recover as a civil debt from a woman who delivers a child an amount in accordance with regulations made under section 20 if —

(a) the Government has paid one or more of the following:

(i) any amount under subsection (5A) in respect of the woman's delivery of the child;

(ii) any reimbursement claimed by the woman's employer under section 10 (whether or not pursuant to an exemption under section 22) for any amount paid to the woman in respect of her delivery of the child;

(iii) where the woman has made an election under section 12E(5) for the natural father or adoptive father of the child to take shared parental leave or claim lost income in respect of the child —

(A) any reimbursement claimed by the father's employer under section 12G(1) (whether or not pursuant to an exemption under section 22) for any amount paid to the father under section 12E(2) for shared parental leave taken in respect of the child; or

(B) any amount of lost income claimed by the father under section 12E(3) (whether or not pursuant to an exemption under section 22) for ceasing to be actively engaged in his trade, business, profession or vocation in respect of the child; and

(b) either of the following applies:

(i) the total period of absence from work under subsection (1), (1A) or (1B) or section 12E(1) and cessation from active engagement in trade, business, profession or vocation under section 12E(3) to which the payment by the Government under paragraph (a) relates, exceeds —

(A) 56 days, if the woman's confinement during which the child is delivered is the woman's first or second specified event; or

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(B) 112 days, if the woman's confinement during which the child is delivered is the woman's third or subsequent specified event;

(ii) the total amount paid by the Government under paragraph (a) exceeds —

(A) the amount mentioned in subsection (5A)(a), if the woman's confinement during which the child is delivered is the woman's first or second specified event; or

(B) the amount mentioned in subsection (5A)(b), if the woman's confinement during which the child is delivered is the woman's third or subsequent specified event.

Eligibility criteria and cap in respect of maternity benefits

9A.—(1) Subject to this section, a female employee is entitled to absent herself from work and to payment under section 9(1), and a self-employed woman is entitled to payment by the Government under section 9(4), if —

(a) her confinement occurs, or the estimated delivery date for her confinement is, on or after the date of commencement of section 5(1)(a) of the Child Development Co-Savings (Amendment No. 2) Act 2016;

(b) a child delivered during her confinement is a citizen of Singapore at the time of the child's birth;

(c) in the case of a female employee, she has served her employer for a period of at least

3 months before the day of her confinement; and

(d) in the case of a self-employed woman, she has been carrying on her trade, business, profession or vocation for a continuous period of at least 3 months before the day of her confinement.

(1A) Subject to this section, a female employee is entitled to absent herself from work and to payment under section 9(1A) or (1B), and a self-employed woman is entitled to payment by the Government under section 9(4A), if —

(a) her confinement occurs, or the estimated delivery date for her confinement is, on or after the date of commencement of section 5(1)(a) of the Child Development Co-Savings (Amendment No. 2) Act 2016;

(b) a child delivered during her confinement —

(i) is not a citizen of Singapore at the time of the child's birth; but

(ii) becomes a citizen of Singapore within the period of 12 months commencing on the date of the child's birth;

(c) in the case of a female employee, she has served her employer for a period of at least 3 months before the day of her confinement; and

(d) in the case of a self-employed woman, she has been carrying on her trade, business, profession or vocation for a continuous period of at least 3 months before the day of her confinement.

(1B) [Deleted by Act 33 of 2016 wef 01/01/2017]

(1C) [Deleted by Act 33 of 2016 wef 01/01/2017]

(2) Subject to this section, a woman who is or was a female employee or self-employed woman is entitled to payment by the Government under section 9(5A) if —

(a) her confinement occurs, or the estimated delivery date for her confinement is, on or after the date of commencement of section 5(1)(a) of the Child Development Co-Savings (Amendment No. 2) Act 2016;

(b) a child delivered during her confinement —

(i) is a citizen of Singapore at the time of the child's birth; or

(ii) is not a citizen of Singapore at the time of the child's birth, but becomes a citizen of Singapore within the period of 12 months commencing on the date of the child's birth;

(c) for at least 90 days in the aggregate during the period of 12 months before the day of her confinement, she has been employed by one or more employers, self-employed or both; and

(d) where either or both of the following apply:

(i) she opts to use any period (during the 12 months immediately before the day of her confinement) when she was employed outside Singapore, or was self-employed outside Singapore, to satisfy the requirement in paragraph (c);

(ii) she opts to use her income during any period mentioned in sub-paragraph (i) to calculate her total income for the purposes of section 9(5A),

on the day of her confinement, she —

(A) is resident in Singapore; and

(B) is no longer employed outside Singapore or self-employed outside Singapore.

(2A) For the purposes of reckoning the number of days under subsection (2)(c) in which a woman has been employed or self-employed —

(a) the aggregate number of days need not immediately precede the day of her confinement;

(b) Saturdays, Sundays and public holidays shall be included, in the case of a female employee who is or was employed by an employer for a continuous period, or a self-employed woman who is or was engaged in her trade, business, profession or vocation for a continuous period;

(c) in the case of a female employee who is or was a daily-rated employee, the number of days shall be the actual number of days in which the female employee had worked;

(d) in the case of a self-employed woman who is or was engaged in her trade, business, profession or vocation for a non-continuous period, the number of days shall be the actual number of days in which the self-employed woman was engaged in her trade, business, profession or vocation; and

(e) where 2 or more periods of employment overlap, the overlapping periods shall be counted only once.

(3) Notwithstanding anything in the Employment Act (Cap. 91), no female employee shall be entitled to absent herself from work or to any payment under section 76 of that Act in respect of any confinement to which she is entitled to absent herself from work or to payment under section 9(1).

(3A) Despite anything in the Employment Act (Cap. 91), no female employee is entitled to receive payment under section 76 of that Act in respect of any period of her absence from work under section 76(1) of that Act for which she is entitled to receive payment under section 9(1A).

(4) Where a female employee absents herself from work during the whole or part of the benefit period for her confinement —

(a) if her confinement is her first or second specified event, the payment she is entitled to receive from her employer is an amount that —

(i) does not exceed \$10,000 for any of the following periods of absence:

(A) if the amount is paid under section 9(1)(a) or (b), for every 4 weeks of her absence from work under that provision after the first 8 weeks of such absence;

(B) if the amount is paid under section 9(1)(c)(ii) or (1A)(v)(A)(AB) or (B)(BB), for every 24 days of her absence from work under that provision after the first 8 weeks of her absence from work under section 9(1)(c)(i) or under section 76(1)(c)(i) of the Employment Act, as the case may be;

(C) if the amount is paid under section 9(1A)(i) or (iii), for every 4 weeks of her absence from work under that provision or under section 76(1)(a) or (b) of the Employment Act, as the case may be, after the first 8 weeks of her absence from work under section 76(1)(a) or (b) of that Act;

(D) if the amount is paid under section 9(1A)(v)(A)(AA) or (B)(BA), for every 24 days of her absence from work under section 76(1)(c)(ii) of the Employment Act after the first 8 weeks of her absence from work under section 76(1)(c)(i) of that Act;

(E) if the amount is paid under section 9(1B)(i) or (ii)(A), for every 4 weeks of her absence from work under that provision;

(F) if the amount is paid under section 9(1B)(ii)(B) or (iii), for every 24 days of her absence from work under that provision; and

(ii) does not exceed a total of \$20,000; and

(b) if her confinement is her third or subsequent specified event, the payment she is entitled to receive from her employer is an amount that —

(i) does not exceed \$10,000 for either of the following periods:

(A) if the amount is paid under section 9(1)(a), (b) or (c)(i), (1A)(ii) or (iv) or (1B)(i) or (ii)(A), for every 4 weeks of her absence from work;

(B) if the amount is paid under section 9(1)(c)(ii), (1A)(vi) or (1B)(ii)(B) or (iii), for every 24 days of her absence from work; and

(ii) does not exceed a total of \$40,000.

(5) Where a self-employed woman ceases to be actively engaged in her trade, business, profession or vocation during the whole or part of any period mentioned in section 9(4) or (4A) for her confinement —

(a) if her confinement is her first or second specified event, the payment she is entitled to receive from the Government under section 9(5)(a) is an amount that —

(i) does not exceed \$10,000 for any of the following periods:

(A) for every 4 weeks of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(b)(i) or (ii) which is after the first 8 weeks of such cessation;

(B) for every 24 days of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(b)(iii)(B) which is after the first 8 weeks of such cessation under section 9(4)(b)(iii)(A);

(C) for every 4 weeks of her cessation of active engagement in her trade, business, profession or vocation under section 9(4A)(c)(i) or (ii)(A) which is after the period of 8 weeks mentioned in section 9(5)(a)(ii)(B);

(D) for every 24 days of her cessation of active engagement in her trade, business, profession or vocation under section 9(4A)(c)(ii)(B) or (iii) which is after the period of 8 weeks mentioned in section 9(5)(a)(ii)(B); and

(ii) does not exceed a total of \$20,000; and

(b) if her confinement is her third or subsequent specified event, the payment she is entitled to receive from the Government under section 9(5)(b) is an amount that —

(i) does not exceed \$10,000 for any of the following periods:

(A) for every 4 weeks of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(b)(i), (ii) or (iii)(A) or (4A)(c)(i) or (ii)(A);

(B) for every 24 days of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(b)(iii)(B) or (4A)(c)(ii)(B) or (iii); and

(ii) does not exceed a total of \$40,000.

(5A) The payment that a female employee or a self-employed woman is entitled to receive from the Government under section 9(5A) for her confinement —

(a) is an amount that does not exceed \$10,000 for every 28 days; and

(b) is to be reduced in accordance with any regulations made under section 20, if —

(i) in the case of a female employee, her employer —

(A) has paid or is required to pay her any amount in respect of her confinement; and

(B) is entitled, upon such payment, to claim reimbursement from the Government under section 10 (whether or not pursuant to an exemption under section 22); or

(ii) where the female employee has made an election under section 12E(5) for the natural father or adoptive father of the child delivered during her confinement to take shared parental leave or claim lost income in respect of the child —

- (A) the father's employer —
- (AA) has paid or is required to pay the father an amount under section 12E(2) for shared parental leave in respect of the child; and
- (AB) the employer is entitled, upon such payment, to claim reimbursement from the Government under section 12G(1) (whether or not pursuant to an exemption under section 22); or
- (B) the father is entitled to claim his lost income under section 12E(3) in respect of the child for ceasing to be actively engaged in his trade, business, profession or vocation (whether or not pursuant to an exemption under section 22).
- (5B) To avoid doubt, a woman's entitlement under section 9 to absent herself from work or to payment applies only once for each confinement, regardless of the number of children born during that confinement.
- (6) The amounts of payment referred to in subsections (4), (5) and (5A)(a) shall be inclusive of any contribution to the Central Provident Fund which an employer, a female employee or a self-employed woman is liable to make under the Central Provident Fund Act (Cap. 36).
- (7) Subject to subsections (3) and (3A), nothing in section 9 and this section shall be construed as derogating from any other benefits that a female employee is entitled to during the benefit period under the terms of her contract of service or under any written law.
- (8) For the purposes of section 9(5A) to (10) and subsections (2), (2A), (5A), (6) and (7), and of any other provisions of this Act, and any regulations made under section 20, that may be prescribed —

“employed outside Singapore” means employed outside Singapore under a contract of service with an employer outside Singapore;

“female employee” includes any woman who —

- (a) is employed outside Singapore before her confinement; but
- (b) on the day of her confinement, is resident in Singapore and is no longer employed outside Singapore;

“self-employed outside Singapore” means engaged in, or carrying on, while resident outside Singapore, any trade, business, profession or vocation other than employment under a contract of service, and deriving income from that trade, business, profession or vocation;

“self-employed woman” includes any woman who —

- (a) is self-employed outside Singapore before her confinement; but
- (b) on the day of her confinement, is resident in Singapore and is no longer self-employed outside Singapore.

Reimbursement from Government for maternity benefits

10.—(1) Subject to subsections (2) and (3), section 12E and any regulations made under section 20, where an employer makes any payment to a female employee under section 9(1), (1A) or (1B) for her confinement, the employer is entitled to claim reimbursement from the Government —

- (a) if the employee's confinement is her first or second specified event, for —

(i) the amount paid to the employee —

(A) under section 9(1) for the period of her absence from work under that provision which is after the first 8 weeks of such absence;

(B) under section 9(1A) for such period of her absence from work under section 76(1) of the Employment Act (Cap. 91), or under section 9(1A), after the first 8 weeks of her absence from work under section 76(1) of that Act as she is entitled to receive payment under section 9(1A); or

(C) under section 9(1B) —

(CA) for the whole period of her absence from work under that provision, if that period does not exceed 8 weeks; or

(CB) if that period exceeds 8 weeks, for a period of 8 weeks of her absence from work under that provision; and

(ii) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect of such payment which is not recoverable from the employee's wages; and

(b) if the employee's confinement is her third or subsequent specified event, for —

(i) the amount paid to the employee —

(A) under section 9(1) or (1B) for the whole period of her absence from work under that provision; or

(B) under section 9(1A) for such period of her absence from work under section 76(1) of the Employment Act, or under section 9(1A), as she is entitled to receive payment under section 9(1A); and

(ii) any contribution which the employer has made under the Central Provident Fund Act in respect of such payment which is not recoverable from the employee's wages.

(2) The amount of reimbursement an employer shall be entitled to claim from the Government under subsection (1) in respect of a female employee —

(a) where subsection (1)(a) applies —

(i) shall not exceed \$10,000 for every 4 weeks or 24 days, as the case may be, of the employee's absence from work; and

(ii) shall not exceed a total of \$20,000; and

(b) where subsection (1)(b) applies —

(i) shall not exceed \$10,000 for every 4 weeks or 24 days, as the case may be, of the employee's absence from work; and

(ii) shall not exceed a total of \$40,000.

(3) An employer is not entitled to claim reimbursement from the Government for any amount that the employer is directed, on or after the date of commencement of section 6(1)(b) of the Child Development Co-Savings (Amendment No. 2) Act 2016, by any of the following to pay to a female employee, unless the direction has been withdrawn or reversed:

(a) by the Minister charged with the responsibility for manpower under section 35 of the Industrial Relations Act;

(b) by the Commissioner for Labour under section 115 of the Employment Act;

(c) by any court.

10A. [Repealed by Act 33 of 2016 wef 01/01/2017]

Recovery of payment by Government and employer

11.—(1) Where any payment has been made by an employer or the Government to an employee, or by the Government to a self-employed person under section 9, 12AA, 12AB, 12E or 12H or the repealed section 10A, 12A, 12K, 12KB or 12KC, as the case may be, by reason of a mistake of fact or in reliance on any false or misleading statement or document made or furnished by that employee or self-employed person —

(a) the employer (who is not the Government) may, if he has not been reimbursed by the Government for the payment to the employee under section 9, 12AA, 12E or 12H or the repealed section 10A, 12A, 12K or 12KB, as the case may be, recover the payment directly from the

employee;

(b) in the case of a payment made by the employer (who is the Government) or by the Government to an employee under section 9, 12AA, 12E or 12H or the repealed section 10A, 12A, 12K or 12KB, as the case may be, the Government may recover the payment or part thereof from the employee as a civil debt; and

(c) the Government may —

(i) where it has reimbursed the employer under section 10, 12AD, 12G or 12J or the repealed section 10A, 12A, 12K or 12KB, as the case may be, for the whole or any part of the payment to the employee, recover the payment or part thereof from the employee as a civil debt; or

(ii) where the payment is made to a self-employed person, recover the payment from that person as a civil debt.

(2) Where the Government is satisfied that an employer, despite all reasonable efforts to recover under subsection (1)(a) from his employee any payment he made under section 9, 12AA, 12E or 12H or the repealed section 10A, 12A, 12K or 12KB to the employee, has been unable to recover the whole or any part of the payment successfully, the Government shall reimburse the employer under section 10, 12AD, 12G or 12J or the repealed section 10A, 12A, 12K or 12KB, as the case may be, for the payment or part thereof not recovered by the employer.

(3) Where any payment has been made by an employer to an employee under section 12B by reason of a mistake of fact, in reliance on any false or misleading statement or document made or furnished by the employee, or for any childcare leave or extended childcare leave taken by the employee in any relevant period which is in excess of the childcare leave or extended childcare leave to which the employee is entitled under that section for that relevant period —

(a) the employer (who is not the Government) may, if he has not been reimbursed by the Government for the payment to the employee under that section, recover the payment directly from the employee;

(b) the employer (who is the Government) may, if it has made payment to the employee under that section, recover the payment or part thereof from the employee as a civil debt; and

(c) the Government may, where it has reimbursed the employer under section 12C or 12CA, as the case may be, for the whole or any part of the payment to the employee, recover the payment or part thereof from the employee as a civil debt.

(4) Where the Government is satisfied that an employer, despite all reasonable efforts to recover under subsection (3)(a) from his employee any payment he made under section 12B to the employee, has been unable to recover the whole or any part of the payment successfully, the Government shall reimburse the employer under section 12C or 12CA, as the case may be, for the payment or part thereof not recovered by the employer.

(5) Where any payment has been made by the Government to a self-employed person under section 12B by reason of a mistake of fact or in reliance on any false or misleading statement or document made or furnished by that person, the Government may recover that payment from that person as a civil debt.

(6) Where the Government has reimbursed an employer under section 10, 12AD, 12C, 12CA, 12G or 12J or the repealed section 10A, 12A, 12K or 12KB for any payment made by the employer to his employee, and the employer recovers the same payment or any part thereof directly from his employee under subsection (1)(a) or (3)(a), as the case may be —

- (a) the employer shall refund to the Government the amount of the payment or part thereof recovered from his employee within one month from the later of the following dates:
 - (i) the date the payment or part thereof is recovered from his employee; or
 - (ii) the date he receives the amount reimbursed; and
- (b) if the employer fails to do so, the Government may recover the amount reimbursed from the employer as a civil debt.
- (7) Any employer who contravenes subsection (6)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.
- (8) Notwithstanding anything in section 12B, where any amount has been paid by an employer to an employee under that section, and the Government has refused under section 12C(3) or (4) or 12CA(3) or (4) to reimburse the employer for that amount —
 - (a) the employer may recover that amount directly from the employee; and
 - (b) the recovery of that amount by the employer shall not be treated as a contravention of
- (9) In this section, any reference to the repealed section 10A, 12A, 12K, 12KB or 12KC is a reference to the section concerned as in force immediately before the date of commencement of section 8 of the Child Development Co-Savings (Amendment No. 2) Act 2016.

Application of certain provisions of Employment Act

- 12.—(1) Sections 77 to 84A and 86 of the Employment Act (Cap. 91) shall apply to a payment under section 9 and to any female employee to which this Part applies and for the purposes of such application, any reference in those sections of the Employment Act to —
- (a) a female employee shall be read as a reference to a female employee to which this Act applies;
 - (b) an employer shall be read as a reference to an employer to which this Act applies;
 - (c) “this Part” shall be read as a reference to Part III of this Act;
 - (d) “this Act” shall be read as a reference to this Act; and
 - (e) section 76 shall be read as a reference to section 9 of this Act.
- (2) Parts XIII and XVI and sections 124, 125 and 126 of the Employment Act, and such other provisions of that Act as the Minister charged with the responsibility for manpower may prescribe by order in the Gazette, apply, with such exceptions, adaptations and modifications as may be prescribed in the order, in relation to —
- (a) an employer or employee to whom section 9, 12AA, 12B, 12D, 12E or 12H applies or the repealed section 10A, 12K or 12KB (as in force immediately before the date of commencement of section 9 of the Child Development Co-Savings (Amendment No. 2) Act 2016) applied; [Act 33 of 2016 wef 01/01/2017]
 - (b) any dispute under this Part, or under any regulations made under section 20, between any such employer and any such employee; and
 - (c) any offence or proceedings under section 12AA, 12B, 12D, 12E, 12H or 17 (including any act or omission in respect of which a penalty is imposed),
- as they apply in relation to any employer, employee, dispute, offence or proceedings, as the case may be, under that Act.
- (3) Sections 115 to 123 of the Employment Act apply, with such exceptions, adaptations and modifications as the Minister charged with the responsibility for manpower may prescribe by order in the Gazette, to a dispute mentioned in subsection (2)(b), if a claim is lodged, before the date of commencement of section 36(b) of the Employment Claims Act 2016, under section 119

of the Employment Act in relation to that dispute.

12A. [Repealed by Act 33 of 2016 wef 01/01/2017]

Adoption leave for female employee

12AA.—(1) Subject to subsection (2), section 12AC and any regulations made under section 20, every female employee who applies to adopt a child in accordance with any written law relating to the adoption of children, and who satisfies the requirements of section 12AC, is entitled, within a period of 12 months commencing on the date of the child's birth, to absent herself from work on adoption leave —

(a) for a period of 12 weeks commencing on the eligibility date for the application to adopt the child;

(b) during a period of 12 weeks, as agreed to by her and her employer, commencing —

(i) not earlier than the eligibility date for the application to adopt the child; and

(ii) not later than the date the adoption order is made; or

(c) during —

(i) a period of 8 weeks, as agreed to by her and her employer, commencing —

(A) not earlier than the eligibility date for the application to adopt the child; and

(B) not later than the date the adoption order is made; and

(ii) one or more than one later period, each being of such duration as is agreed between the employee and her employer, and all of which in aggregate are equal in duration to 4 times the employee's weekly index or 24 days (whichever is the lower).

(2) Where, in any of the following circumstances, a female employee does not take any adoption leave to which she is entitled, she ceases to be entitled to that leave, and is not entitled to any payment in lieu of that leave:

(a) her employment is terminated (whether by resignation or dismissal, on the completion of her contract of service, or for any other reason);

(b) she does not take that leave within the period of 12 months commencing on the date of the child's birth.

(3) [Deleted by Act 33 of 2016 wef 01/07/2017]

(4) Subject to subsection (5), an employer shall pay a female employee who is entitled to adoption leave, her gross rate of pay for every day of such leave that is taken by the female employee.

(5) The payment that the female employee is entitled to receive from her employer under subsection (4) for adoption leave in respect of a child is an amount that —

(a) does not exceed \$10,000 for every 4 weeks or 24 days (as the case may be) of adoption leave taken by the female employee; and

(b) does not exceed a total of \$30,000.

(6) The amount of payment referred to in subsection (5) shall be inclusive of any contribution to the Central Provident Fund which an employer or an employee is liable to make under the Central Provident Fund Act (Cap. 36).

(7) [Deleted by Act 33 of 2016 wef 01/07/2017]

(8) Any employer who fails, without reasonable cause, to grant adoption leave to a female employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(9) Any employer who fails to pay his female employee in accordance with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(10) Where an employer has been convicted of an offence under subsection (9), the court may order the employer to make restitution of any moneys paid out to the employer by the Government under section 12AD which have not been paid to a female employee in accordance with this section.

(11) Where an employer who is convicted or found guilty of an offence under subsection (8) or (9) is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(12) For the purposes of subsection (11), a person is a repeat offender in relation to an offence under subsection (8) or (9) if the person who is convicted or found guilty of an offence under subsection (8) or (9) (referred to as the current offence) has been convicted or found guilty of an offence under subsection (8) or (9) on at least one other occasion before the date on which he is convicted or found guilty of the current offence.

(13) Nothing in this section shall be construed as derogating from any other benefits that a female employee is entitled to, during any period of adoption leave taken by her, under the terms of her contract of service or under any written law.

Adoption leave for self-employed woman

12AB.—(1) Subject to subsection (2), section 12AC and any regulations made under section 20, a self-employed woman who —

(a) applies to adopt a child in accordance with any written law relating to the adoption of children;

(b) satisfies the requirements of section 12AC;

(c) within a period of 12 months commencing on the date of the child's birth, ceases to be actively engaged in her trade, business, profession or vocation —

(i) for a period of 12 weeks commencing on the eligibility date for the application to adopt the child;

(ii) during a period of 12 weeks commencing —

(A) not earlier than the eligibility date for the application to adopt the child; and

(B) not later than the date the adoption order is made; or

(iii) during —

(A) a period of 8 weeks commencing —

(AA) not earlier than the eligibility date for the application to adopt the child; and

(AB) not later than the date the adoption order is made; and

(B) one or more than one later period, all of which in aggregate are equal in duration to 4 times her weekly index or 24 days (whichever is the lower); and

(d) has lost any income by reason of her ceasing to be actively engaged in that trade, business, profession or vocation,

is entitled to claim from the Government her lost income for the applicable period mentioned in subsection (2).

(2) A self-employed woman is entitled to receive from the Government under subsection (1), for ceasing to be actively engaged in her trade, business, profession or vocation, in respect of a child —

(a) if the making of the woman's application to adopt that child, or the issue of the dependant's pass in respect of that child, is the woman's first or second specified event —

(i) not more than \$10,000 for every 4 weeks or 24 days (as the case may be) of her cessation of active engagement in her trade, business, profession or vocation after the first 4 weeks of that cessation; and

(ii) not more than a total of \$20,000; or

(b) if the making of the woman's application to adopt that child, or the issue of the dependant's pass in respect of that child, is the woman's third or subsequent specified event —

(i) not more than \$10,000 for every 4 weeks or 24 days (as the case may be) of her cessation of active engagement in her trade, business, profession or vocation; and

(ii) not more than a total of \$30,000.

(3) [Deleted by Act 33 of 2016 wef 01/07/2017]

(4) The amount of payment referred to in subsection (2) shall be inclusive of any contribution to the Central Provident Fund which a self-employed woman is liable to make under the Central Provident Fund Act (Cap. 36).

Eligibility criteria for adoption leave

12AC. A female employee who applies to adopt a child in accordance with any written law relating to the adoption of children is entitled to adoption leave and payment under section 12AA, and a self-employed woman who applies to adopt a child in accordance with any written law relating to the adoption of children is entitled to payment under section 12AB, if —

(a) the eligibility date for the application is on or after the date of commencement of section 13 of the Child Development Co-Savings (Amendment No. 2) Act 2016;

(b) in the case of a female employee — she has served her employer for a period of at least 3 months preceding the eligibility date for the application;

(c) in the case of a self-employed woman — she has been carrying on her trade, business, profession or vocation for a continuous period of at least 3 months preceding the eligibility date for the application;

(d) the child is below the age of 12 months on the eligibility date for the application;

(e) where the child is not a citizen of Singapore on the date the application is made, and a dependant's pass in respect of the child has been issued —

(i) if the application is made in the sole name of the female employee or self-employed woman — the female employee or self-employed woman (as the case may be) is a citizen of Singapore on the date the dependant's pass is issued; or

(ii) if the application is made in the joint names of the female employee or self-employed woman and of her husband — either the female employee or self-employed woman (as the case may be) or her husband is a citizen of Singapore on the date the dependant's pass is issued; and

(f) the female employee or self-employed woman is not the natural mother of the child.

[Act 33 of 2016 wef 01/01/2017]

Reimbursement from, or payment by, Government for adoption leave

12AD.—(1) Subject to subsection (2) and any regulations made under section 20, where a female employee who takes adoption leave in respect of a child has received payment from her employer at her gross rate of pay under section 12AA(4), the employer is entitled to claim reimbursement from the Government —

(a) if the making of the employee's application to adopt that child, or the issue of a dependant's pass in respect of that child, is the employee's first or second specified event, for —

(i) the amount paid to the employee under section 12AA(4) for the period after the first 4 weeks of adoption leave taken by the employee; and

(ii) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect of the amount mentioned in sub-paragraph (i) which is not recoverable from the employee's wages; and

(b) if the making of the employee's application to adopt that child, or the issue of a dependant's pass in respect of that child, is the employee's third or subsequent specified event, for —

(i) the amount paid to the employee under section 12AA(4) for the whole period of adoption leave taken by the employee; and

(ii) any contribution which the employer has made under the Central Provident Fund Act in respect of the amount mentioned in sub-paragraph (i) which is not recoverable from the employee's wages.

(2) The reimbursement that an employer is entitled to claim from the Government under subsection (1) in respect of a female employee is an amount that —

(a) where subsection (1)(a) applies —

(i) does not exceed \$10,000 for every 4 weeks or 24 days (as the case may be) after the first 4 weeks of adoption leave taken by the female employee; and

(ii) does not exceed a total of \$20,000; or

(b) where subsection (1)(b) applies —

(i) does not exceed \$10,000 for every 4 weeks or 24 days (as the case may be) of adoption leave taken by the female employee; and

(ii) does not exceed a total of \$30,000.

(3) Where —

(a) the Government has reimbursed an employer for any payment made by the employer to a female employee under subsection (1); and

(b) the child referred to in section 12AA(1) whom the employee has applied to adopt —

(i) is not adopted by that employee within 12 months commencing on the date the application to adopt is made, or the dependant's pass in respect of the child is issued, as the case may be; or

(ii) where the child is not a citizen of Singapore by birth, does not become a citizen of Singapore within 6 months commencing on the date he is adopted by that employee, the Government may recover the payment from that employee as a civil debt.

(4) Where —

(a) any payment has been made by the Government to a self-employed woman under section 12AB(1); and

(b) the child referred to in that section whom the self-employed woman has applied to adopt —

(i) is not adopted by that self-employed woman within 12 months commencing on the date the application to adopt is made, or the dependant's pass in respect of the child is issued, as the case may be; or

[Act 33 of 2016 wef 01/07/2017]

(ii) where the child is not a citizen of Singapore by birth, does not become a citizen of Singapore within 6 months commencing on the date he is adopted by that self-employed woman, the Government may recover the payment from that self-employed woman as a civil debt.

Childcare leave and extended childcare leave and benefits for parent of qualifying child

12B.—(1) Subject to subsections (2) and (3) and any regulations made under section 20, where any employee —

(a) has served an employer for a period of not less than 3 months; and

(b) has any child who is below the age of 7 years, and who is, or who becomes, a qualifying child, at any time during any relevant period,

the employee shall be entitled to childcare leave (referred to in this section and section 12CA as childcare leave) for that relevant period of —

(i) 2 days, if he serves his employer for a period of less than 5 months during that relevant period;

(ii) 3 days, if he serves his employer for a period of not less than 5 months but less than 7 months during that relevant period;

(iii) 4 days, if he serves his employer for a period of not less than 7 months but less than 9 months during that relevant period;

(iv) 5 days, if he serves his employer for a period of not less than 9 months but less than 11 months during that relevant period; and

(v) 6 days, if he serves his employer for not less than 11 months during that relevant period.

(1A) Subject to subsection (2) and any regulations made under section 20, where any employee —

(a) has served an employer for a period of not less than 3 months; and

(b) has any child who is of or above the age of 7 years but below the age of 13 years, and who is, or who becomes, a qualifying child, at any time during any relevant period,

the employee shall be entitled to 2 days of extended childcare leave (referred to in this section and section 12CA as extended childcare leave) for that relevant period.

(2) An employee —

(a) shall not be entitled to —

(i) more than 42 days of childcare leave in respect of any qualifying child;

(ii) more than 12 days of extended childcare leave in respect of any qualifying child; and

(iii) more than a combined total of 6 days of childcare leave and extended childcare leave during any relevant period; and

(b) shall —

(i) take his first entitlement of childcare leave or extended childcare leave for a relevant period in that relevant period or the next succeeding relevant period; and

[Act 12 of 2013 wef 01/05/2013]

(ii) thereafter, take his next and each subsequent entitlement of childcare leave or extended childcare leave for a relevant period in the next succeeding relevant period and in each subsequent succeeding relevant period, respectively.

(c) [Deleted by Act 33 of 2016 wef 01/01/2017]

(3) Notwithstanding anything in section 87A of the Employment Act, when an employee

becomes entitled (whether before, on or after 1st April 2014) to childcare leave or extended childcare leave in relation to a qualifying child under this section, whether or not he has taken (before, on or after 1st April 2014) any childcare leave under section 87A of that Act and whether or not in relation to the same child before he becomes so entitled, then —

(a) he shall not be entitled to childcare leave under section 87A of that Act, or to payment from his employer under section 87A(5) of that Act, for so long as he is entitled to childcare leave or extended childcare leave under this section;

(b) any childcare leave taken under section 87A of that Act (before he became entitled to childcare leave or extended childcare leave under this section) in a relevant period shall be treated, for the purposes of this Act, as childcare leave or extended childcare leave taken under this section in that relevant period in relation to the qualifying child;

(c) where he has not received any payment from his employer under section 87A(5) of that Act in respect of any childcare leave already taken by him under section 87A of that Act, he shall be entitled to payment from his employer under subsection (9) in respect of the childcare leave so taken by him; and

(d) where he has received payment from his employer under section 87A(5) of that Act with respect to the childcare leave taken by him under section 87A of that Act, the payment shall be treated, for the purposes of this Act, as a payment made by his employer to him under subsection (9).

(4) [Deleted by Act 26 of 2013 wef 01/04/2014]

(5) Notwithstanding anything in section 87A of the Employment Act, when an employee —

(a) ceases to be entitled to childcare leave and extended childcare leave (whether before, on or after 1st April 2014) under this section; or

(b) ceases to be entitled to childcare leave (whether before, on or after 1st April 2014) and is not entitled to extended childcare leave under this section,

but has any child below the age of 7 years at any time during any relevant period, his entitlement, if any, to childcare leave under section 87A of that Act shall be affected in the following manner:

(i) he shall be entitled to 2 days of childcare leave under section 87A of that Act for that relevant period, if he had not taken any childcare leave or extended childcare leave under this section during that relevant period;

(ii) he shall be entitled to one day of childcare leave under section 87A of that Act for that relevant period, if he had taken one day of childcare leave or extended childcare leave under this section during that relevant period; and

(iii) he shall not be entitled to any childcare leave under section 87A of that Act for that relevant period, if he had taken 2 or more days in total of childcare leave or extended childcare leave or both under this section during that relevant period.

(6) [Deleted by Act 33 of 2016 wef 01/01/2017]

(6A) [Deleted by Act 33 of 2016 wef 01/01/2017]

(7) The childcare leave and extended childcare leave shall be in addition to —

(a) the rest days, holidays, annual leave and sick leave to which an employee is entitled under sections 36, 88, 88A and 89, respectively, of the Employment Act; and

(b) in the case of childcare leave, any unpaid infant care leave to which an employee may be entitled under section 12D.

(8) Subject to subsection (2)(b), an employer shall grant, and an employee who is entitled to

childcare leave or extended childcare leave shall take, the entitlement of childcare leave or extended childcare leave, as the case may be, for a relevant period not later than the last day of that relevant period, and any employee who fails to take that leave by that day —

(a) shall thereupon cease to be entitled to that leave; and

(b) shall not be entitled to any payment in lieu thereof.

(9) Subject to subsections (10) and (10A), an employer shall pay an employee who is entitled to childcare leave or extended childcare leave, as the case may be, his gross rate of pay for every day of such leave that is taken by the employee.

(10) Where an employee has taken 3 days of childcare leave, the amount of payment the employee is entitled to receive from his employer under subsection (9) shall not exceed \$500 for each subsequent day of childcare leave that the employee is entitled to under subsection (1) and that is taken by the employee.

(10A) The amount of payment an employee is entitled to receive from his employer under subsection (9) shall not exceed \$500 for each day of extended childcare leave that the employee is entitled to under subsection (1A) and that is taken by the employee.

(11) If the employment of an employee who is entitled to childcare leave or extended childcare leave, as the case may be, is terminated (whether by resignation or dismissal, upon the completion of his contract of service, or for any other reason) before he has taken the entitlement of childcare leave or extended childcare leave, as the case may be, for a relevant period, the employee —

(a) shall cease to be entitled to that leave upon the termination of his employment; and

(b) shall not be entitled to any payment in lieu thereof.

(11A) To avoid doubt, the employee ceases to be entitled to any childcare leave or extended childcare leave in respect of a qualifying child, and is not entitled to any payment in lieu of that leave, if —

(a) the qualifying child is adopted by another person, other than jointly with the employee; or

(b) the employee ceases to provide care, protection or supervision as a foster parent to the child under a voluntary care agreement as mentioned in section 11A of the Children and Young Persons Act (Cap. 38), or pursuant to an order under section 49(1)(b) or 49B(2), or section 49C (read with section 49B) of that Act.

(12) Any employer who fails, without reasonable cause, to grant childcare leave to an employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(13) Any employer who fails, without reasonable cause, to grant extended childcare leave to an employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(14) Any employer who fails to pay his employee in accordance with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(14A) Where an employer has been convicted of an offence under subsection (14), the court may order the employer to make restitution of any moneys paid out to the employer by the Government under section 12C or 12CA, as the case may be, which have not been paid to an

employee in accordance with this section.

(14B) Where an employer who is convicted or found guilty of an offence under subsection (12), (13) or (14) is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(14C) For the purposes of subsection (14B), a person is a repeat offender in relation to an offence under subsection (12), (13) or (14) if the person who is convicted or found guilty of an offence under subsection (12), (13) or (14) (referred to as the current offence) has been convicted or found guilty of —

- (a) an offence under subsection (12), (13) or (14); or
- (b) an offence under section 87A(7) or (7A) of the Employment Act in force before, on or after 1st May 2013,

on at least one other occasion on or after 1st May 2013 and before the date on which he is convicted or found guilty of the current offence.

(15) Subject to subsections (4) and (5), nothing in this section shall be construed as derogating from any other benefits that an employee is entitled to, during any period of childcare leave or extended childcare leave, as the case may be, taken by him, under the terms of his contract of service or under any written law.

(16) Subject to subsections (17), (18) and (19) and any regulations made under section 20, where on or after 17th August 2008 any self-employed person —

- (a) has been carrying on his trade, business, profession or vocation for a continuous period of not less than 3 months;
- (b) has any child who is below the age of 7 years, and who is, or who becomes, a qualifying child, at any time during any calendar year;
- (c) ceases to be actively engaged in his trade, business, profession or vocation for childcare purposes for not less than 4 days during that calendar year; and
- (d) has lost any income by reason of such cessation of active engagement in his trade, business, profession or vocation,

he shall be entitled to claim from the Government the income he would otherwise have derived from his trade, business, profession or vocation for —

- (i) one day, if he ceased to be actively engaged in his trade, business, profession or vocation for childcare purposes for 4 days during that calendar year;
- (ii) 2 days, if he ceased to be actively engaged in his trade, business, profession or vocation for childcare purposes for 5 days during that calendar year; and
- (iii) 3 days, if he ceased to be actively engaged in his trade, business, profession or vocation for childcare purposes for 6 or more days during that calendar year.

(16A) Subject to subsections (18A) and (19), where on or after 1st January 2013 any self-employed person —

- (a) has been carrying on his trade, business, profession or vocation for a continuous period of not less than 3 months;
- (b) has any child who is of or above the age of 7 years but below the age of 13 years, and who is, or who becomes, a qualifying child, at any time during any calendar year;
- (c) ceases to be actively engaged in his trade, business, profession or vocation for childcare purposes during one or more periods not exceeding 2 days during that calendar year; and
- (d) has lost any income by reason of such cessation of active engagement in his trade, business,

profession or vocation,

he shall be entitled to claim from the Government the income he would otherwise have derived from his trade, business, profession or vocation had he continued to be actively engaged in such trade, business, profession or vocation, during the period or periods, not exceeding 2 days, in which he had ceased to be actively engaged in his trade, business, profession or vocation.

(17) No self-employed woman shall be entitled to make a claim under subsection (16) in respect of any period of her cessation of active engagement in her trade, business, profession or vocation for which she is entitled to make a claim under section 9(4) or (4A), or was entitled to make a claim under the repealed section 9(4B) or (4C) or 10A(4) as in force immediately before the date of commencement of section 15(f) of the Child Development Co-Savings (Amendment No. 2) Act 2016.

(18) A self-employed person shall not be entitled to claim from the Government under subsection (16) —

- (a) more than 21 days of income lost by reason of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes in respect of any qualifying child; or
- (b) any income lost by reason of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes during any period occurring before 17th August 2008.

(18A) A self-employed person shall not be entitled to claim from the Government under subsection (16A) —

- (a) more than 12 days of income lost by reason of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes in respect of any qualifying child; or
- (b) any income lost by reason of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes during any period occurring before 1st January 2013.

(19) The amount of payment a self-employed person is entitled to claim from the Government under subsection (16) or (16A), as the case may be, shall not exceed \$500 for each day of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes.

(20) The amounts of payment referred to in subsections (10), (10A) and (19) shall be inclusive of any contribution to the Central Provident Fund which an employer, an employee or a self-employed person is liable to make under the Central Provident Fund Act (Cap. 36).

(21) In this section and sections 11, 12C and 12CA —

“child” , in relation to an employee or a self-employed person, includes —

- (a) any adopted child or stepchild of the employee or self-employed person; and
- (b) any child to whom the employee or self-employed person is providing care, protection and supervision as a foster parent under a voluntary care agreement as mentioned in section 11A of the Children and Young Persons Act, or pursuant to an order under section 49(1)(b) or 49B(2), or section 49C (read with section 49B) of that Act;

“qualifying child” means a child who is a citizen of Singapore;

“relevant period” , in relation to an employee, means —

- (a) any period of 12 months as is agreed to by the employee and his employer; or
- (b) **where there is no such agreement, a calendar year.**

Reimbursement from Government for childcare leave

12C.—(1) Subject to subsections (2), (3) and (4) and any regulations made under section 20, where an employer has made payment to an employee under section 12B(9) for not less than 4 days of childcare leave taken in any relevant period by the employee, the employer shall be entitled to claim reimbursement from the Government for the amount paid to the employee for —

- (a) one day of childcare leave, if the employer granted the employee 4 days of childcare leave during that relevant period;
- (b) 2 days of childcare leave, if the employer granted the employee 5 days of childcare leave during that relevant period; and
- (c) 3 days of childcare leave, if the employer granted the employee 6 days of childcare leave during that relevant period.

(2) Subject to subsections (3) and (4), the amount of reimbursement which an employer shall be entitled to claim from the Government under subsection (1) in respect of an employee —

- (a) shall not exceed \$500 for each day of childcare leave taken by the employee; and
- (b) shall not exceed \$1,500 in any calendar year.

(3) Notwithstanding subsections (1) and (2), the Government may refuse to reimburse an employer for any amount paid by the employer to an employee for any day of childcare leave taken by the employee in any calendar year, if the Government has already reimbursed the employer or any other employer or employers for the amount or amounts paid to the employee for a total of 3 days of childcare leave taken by the employee in that calendar year.

(4) Notwithstanding subsections (1) and (2), the Government may refuse to reimburse an employer for any amount paid by the employer to an employee for any day of childcare leave taken by the employee in respect of a qualifying child, if the Government has already reimbursed the employer or any other employer or employers for the amount or amounts paid to the employee for a total of 21 days of childcare leave taken by the employee in respect of that **qualifying child**.

Reimbursement from Government for extended childcare leave

12CA.—(1) Subject to subsections (2), (3) and (4) and any regulations made under section 20, where an employer has made payment to an employee under section 12B(9) for extended childcare leave taken in any relevant period by the employee, the employer shall be entitled to claim reimbursement from the Government for the amount paid to the employee for the extended childcare leave not exceeding 2 days.

(2) Subject to subsections (3) and (4), the amount of reimbursement which an employer shall be entitled to claim from the Government under subsection (1) in respect of an employee —

- (a) shall not exceed \$500 for each day of extended childcare leave taken by the employee; and
- (b) shall not exceed \$1,000 in any calendar year.

(3) Notwithstanding subsections (1) and (2), the Government may refuse to reimburse an employer for any amount paid by the employer to an employee for any day of extended childcare leave taken by the employee in any calendar year, if the Government has already reimbursed the employer or any other employer or employers for the amount or amounts paid to the employee for a total of 2 days of extended childcare leave taken by the employee in that calendar year.

(4) Notwithstanding subsections (1) and (2), the Government may refuse to reimburse an employer for any amount paid by the employer to an employee for any day of extended childcare leave taken by the employee in respect of a qualifying child, if the Government has already

reimbursed the employer or any other employer or employers for the amount or amounts paid to the employee for a total of 12 days of extended childcare leave taken by the employee in respect of that qualifying child.

Unpaid infant care leave for parent of qualifying child

12D.—(1) Subject to subsection (2) and any regulations made under section 20, where any employee —

- (a) has served an employer for a period of not less than 3 months; and
 - (b) has any child who is below the age of 2 years, and who is, or who becomes, a qualifying child, at any time during any relevant period,
- the employee shall be entitled to unpaid infant care leave of 6 days for that relevant period.

(2) An employee —

- (a) shall not be entitled to more than 12 days of unpaid infant care leave in respect of any qualifying child; and
- (b) shall —
 - (i) take his first entitlement of unpaid infant care leave of 6 days for a relevant period in that relevant period or the next succeeding relevant period; and
 - (ii) thereafter, take his next and each subsequent entitlement of unpaid infant care leave of 6 days for a relevant period in the next succeeding relevant period and in each subsequent succeeding relevant period, respectively.

(3) [Deleted by Act 33 of 2016 wef 01/01/2017]

(4) The unpaid infant care leave shall be in addition to —

- (a) the rest days, holidays, annual leave and sick leave to which an employee is entitled under sections 36, 88, 88A and 89, respectively, of the Employment Act (Cap. 91); and
- [Act 55 of 2018 wef 01/04/2019]

(b) any childcare leave to which an employee may be entitled under section 87A of the Employment Act or under section 12B.

(5) Subject to subsection (2)(b), an employer shall grant, and an employee who is entitled to unpaid infant care leave shall take, the entitlement of unpaid infant care leave for a relevant period not later than the last day of that relevant period, and any employee who fails to take that leave by that day —

- (a) shall thereupon cease to be entitled to that leave; and
- (b) shall not be entitled to any payment in lieu thereof.

(6) If the employment of an employee who is entitled to unpaid infant care leave is terminated (whether by resignation or dismissal, upon the completion of his contract of service, or for any other reason) before he has taken the entitlement of unpaid infant care leave for a relevant period, the employee —

- (a) shall cease to be entitled to that leave upon the termination of his employment; and
- (b) shall not be entitled to any payment in lieu thereof.

(6A) To avoid doubt, the employee ceases to be entitled to any unpaid infant care leave in respect of a qualifying child, and is not entitled to any payment in lieu of that leave, if —

- (a) the qualifying child is adopted by another person, other than jointly with the employee; or
- (b) the employee ceases to provide care, protection or supervision as a foster parent to the child under a voluntary care agreement as mentioned in section 11A of the Children and Young Persons Act, or pursuant to an order under section 49(1)(b) or 49B(2), or section 49C (read with

section 49B) of that Act.

(7) Any employer who fails, without reasonable cause, to grant unpaid infant care leave to an employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) for a subsequent offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(8) Nothing in this section shall be construed as derogating from any other benefits that an employee is entitled to, during any period of unpaid infant care leave taken by him, under the terms of his contract of service or under any written law.

(9) Notwithstanding anything to the contrary in the Employment Act, a period of unpaid infant care leave taken by an employee under this section shall count towards the length of the employee's service for the purposes of that Act.

(10) In this section —

“child” , in relation to an employee, includes —

(a) any adopted child or stepchild of the employee; and

(b) any child to whom the employee is providing care, protection and supervision as a foster parent under a voluntary care agreement as mentioned in section 11A of the Children and Young Persons Act, or pursuant to an order under section 49(1)(b) or 49B(2), or section 49C (read with section 49B) of that Act;

“qualifying child” means a child who is a citizen of Singapore;

“relevant period” , in relation to an employee, means —

(a) any period of 12 months as is agreed to by the employee and his employer; or

(b) where there is no such agreement, a calendar year.

Length of benefit period, etc., in respect of shared parental leave

12E.—(1) This section applies to a male employee or a self-employed man, if —

(a) he is —

(i) the natural father of a child and satisfies the requirements of section 12F(1); or

(ii) the adoptive father of a child and satisfies the requirements of section 12F(1A); and

(b) the appropriate applicant in subsection (6) has made an election under subsection (5) for him —

(i) to take shared parental leave, in accordance with subsection (2); or

(ii) to claim lost income in accordance with subsection (3).

(2) Subject to this section and section 12F and any regulations made under section 20, the male employee mentioned in subsection (1) is entitled —

(a) to absent himself from work on shared parental leave, within the period of 12 months commencing on the date of the child's birth, for —

(i) one period equal in duration to N weeks;

(ii) more than one period, each being of one or more whole weeks, and all of which in aggregate are equal in duration to N weeks; or

(iii) more than one period, each being of such duration as is agreed between him and his employer, and all of which in aggregate are equal in duration to N times the lower of the male employee's weekly index or 6 days; and

(b) to receive from his employer his gross rate of pay for each day of such leave that is taken by him.

(3) Subject to this section and section 12F and any regulations made under section 20, if the self-employed man mentioned in subsection (1) —

(a) within 12 months commencing on the date of the child's birth, ceases to be actively engaged in his trade, business, profession or vocation during one or more than one period, all of which in aggregate are equal in duration to N times the lower of the self-employed man's weekly index or 6 days; and

(b) has lost any income by reason of his ceasing to be actively engaged in that trade, business, profession or vocation,

he is entitled to claim from the Government his lost income for each period of cessation of active engagement in his trade, business, profession or vocation mentioned in paragraph (a).

(4) The adoptive father of a child can do either of the following only after the eligibility date of the adoptive father's joint application with the child's adoptive mother to adopt the child:

(a) take shared parental leave in accordance with subsection (2);

(b) claim lost income in accordance with subsection (3).

(5) The appropriate applicant mentioned in subsection (6) may make an election for the natural father or adoptive father (as the case may be) of the child —

(a) to take N weeks of shared parental leave in accordance with subsection (2); or

(b) to claim N weeks of lost income in accordance with subsection (3).

(5A) An election under subsection (5) —

(a) must be made in such form and manner as the Minister may provide;

(b) must be made within 12 months commencing on the date of the child's birth; and

(c) except as otherwise provided in subsection (9A) or by any regulations made under section 20, is irrevocable.

(6) The appropriate applicant is —

(a) in the case of an election under subsection (5) for the natural father of the child to take shared parental leave or claim lost income — the mother of the child, being a female employee to whom section 9(1), (1A) or (1B) applies or a self-employed woman to whom section 9(4) or (4A) applies, in respect of the delivery of the child;

(b) in the case of an election under subsection (5) for the adoptive father of the child to take shared parental leave or claim lost income — the adoptive mother of the child, being —

(i) a female employee to whom section 12AA applies, or a self-employed woman to whom section 12AB applies, in respect of an application to adopt the child; or

(ii) a female employee to whom section 9(1), (1A) or (1B) or a self-employed woman to whom section 9(4) or (4A) applies, in respect of the delivery of the child.

(7) Where a female employee makes an election under subsection (5) in favour of the natural father or adoptive father (as the case may be) of the child, the female employee's entitlement under section 9(1), (1A) or (1B) in respect of her delivery of the child, or under section 12AA in respect of her joint application with the child's adoptive father to adopt the child, is reduced by N weeks, taken from the last N weeks of that entitlement.

(7A) Where a self-employed woman makes an election under subsection (5) in favour of the natural father or adoptive father (as the case may be) of the child, the self-employed woman's entitlement under section 9(4) or (4A) in respect of her delivery of the child, or under section

12AB in respect of her joint application with the child's adoptive father to adopt the child, is reduced by N weeks, taken from the last N weeks of that entitlement.

(8) In this section and sections 12F and 12G, "N" is the integer 1, 2, 3 or 4, as specified by the appropriate applicant mentioned in subsection (6) in her election made under subsection (5).

(9) Subject to any regulations made under section 20 that provide otherwise, a male employee or self-employed man forfeits any part of his entitlement under subsection (2) or (3) that is not consumed within the period of 12 months commencing on the date of the child's birth.

(9A) Subject to any regulations made under section 20 that provide otherwise, if, at any time after a child's natural mother or adoptive mother makes an election under subsection (5) but within the period of 12 months commencing on the date of the child's birth —

(a) the employment of the child's natural father or adoptive father is terminated (whether by resignation or dismissal, on the completion of his contract of service, or for any other reason); or

(b) the natural father or adoptive father ceases to be actively engaged in his trade, business, profession or vocation,

then —

(i) the election is revoked as regards each whole week of the father's entitlement under subsection (2) or (3) that is not consumed at the time his employment is terminated or he ceases to be actively engaged in his trade, business, profession or vocation (as the case may be); and

(ii) any remaining period of that entitlement is forfeited.

[Act 33 of 2016 wef 01/07/2017]

(10) Any employer who fails, without reasonable cause, to grant shared parental leave to a male employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(11) Any employer who fails to pay his male employee in accordance with this section and section 12F shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(12) Where an employer has been convicted of an offence under subsection (11), the court may order the employer to make restitution of any moneys paid out to the employer by the Government under section 12G which have not been paid to a male employee in accordance with this section and section 12F.

(13) Where an employer who is convicted or found guilty of an offence under subsection (10) or (11) is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(14) For the purposes of subsection (13), a person is a repeat offender in relation to an offence under subsection (10) or (11) if the person who is convicted or found guilty of an offence under subsection (10) or (11) (referred to as the current offence) has been convicted or found guilty of an offence under subsection (10) or (11) on at least one other occasion before the date on which he is convicted or found guilty of the current offence.

Eligibility criteria and cap in respect of shared parental leave benefits

12F.—(1) A male employee who is the natural father of a child is entitled to absent himself from work on shared parental leave, and to payment by his employer, under section 12E(2), and a self-employed man who is the natural father of a child is entitled to payment by the Government under section 12E(3), if —

(a) the mother's confinement in respect of the child occurs, or the estimated delivery date for that confinement is, on or after the date of commencement of section 18(2) of the Child Development Co-Savings (Amendment No. 2) Act 2016;

(b) the child —

(i) is a citizen of Singapore at the time of the child's birth; or

(ii) becomes a citizen of Singapore within 12 months commencing on the date of the child's birth;

(c) the child's mother was lawfully married to the child's natural father —

(i) at the time the child was conceived;

(ii) after the child was conceived but before the child's birth; or

(iii) within 12 months commencing on the date of the child's birth but on or before the date she makes an election under section 12E(5) in favour of the child's natural father, whether or not such marriage remains subsisting at the time of the child's birth or at the time of the election.

(1A) A male employee who is the adoptive father of a child is entitled to absent himself from work on shared parental leave, and to payment by his employer, under section 12E(2), and a self-employed man who is the adoptive father of a child is entitled to payment by the Government under section 12E(3), if —

(a) the adoptive father has made a joint application with the child's adoptive mother to adopt the child;

(b) the eligibility date for the joint application to adopt the child is on or after the date of commencement of section 18(2) of the Child Development Co-Savings (Amendment No. 2) Act 2016;

(c) on or before the date that the adoptive mother makes an election under section 12E(5) in favour of the adoptive father, the adoptive father is lawfully married to the adoptive mother; and

(d) where the child is not a citizen of Singapore, the adoptive father or the adoptive mother is a citizen of Singapore on the date a dependant's pass is issued in respect of the child.

(2) Subject to any regulations made under section 20, where a male employee absents himself from work on shared parental leave for any period mentioned in section 12E(2)(a), the payment he is entitled to receive from his employer under section 12E(2)(b) is an amount that —

(a) does not exceed \$2,500 per week of the male employee's absence from work under section 12E(2)(a); and

(b) does not exceed a total of N times \$2,500.

(3) Subject to any regulations made under section 20, where a self-employed man ceases to be actively engaged in his trade, business, profession or vocation during any period mentioned in section 12E(3), he is entitled to receive from the Government under that section an amount that —

(a) does not exceed \$2,000 per week of his cessation of active engagement in his trade, business, profession or vocation; and

(b) does not exceed a total of N times \$2,500.

(4) The amounts of payment referred to in subsections (2) and (3) shall be inclusive of any contribution to the Central Provident Fund which an employer, a male employee or a self-employed man is liable to make under the Central Provident Fund Act (Cap. 36).

(5) Nothing in this section and section 12E shall be construed as derogating from any other

benefits that a male employee is entitled to, during the period in which he is entitled to shared parental leave and to payment for such leave, under the terms of his contract of service or under any written law.

Reimbursement from Government for, and recovery by the Government of, shared parental leave benefits

12G.—(1) Subject to subsection (2) and any regulations made under section 20, where an employer makes payment to a male employee under section 12E(2), he shall be entitled to claim reimbursement from the Government for —

- (a) the amount paid to the employee under section 12E(2) for the period of his absence from work under that provision; and
- (b) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect of such payment which is not recoverable from the employee's wages.

(2) The reimbursement that an employer is entitled to claim from the Government under subsection (1) in respect of a male employee is an amount that —

- (a) does not exceed \$2,500 per week of the male employee's absence from work under section 12E(2)(a); and
- (b) does not exceed a total of N times \$2,500.

(3) Where —

- (a) the Government has reimbursed an employer under subsection (1) for any payment made by the employer to a male employee who has applied to adopt a child; and

(b) the child —

(i) is not adopted by that male employee within 12 months commencing on the eligibility date of the application to adopt the child; or

(ii) if not a citizen of Singapore by birth — does not become a citizen of Singapore within 6 months commencing on the date the child is adopted by that male employee, the Government may recover that payment from that male employee as a civil debt.

(4) Where —

- (a) the Government has made any payment under section 12E(3) to a self-employed man who has applied to adopt a child; and

(b) the child —

(i) is not adopted by that self-employed man within 12 months commencing on the eligibility date of the application to adopt the child; or

(ii) if not a citizen of Singapore by birth — does not become a citizen of Singapore within 6 months commencing on the date the child is adopted by that self-employed man, the Government may recover that payment from that self-employed man as a civil debt.

Length of benefit period, etc., in respect of paternity leave

12H.—(1) Subject to subsection (5) and any regulations made under section 20, every male employee, who is the natural father of a child and who satisfies the requirements of section 12I(1), or who is the adoptive father of a child and who satisfies the requirements of section 12I(2), shall be entitled to absent himself from work on paternity leave for —

- (a) a period of 2 weeks, which must be consumed within 16 weeks commencing on the date of the child's birth; or

(b) one or more than one period, each being of such duration as is agreed between the employee and his employer, all of which in aggregate are equal in duration to twice the

employee' s weekly index or 12 days (whichever is the lower), and all of which must be consumed within 12 months commencing on the date of the birth of the child.

(2) An employer shall grant an employee his entitlement to paternity leave in accordance with this Act and pay the employee who is entitled to such leave his gross rate of pay for every day of such leave that is taken by the employee.

(3) Where the employment of a male employee is terminated (whether by resignation or dismissal, upon the completion of his contract of service, or for any other reason) before he has exercised, wholly or partly, his entitlement to absent himself from work on paternity leave, he shall forfeit his entitlement (or the balance thereof) upon the termination of his employment.

(4) Subject to subsection (5) and any regulations made under section 20, a self-employed man who —

(a) is the natural father of a child and satisfies the requirements of section 12I(1), or is the adoptive father of a child and satisfies the requirements of section 12I(2);

(b) within 12 months commencing on the date of the child' s birth, ceases to be actively engaged in his trade, business, profession or vocation during one or more than one period, all of which in aggregate are equal in duration to twice his weekly index or 12 days (whichever is the lower); and

(c) has lost any income by reason of his ceasing to be actively engaged in that trade, business, profession or vocation,

is entitled to claim from the Government his lost income for each period of cessation of active engagement in his trade, business, profession or vocation mentioned in paragraph (b).

(5) Every male employee or self-employed man who is the adoptive father of a child and who satisfies the requirements of section 12I(2) shall only be entitled to take the paternity leave commencing not earlier than —

(a) the date on which an application is made by the adoptive father to adopt the child, where the child is a citizen of Singapore; or

(b) the date on which the dependant' s pass in respect of the child is issued, where the child is not a citizen of Singapore.

(6) [Deleted by Act 26 of 2013 wef 01/04/2014]

(7) Any employer who fails, without reasonable cause, to grant paternity leave to a male employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(8) Any employer who fails to pay his male employee in accordance with this section and section 12I shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(9) Where an employer has been convicted of an offence under subsection (8), the court may order the employer to make restitution of any moneys paid out to the employer by the Government under section 12J which have not been paid to a male employee in accordance with this section and section 12I.

(10) Where an employer who is convicted or found guilty of an offence under subsection (7) or (8) is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(11) For the purposes of subsection (10), a person is a repeat offender in relation to an offence

under subsection (7) or (8) if the person who is convicted or found guilty of an offence under subsection (7) or (8) (referred to as the current offence) has been convicted or found guilty of an offence under subsection (7) or (8) on at least one other occasion before the date on which he is convicted or found guilty of the current offence.

Eligibility criteria and cap in respect of paternity leave benefits

12I.—(1) A male employee who is the natural father of a child shall be entitled to absent himself from work on paternity leave and to payment under section 12H(1) and (2), and a self-employed man who is the natural father of a child shall be entitled to payment by the Government under section 12H(4), if —

(a) the mother's confinement in respect of the child occurs, or the estimated delivery date for that confinement is, on or after the date of commencement of section 21(a) of the Child

Development Co-Savings (Amendment No. 2) Act 2016;

[Act 33 of 2016 wef 01/01/2017]

(b) the child delivered during the mother's confinement is —

(i) a citizen of Singapore at the time of his birth; or

(ii) not a citizen of Singapore at the time of his birth but becomes a citizen of Singapore

within the period of 12 months commencing on the date of his birth;

(c) the child's mother —

(i) is lawfully married to the child's natural father at the time the child is conceived;

(ii) becomes lawfully married to the child's natural father after the child is conceived but before the child's birth, whether or not such marriage remains subsisting at the time of the birth of the child; or

(iii) is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth, but becomes lawfully married to the child's natural father within the period of 12 months commencing on the date of the birth of the child;

(d) in the case of a male employee, he has served the employer for a period of at least 3 months preceding the date of the birth of the child; and

(e) in the case of a self-employed man, he has been carrying on his trade, business, profession or vocation for a continuous period of at least 3 months preceding the date of the birth of the child.

(1A) To avoid doubt, where a male employee or a self-employed man is the natural father of a child, his entitlement under section 12H(1) or (2) or section 12H(4) (as the case may be) applies only once for each confinement of the child's mother, regardless of the number of children born during that confinement.

(2) A male employee who is the adoptive father of a child shall be entitled to absent himself from work on paternity leave and to payment under section 12H(1) and (2), and a self-employed man who is the adoptive father of a child shall be entitled to payment by the Government under section 12H(4), if —

(a) the eligibility date for the application to adopt the child is on or after the date of commencement of section 21(c) of the Child Development Co-Savings (Amendment No. 2) Act 2016;

(b) [Deleted by Act 33 of 2016 wef 01/01/2017]

(c) where the child is not a citizen of Singapore, the adoptive father or his wife, if she is a joint

applicant to the adoption, is a citizen of Singapore on the date the dependant's pass is issued in respect of the child;

(d) in the case of a male employee, he has served his employer for a period of at least 3 months before the eligibility date for the application to adopt the child;

[Act 33 of 2016 wef 01/01/2017]

(e) in the case of a self-employed man, he has been carrying on his trade, business, profession or vocation for a continuous period of at least 3 months before the eligibility date for the application to adopt the child; and

(f) he is not the natural father of the child.

(3) Subject to any regulations made under section 20, where a male employee absents himself from work on paternity leave for any period mentioned in section 12H(1), the payment he is entitled to receive from his employer under section 12H(2) is an amount that —

(a) does not exceed \$2,500 per week of the male employee's absence from work under section 12H(1); and

(b) does not exceed a total of \$5,000.

(4) Subject to any regulations made under section 20, where a self-employed man ceases to be actively engaged in his trade, business, profession or vocation during any period mentioned in section 12H(4), the payment he is entitled to receive from the Government under section 12H(4) is an amount that —

(a) does not exceed \$2,500 per week of his cessation of active engagement in his trade, business, profession or vocation; and

(b) does not exceed a total of \$5,000.

(5) The amounts of payment referred to in subsections (3) and (4) shall be inclusive of any contribution to the Central Provident Fund which an employer, a male employee or a self-employed man is liable to make under the Central Provident Fund Act (Cap. 36).

(6) Nothing in this section and section 12H shall be construed as derogating from any other benefits that a male employee is entitled to, during the period in which he is entitled to paternity leave and to payment for such leave, under the terms of his contract of service or under any written law.

(7) [Deleted by Act 33 of 2016 wef 01/01/2017]

Reimbursement from Government for paternity leave benefits

12J.—(1) Subject to subsection (2) and any regulations made under section 20, where an employer makes payment to a male employee under section 12H(2), he shall be entitled to claim reimbursement from the Government, for —

(a) the amount paid to the employee under section 12H(2) for the period of his absence from work under that provision; and

(b) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect of such payment which is not recoverable from the employee's wages.

(2) The reimbursement an employer is entitled to claim from the Government under subsection (1) in respect of a male employee is an amount that —

(a) does not exceed \$2,500 per week of the male employee's absence from work under section 12H(1); and

(b) does not exceed a total of \$5,000.

(3) Where —

(a) the Government has reimbursed an employer for any payment made by the employer to a male employee under subsection (1); and

(b) the child referred to in section 12I(2) whom the employee has applied to adopt —

(i) is not adopted by that employee within 12 months commencing on the date the application to adopt is made, or the dependant's pass in respect of the child is issued, as the case may be; and

(ii) where the child is not a citizen of Singapore by birth, does not become a citizen of Singapore within 6 months commencing on the date he is adopted by that employee, the Government may recover that payment from that employee as a civil debt.

(4) Where —

(a) any payment has been made by the Government to a self-employed man under section 12H(4); and

(b) the child referred to in section 12I(2) whom the self-employed man has applied to adopt —

(i) is not adopted by that self-employed man within 12 months commencing on the date the application to adopt is made, or the dependant's pass in respect of the child is issued, as the case may be; and

(ii) where the child is not a citizen of Singapore by birth, does not become a citizen of Singapore within 6 months commencing on the date he is adopted by that self-employed man, the Government may recover that payment from that self-employed man as a civil debt.

12K. [Repealed by Act 33 of 2016 wef 01/01/2017]

12KA. [Repealed by Act 33 of 2016 wef 01/01/2017]

12KB. [Repealed by Act 33 of 2016 wef 01/01/2017]

12KC. [Repealed by Act 33 of 2016 wef 01/01/2017]

Payments to include holidays

12L.—(1) For the avoidance of doubt, the payment for any benefit period referred to in sections 12AA, 12AB, 12E and 12H shall be paid for every day of the benefit period, including holidays.

(2) Nothing in this section shall be construed to require an employer to pay an employee an extra day's salary for a holiday which falls within any of the benefit period referred to in subsection (1).

No payment under this Part on certain days for employee on leave of absence without pay

12M.—(1) No female employee is entitled to any payment under this Part for any day on which the female employee is entitled to be absent from work or receive payment under section 9(1), (1A) or (1B), if that day falls on a day the female employee takes leave of absence without pay granted by the employer at the female employee's request.

(2) No employee is entitled to take —

(a) paid adoption leave;

(b) paid childcare leave or paid extended childcare leave;

(c) paid shared parental leave; or

(d) paid paternity leave,

under this Part on a day the employee takes leave of absence without pay granted by the employer at the employee's request.

Exclusion of certain classes of persons

13. This Part or any provision of this Part shall not apply to —

- (a) such class or classes of employees;
 - 8]
 - (b) such class or classes of self-employed persons; and
 - (c) such class or classes of employers,
- as the Minister may, by notification in the Gazette, specify.

PART IV
MISCELLANEOUS
Disputes

- 14.—(1) Any question or dispute arising from or in connection with —
- (a) the eligibility of a child for membership of the Scheme;
 - (b) the payment of any moneys to an approved person;
 - (c) the entitlement of a person to make a withdrawal of moneys under the Scheme;
 - (d) the entitlement of a self-employed woman to any payment under section 9 or 12AB or the repealed section 10A or 12A;
 - (da) the entitlement of a self-employed person to any payment under section 12B;
 - (db) the entitlement of a female employee to any payment from the Government under section 9(5A) or (6B);
 - (dc) the entitlement of a self-employed man to any payment under section 12E or 12H or the repealed section 12K or 12KC;
 - (e) the entitlement of an employer to reimbursement from the Government under section 10, 11, 12AD, 12C, 12CA, 12G or 12J or the repealed section 10A, 12A, 12K or 12KB; or
 - (f) such other matter under Part II or III or the repealed section 10A, 12A, 12K, 12KA, 12KB or 12KC as the Minister may determine,
- shall be referred to the Minister for decision within one month from the date on which the question or dispute arises or such other later time as the Minister may allow.
- (2) The decision of the Minister under subsection (1) shall be final and conclusive.
- (3) In this section, any reference to the repealed section 10A, 12A, 12K, 12KA, 12KB or 12KC is a reference to the section concerned as in force immediately before the date of commencement of section 25(f) of the Child Development Co-Savings (Amendment No. 2) Act 2016.

Notification of change of residence

- 15.—(1) Every parent of a member shall notify the Minister of any change in his place of residence.
- (2) Every parent who makes a report of the change of his place of residence under section 8 of the National Registration Act (Cap. 201) shall be deemed to have complied with subsection (1).

False or misleading statement

- 16.—(1) Any person who for any purpose connected with this Act —
- (a) knowingly makes any false or misleading statement; or
 - (b) produces or furnishes or causes or knowingly allows to be produced or furnished any document which he knows to be false or misleading in a material particular,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.
- (2) Where a person has been convicted by the court of having made any false or misleading statement or having produced or furnished any document which is false or misleading in any

material particular under subsection (1), the court may order that person to make restitution of any moneys paid out to that person by the Government in reliance of the false or misleading statement or document.

Offences and penalties

17.—(1) Any employer who —

- (a) fails, without reasonable cause, to grant maternity leave, in accordance with sections 9 and 9A, to a female employee who is entitled to and requests for such leave;
 - (b) fails to pay his female employee in accordance with sections 9 and 9A;
 - (c) fails to pay his female employee in accordance with any provision of sections 77 to 80, 84(1) and 84A(1) of the Employment Act (Cap. 91) as made applicable by section 12;
 - (d) acts in contravention of section 81 of the Employment Act as made applicable by section 12;
- or

(e) acts in contravention of section 82 of the Employment Act as made applicable by section 12, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(1A) Where an employer who is convicted or found guilty of an offence under subsection (1)(a), (b), (c), (d) or (e) is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(1AA) For the purposes of subsection (1A), a person is a repeat offender in relation to an offence under subsection (1)(a), (b), (c), (d) or (e) if the person who is convicted or found guilty of an offence under subsection (1)(a), (b), (c), (d) or (e) (referred to as the current offence) has been convicted or found guilty of —

- (a) an offence under subsection (1)(a), (b), (c), (d) or (e); or
- (b) an offence under section 82 or 87(1) of the Employment Act in force before, on or after 1st May 2013,

on at least one other occasion on or after 1st May 2013 and before the date on which he is convicted or found guilty of the current offence.

(1B) [Deleted by Act 55 of 2018 wef 01/04/2019]

(2) Where an employer has been convicted of an offence under subsection (1)(b), (c) or (d), the court may order that employer to make restitution of any moneys paid out to that employer by the Government under section 10 which has not been paid to the female employee in accordance with the provisions of Part III.

Holding out as approved person

18.—(1) Where any person holds himself or itself out to be an approved person when the person is not an approved person, such person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) [Deleted by Act 28/2008 wef 31/10/2008]

(3) Where the person referred to in subsection (1) is a partnership, every partner, other than a partner who is proved to have been ignorant of or attempted to prevent the commission of the offence, shall be guilty of the offence under subsection (1) and liable to be proceeded against and punished accordingly.

Offence by body corporate

18A. Where —

- (a) an offence under this Act is committed by a body corporate; and
- (b) it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of —

- (i) any director, manager, secretary or other similar officer of the body corporate; or
 - (ii) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Composition of offences

19.—(1) The Minister or any person authorised by him may, in his discretion, compound any offence under section 11, 16 or 18 or any regulations made under this Act by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$5,000.

(2) The Commissioner for Labour may, in his discretion, compound any offence under section 12AA, 12B, 12D, 12E, 12H or 17 by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

Regulations

20.—(1) The Minister may make such regulations as may be necessary or expedient for the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations relating to —

- (a) the terms and conditions, manner and method of —

- (i) any payment to any female or male employee or self-employed man or woman under section 9, 12AA, 12AB, 12E or 12H, as the case may be; and

- (ii) any payment to any employee or self-employed person under section 12B;

[Act 12 of 2013 wef 01/05/2013]

- (b) the manner of and method for determining —

- (i) the income which a self-employed man or woman is entitled to claim from the Government under section 9, 12AB, 12E or 12H, as the case may be; and

[Act 17 of 2016 wef 01/07/2016]

[Act 33 of 2016 wef 01/01/2017]

- (ii) the income which a self-employed person is entitled to claim from the Government under section 12B;

[Act 12 of 2013 wef 01/05/2013]

- (c) the manner of and method for determining the amount of reimbursement which an employer is entitled to claim under section 10, 12AD, 12C, 12CA, 12G or 12J and the terms and conditions subject to which the employer may be reimbursed;

- (d) the authority responsible for the assessment and payment of —

- (i) the income which a self-employed man or woman is entitled to claim under section 9, 12AB, 12E or 12H, as the case may be;

- (ii) the income which a self-employed person is entitled to claim under section 12B; and

- (iii) the reimbursement which an employer is entitled to claim under section 10, 12AD, 12C, 12CA, 12G or 12J;

- (e) the registers and records to be maintained for the purposes of Part III and the forms and contents thereof; and

(f) the prescribing of anything that may be prescribed under this Act.

(2A) Without prejudice to the generality of subsection (1), the Minister may make regulations to provide for Part III and any regulations made under this section to apply, with such modifications as may be specified, to any part-time employee or class of part-time employees.

(3) Any regulations made under this section may provide that any act or omission in contravention of any regulation shall be an offence and may provide for the imposition of penalties for such offence not exceeding a fine of \$20,000 or imprisonment for a term not exceeding 12 months or both.

Class exemption

21. The Minister may, by order published in the Gazette, exempt any class of persons from complying with any provision of this Act or any regulations made thereunder, subject to such terms or conditions as may be specified in the order.

Exemption on application

22.—(1) The Minister may, on the application of any person, exempt that person from complying with any requirement of this Act or any regulations made thereunder.

(2) An exemption under subsection (1) —

- (a) may be granted subject to such terms or conditions as the Minister considers appropriate;
- (b) shall have effect for such period as the Minister considers appropriate;
- (c) shall be in writing and sent by the Minister to the person to whom the exemption is granted; and
- (d) need not be published in the Gazette.

(3) An exemption under this section shall, unless previously revoked in accordance with the terms of such exemption, continue in force for such period as may be specified in the exemption.

(4) The Minister may, on the application of any person —

- (a) extend the period for which an exemption granted under subsection (1) has effect;
- (b) vary or revoke any existing term or condition specified in an exemption granted under subsection (1);
- (c) revoke, whether wholly or partly, any exemption granted to a person under subsection (1); or
- (d) impose additional terms or conditions in an exemption granted under subsection (1).

(5) In this section, any reference to the Minister shall include a reference to any of the following persons designated by the Minister to exercise the power to exempt under this section in place of the Minister:

- (a) a Second Minister, Minister of State or Senior Minister of State for his Ministry;
- (b) a Parliamentary Secretary or Senior Parliamentary Secretary to his Ministry.

THE SCHEDULE

Section 2(1) and (3)

WEEKLY INDEX

PART 1

WEEKLY INDEX DETERMINED
ACCORDING TO WORK PATTERN

<i>First column</i>		<i>Second column</i>
<i>Work pattern</i>		<i>Weekly index</i>
1.	Number of work days in a week is the same in every week	Number of work days in a week
2.	Number of work days varies from one week to another, but there is a consistent or regular pattern repeated over a fixed number of weeks	$\frac{T}{W}$ <p>where T is the total number of work days in the fixed number of weeks over which the pattern is repeated; and</p> <p>W is the fixed number of weeks over which the pattern is repeated</p>
3.	Number of work days varies from one week to another, and there is no consistent or regular pattern repeated over a fixed number of weeks	$\frac{T}{3}$ <p>where T is the total number of work days in the period of 3 weeks immediately preceding the applicable date determined according to Part 2 of this Schedule</p>

Notes on Table:

1. In this Table, the work pattern of a male or female employee is determined in accordance with the employee's contract of service as in force on the date immediately before the applicable date determined according to Part 2 of this Schedule.

2. In this Table, the work pattern of a self-employed man or self-employed woman is his or her work pattern immediately before the applicable date determined according to Part 2 of this Schedule.

3. In calculating the number of work days for the purposes of this Table, the following are each regarded as half a work day:

- (a) any day on which an employee is required to work for 5 hours or shorter under the employee's contract of service;
- (b) any day on which a self-employed man or self-employed woman is engaged in his or her trade, business, profession or vocation for 5 hours or shorter.

4. In this Table, "week" means a continuous period of 7 days commencing at midnight on Sunday.

5. Any duration calculated under this Act as a multiple of the weekly index, if not a whole number of days, is to be rounded down to the nearest half day or whole day.

[S 203/2019 wef 01/04/2019]

PART 2

APPLICABLE DATE FOR DETERMINING WEEKLY INDEX ACCORDING TO CONTEXT IN WHICH WEEKLY INDEX IS MENTIONED

<i>First column</i>		<i>Second column</i>
<i>Context in which weekly index is mentioned</i>		<i>Applicable date</i>
1.	Section 9(1)	The day of the female employee's confinement or her first day of absence from work under section 9(1), whichever is the earlier
2.	Section 9(1A)	The day on which the last of all the eligibility criteria applicable to the female employee under section 9A(1A) is satisfied

3.	Section 9(1B)	The day on which the last of all the eligibility criteria applicable to the female employee under section 9A(1A) is satisfied
4.	Section 9(4)	The day of the self-employed woman's confinement or the first day that she ceases to be actively engaged in her trade, business, profession or vocation for the purposes of section 9(4), whichever is the earlier
5.	Section 9(4A)	The day on which the last of all the eligibility criteria applicable to the self-employed woman under section 9A(1A), is satisfied
6.	Section 12AA(1), where the child to be adopted is a citizen of Singapore when the female employee applies to adopt the child	The date on which the female employee makes the application to adopt the child
7.	Section 12AA(1), where the child to be adopted is not a citizen of Singapore when the female employee applies to adopt the child	The date on which a dependant's pass is issued in respect of the child
8.	Section 12AB(1), where the child to be adopted is a citizen of Singapore when the self-employed woman applies to adopt the child	The date on which the self-employed woman makes an application to adopt the child
9.	Section 12AB(1), where the child to be adopted is not a citizen of Singapore when the self-employed woman applies to adopt the child	The date on which a dependant's pass is issued in respect of the child
10.	Section 12E	The day on which the last of all the eligibility criteria applicable to the male employee or self-employed man under section 12F is satisfied

- | | | |
|-----|---|--|
| 11. | Section 12H(1) and (4), where the male employee or self-employed man is the natural father of the child | The day on which the last of all the eligibility criteria applicable to the male employee or self-employed man under section 12I(1) is satisfied |
| 12. | Section 12H(1) and (4), where the male employee or self-employed man is the adoptive father of the child, and the child is a citizen of Singapore when an application is made by the adoptive father to adopt the child | The date on which the application by the male employee or self-employed man to adopt the child is made |
| 13. | Section 12H(1) and (4), where the male employee or self-employed man is the adoptive father of the child, and the child is not a citizen of Singapore when an application is made by the adoptive father to adopt the child | The date on which a dependant's pass is issued in respect of the child |

[Act 33 of 2016 wef 01/01/2017]

[S 203/2019 wef 01/04/2019]

LEGISLATIVE HISTORY

CHILD DEVELOPMENT CO-SAVINGS ACT

(CHAPTER 38A)

This Legislative History is provided for the convenience of users of the Children Development Co-Savings Act. It is not part of the Act.

1. Act 13 of 2001—Children Development Co-Savings Act 2001

Date of First Reading : 22 February 2001

(Bill No. 13/2001 published on
23 February 2001)

Date of Second and Third Readings : 16 March 2001

Date of commencement : 1 April 2001

2. 2002 Revised Edition—Children Development Co-Savings Act

Date of operation : 31 July 2002

3. Act 42 of 2004—Children Development Co-Savings (Amendment) Act 2004

Date of First Reading : 1 September 2004

(Bill No. 41/2004 published on
2 September 2004)

Date of Second and Third Readings : 21 September 2004

Date of commencement : 1 October 2004

4. Act 9 of 2007—Children Development Co-Savings (Amendment) Act 2007

Date of First Reading : 8 November 2006

(Bill No. 21/2006 published on
9 November 2006)

Date of Second and Third Readings : 22 January 2007

Date of commencement : 1 March 2007

5. Act 52 of 2007—Education Endowment Scheme (Amendment No. 2) Act 2007

(Consequential amendments made to Act by)

Date of First Reading : 17 September 2007

(Bill No. 40/2007 published on
18 September 2007)

Date of Second and Third Readings : 23 October 2007

Date of commencement : 1 January 2008

6. Act 28 of 2008—Children Development Co-Savings (Amendment) Act 2008

Date of First Reading : 15 September 2008

(Bill No. 26/2008 published on
16 September 2008)

Date of Second and Third Readings : 21 October 2008

Date of commencement : 31 October 2008

7. Act 32 of 2008—Employment (Amendment) Act 2008

(Consequential amendments made to Act by)

Date of First Reading : 20 October 2008

(Bill No. 34/2008 published on
20 October 2008)

Date of Second and Third Readings : 18 November 2008

Date of commencement : 1 January 2009

8. Act 21 of 2008—Mental Health (Care and Treatment) Act 2008

(Consequential amendments made to Act by)

Date of First Reading : 21 July 2008

(Bill No. 11/2008 published on
22 July 2008)

Date of Second and Third Readings : 16 September 2008

Date of commencement : 1 March 2010

9. Act 2 of 2011—Women’s Charter (Amendment) Act 2011

(Consequential amendments made to Act by)

Date of First Reading : 22 November 2010

(Bill No. 34/2010 published on
22 November 2010)

Date of Second and Third Readings : 10 January 2011

Date of commencement : 9 March 2011

10. Act 13 of 2011—Children Development Co-Savings (Amendment) Act 2011

Date of First Reading : 28 February 2011

(Bill No. 8/2011 published on
28 February 2011)

Date of Second and Third Readings : 10 March 2011

Date of commencement : 1 May 2011

11. Act 2 of 2012—Statutes (Miscellaneous Amendments) Act 2012

Date of First Reading : 21 November 2011
(Bill No. 22/2011 published on 21 November 2011)

Date of Second and Third Readings : 18 January 2012

Date of commencement : 1 March 2012 (except sections 26 and 29)

12. Act 12 of 2013—Child Development Co-Savings (Amendment) Act 2013

Date of First Reading : 15 March 2013 (Bill No. 10/2013 published on 15 March 2013)

Date of Second and Third Readings : 8 April 2013

Date of commencement : 1 May 2013

13. Act 26 of 2013—Employment, Parental Leave and Other Measures Act 2013

(Consequential amendments made to Act by)

Date of First Reading : 21 October 2013 (Bill No. 21/2013 published on 21 October 2013)

Date of Second and Third Readings : 12 November 2013

Date of commencement : 1 April 2014

14. Act 27 of 2015—Employment (Amendment) Act 2015

Date of First Reading : 13 July 2015 (Bill No. 23/2015 published on 13 July 2015)

Date of Second and Third Readings : 17 August 2015

Date of commencement : 22 August 2015

15. Act 17 of 2016—Child Development Co-Savings (Amendment) Act 2016

Date of First Reading : 14 April 2016 (Bill No. 17/2016)

published on 14 April 2016)

Date of Second and Third Readings : 9 May 2016

Date of commencement : 1 July 2016

16. Act 33 of 2016—Child Development Co-Savings (Amendment No. 2) Act 2016

Date of First Reading : 10 October 2016 (Bill No. 33/2016 published on 10 October 2016)

Date of Second and Third Readings : 10 November 2016

Date of commencement : 1 January 2017

17. Act 21 of 2016—Employment Claims Act 2016

Date of First Reading : 11 July 2016 (Bill No. 20/2016 published on 11 July 2016)

Date of Second and Third Readings : 16 August 2016

Date of commencement : 1 April 2017

18. Act 33 of 2016—Child Development Co-Savings (Amendment No. 2) Act 2016

Date of First Reading : 10 October 2016 (Bill No. 33/2016 published on 10 October 2016)

Date of Second and Third Readings : 10 November 2016

Date of commencement : 1 July 2017

19. G.N. No. S 203/2019—Child Development Co-Savings Act (Amendment of Schedule) Order 2019

Date of commencement : 1 April 2019

20. Act 55 of 2018—Employment (Amendment) Act 2018

Date of First Reading : 2 October 2018 (Bill No. 47/2018 published on 2 October 2018)

Date of Second and Third Readings : 20 November 2018

Date of commencement : 1 April 2019

21. Act 30 of 2019—Children and Young Persons (Amendment) Act 2019

Date of First Reading : 5 August 2019 (Bill No. 22/2019 published on 5 August 2019)

Date of Second and Third Readings : 4 September 2019

Date of commencement : 1 July 2020

22. Act 40 of 2018—Insolvency, Restructuring and Dissolution Act 2018

Date of First Reading : 10 September 2018 (Bill No. 32/2018 published on 10 September 2018)

Date of Second and Third Readings : 1 October 2018

Date of commencement : 30 July 2020

Regulations

Employment (Children and Young Persons) Regulations

REVISED EDITION 2000
(30th April 2000)

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THE SCHEDULE

Legislative History

Citation

1. These Regulations may be cited as the Employment (Children and Young Persons) Regulations.

Definitions

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

“approved apprenticeship” means any apprenticeship approved by the Institute of Technical Education, Singapore, from time to time;

“electrical apparatus” includes all apparatus, machines, consuming devices and fittings in which electrical conductors are used or which they form a part;

“insulated” means covered or protected by material of such size, quality and construction according to the circumstances so as to afford adequate protection from danger;

“live” means electrically charged.

Child below age of 13 years

3. Subject to section 68(2) of the Act, no child who is below the age of 13 years shall be employed in any occupation.

Medical examination

4. No young person shall be employed in an industrial undertaking unless he has been examined by a registered medical practitioner and certified to be medically fit.

Employment at night

5. No child or young person shall be employed as a workman during the night or any part thereof.

Hours of work

6. Subject to regulation 8, no child shall be employed as a workman for —

- (a) more than 3 hours without a break of 30 minutes; or
- (b) more than 6 hours in any one day.

Hours of work of young persons employed in industrial undertaking

7. Subject to regulation 8, no young person shall, without the written permission of the Commissioner, be employed as a workman in an industrial undertaking for —

- (a) more than 4 hours without a break of 30 minutes; or
- (b) more than 7 hours in any one day.

Maximum hours of work

8. Where a child or young person is attending school, the period of work put in by the child or young person and the period of school attendance shall not in the aggregate exceed 6 hours or 7 hours, respectively, in any one day except where the child or young person is employed upon work carried on in any Government or other technical school, or under any approved

apprenticeship scheme.

Employment on rest day

9. No child or young person shall, without the written permission of the Commissioner, be employed as a workman on a rest day.

Employment under injurious conditions

10.—(1) No child or young person shall be employed in any occupation or in any place or under working conditions injurious or likely to be injurious to the health of that child or young person.

(2) The certificate of a registered medical practitioner shall be conclusive upon the question of whether an occupation or any place or working conditions is or are injurious or likely to be injurious to the health of the child or young person.

Employment on vessel

11. No child, except a child employed under an approved apprenticeship scheme, shall be employed as a workman on any vessel unless the vessel is under the personal charge of the parent of the child.

Attending to machinery

12.—(1) No child or young person shall be employed in any service involving management of, or attendance on machinery in motion without the written approval of the Commissioner.

(2) The Commissioner shall not grant his approval unless he is satisfied that the child or young person is employed under a scheme of training approved by the Ministry of Education or the Institute of Technical Education, Singapore.

(3) Any approval granted by the Commissioner may be subject to such conditions as he sees fit to impose.

Employment on electrical apparatus

13. No person shall employ or permit to be employed any child or young person in any service involving management of, or attendance on or proximity to any live electrical apparatus not effectively insulated.

Employment underground

14. No child or young person shall be employed in any underground work.

Notice to Commissioner

15. When a young person is employed in an industrial undertaking, the employer shall notify the Commissioner of that fact within 30 days from the date of employment and give all relevant particulars relating to that young person in the form set out in the Schedule.

Children and Young Persons

(Voluntary Care Agreement)

Regulations 2011

In exercise of the powers conferred by section 88(2) of the Children and Young Persons Act, the MG (NS) Chan Chun Sing, Minister of State, charged with the responsibility of the Minister for Community Development, Youth and Sports, hereby makes the following Regulations:

Table of Contents

- 1 Citation and commencement
- 2 Definition
- 3 Requirements of voluntary care agreement
- 4 Period of voluntary care agreement
- 4A Amendment of voluntary care agreement
- 5 Review and extension of voluntary care agreement
- 6 Termination of voluntary care agreement
- 7 Voluntary care agreement not to affect statutory powers

Citation and commencement

1. These Regulations may be cited as the Children and Young Persons (Voluntary Care Agreement) Regulations 2011 and shall come into operation on 20th July 2011.

Definition

2. In these Regulations, “significant person”, in relation to a child or young person, means a person (other than a care-giver as defined in section 2(1) of the Act) who is a family member or other person —
 - (a) who is closely involved in the life of the child or young person;
 - (b) who has a close relationship with the child or young person;
 - (c) who plays a significant role in the life and care of the child or young person; or
 - (d) who, being related to the child or young person, is willing to be closely involved in the welfare of the child or young person in the event that both the parents of the child or young

person, or where the child or young person has one or more guardians, all the guardians, cannot be found despite all reasonable efforts to locate them.

Requirements of voluntary care agreement

3.—(1) A voluntary care agreement must be in a form approved by the Director-General and signed by —

(a) the Director-General, or either of the following persons who is authorised by the Director-General to sign the agreement on the Director-General's behalf:

- (i) a protector;
- (ii) an approved welfare officer; and

(b) where —

- (i) section 11A(2) of the Act does not apply — both the parents of the child or young person, or where the child or young person has one or more guardians, all the guardians; or
- (ii) section 11A(2) of the Act applies — the other parent or guardian or guardians (as the case may be) of the child or young person, as mentioned in that section.

(2) A voluntary care agreement must state the following matters:

- (a) the name of every parent or guardian who will be entering into the voluntary care agreement with the Director-General;
- (b) the concerns for the welfare of the child or young person which have led to the voluntary care agreement being made;
- (c) the arrangements as to where or with whom the child or young person will reside during the period stated in the voluntary care agreement;
- (d) the period of the voluntary care agreement;
- (e) the proposed date or dates for reviewing the voluntary care agreement.

(3) A voluntary care agreement must include each of the following matters, if there is an agreement on that matter by all the parties to the voluntary care agreement:

- (a) the nature of and the arrangements for contact between the child or young person and any significant person relating to the child or young person;
- (b) the goal or goals to be achieved by implementing the voluntary care agreement, which should be discussed with every parent or guardian who is a party to the voluntary care agreement and the child or young person;
- (c) the support or services to be provided to every parent or guardian who is a party to the voluntary care agreement to meet the welfare, and promote the wellbeing, of the child or young person;
- (ca) the mediation, counselling or psychotherapy or other assessment, programme or treatment that every parent or guardian who is a party to the voluntary care agreement has agreed to attend;
- (d) the supervision plan for the child or young person and matters for which every parent or guardian who is a party to the voluntary care agreement will be responsible;
- (e) the decisions that the Director-General or a protector may make for the child or young person without having to consult any parent or guardian of the child or young person;
- (f) where the care-giver is a parent or guardian of the child or young person, the decisions that the care-giver may make for the child or young person only after consulting the Director-General or a protector;
- (g) where the care-giver of the child or young person is not a parent or guardian of the child or

young person, the decisions that the care-giver may make for the child or young person —

- (i) without having to consult any person;
- (ii) only after having consulted with a parent or both parents of the child or young person, or where the child or young person has one or more guardians, all or any of the guardians; or
- (iii) only after —
 - (A) having consulted with the Director-General, or a protector or any other person agreed on by all the parties to the voluntary care agreement; and
 - (B) being authorised in writing by the Director-General or a protector to make the decision.

Period of voluntary care agreement

4. Subject to any extension under regulation 5 or section 11A(3) of the Act, a voluntary care agreement shall have effect for a period stated in the voluntary care agreement but shall not exceed a period of 12 months.

Amendment of voluntary care agreement

4A. A voluntary care agreement, or any term of a voluntary care agreement, may be amended or varied during the validity period of the voluntary care agreement if all the parties to the voluntary care agreement agree to the amendment or variation.

Review and extension of voluntary care agreement

5.—(1) A voluntary care agreement must be reviewed by the Director-General, a protector or an approved welfare officer before the end of the validity period stated in the voluntary care agreement.

(2) A review of a voluntary care agreement must take place in consultation with every parent or guardian of the child or young person who is a party to the voluntary care agreement.

(3) Upon review, a voluntary care agreement may be extended by mutual agreement between the Director-General and every parent or guardian of the child or young person who is a party to the voluntary care agreement.

(4) The Director-General must not extend a voluntary care agreement unless the Director-General is satisfied that the extension would be in the best interest of the child or young person, having regard to the progress made under the voluntary care agreement and the developmental needs of the child or young person.

(5) A voluntary care agreement may be extended more than once under paragraph (3).

(6) An extension of a voluntary care agreement may be made only if the child or young person is younger than 18 years of age on the date that the voluntary care agreement is extended.

Termination of voluntary care agreement

6.—(1) For the purposes of section 11A(5) of the Act, the prescribed period is 2 days.

(2) A voluntary care agreement in respect of a child or young person terminates automatically if an order under section 44, 49(1), 49B(2), 49C (read with section 49B) or 50(4) of the Act is made in respect of the child or young person.

[S 516/2020 wef 01/07/2020]

Voluntary care agreement not to affect statutory powers

7. For the avoidance of doubt, neither these Regulations nor the existence of a voluntary care agreement shall affect the exercise of the Director-General's or the Youth Court's powers under the Act.

Made this 18th day of July 2011.

CHAN HENG KEE
*Permanent Secretary,
Ministry of Community Development,
Youth and Sports,
Singapore.*

[MCYS 76-06-01 Vol. 45; AG/LLRD/SL/38/2010/5 Vol. 1]

International Child Abduction (Application of Legislation Relating to Legal Aid and Legal Advice) Regulations 2011

In exercise of the powers conferred by sections 19 and 20 of the International Child Abduction Act 2010, the Minister for Law hereby makes the following Regulations:

Table of Contents

- 1 Citation and commencement
- 2 Definition
- 3 Application of Legal Aid and Advice Act
- 4 Modification of section 5 of Legal Aid and Advice Act
- 5 Modification of section 6 of Legal Aid and Advice Act
- 6 Modification of section 11 of Legal Aid and Advice Act
- 7 Modification of section 12 of Legal Aid and Advice Act
- 7A Modification of section 20 of Legal Aid and Advice Act
- 8 (Deleted)
- 9 Application of Legal Aid and Advice Regulations
- 10 (Deleted)
- 11 (Deleted)
- 12 Conversion of foreign currency

Citation and commencement

1. These Regulations may be cited as the International Child Abduction (Application of Legislation relating to Legal Aid and Legal Advice) Regulations 2011 and shall come into operation on 1st March 2011.

Definition

2. In these Regulations, “Director” means the Director of Legal Aid appointed under section 3 of the Legal Aid and Advice Act (Cap. 160) and includes a Deputy Director and an Assistant Director appointed under section 3 of that Act.

Application of Legal Aid and Advice Act

3. The following provisions of the Legal Aid and Advice Act (Cap. 160) shall, with such exceptions, modifications and adaptations as are specified in regulations 4, 5, 6, 7 and 7A, apply in relation to the provision of legal aid and legal advice under Part IV of the International Child Abduction Act 2010 as they apply in relation to the provision of legal aid and legal advice under the Legal Aid and Advice Act:

- (a) Part I (except section 3(4)(b));
- (b) Part II (except sections 8(4) and 19);
- (c) Part III;
- (d) Part IV (except section 23).
- (e) [Deleted by S 693/2019 wef 16/10/2019]

Modification of section 5 of Legal Aid and Advice Act

4. Section 5 of the Legal Aid and Advice Act (Cap. 160) shall have effect with the following modifications:

- (a) subsections (1), (1A), (1B) and (4) of that section do not apply;
- (b) instead, legal aid may be given to a person —
 - (i) who is a citizen of, or habitually resident in, Singapore or a Contracting State; and
 - (ii) who is or will be —
- (A) a party to the proceedings under section 8 of the International Child Abduction Act 2010; or
- (B) the applicant in the proceedings under section 14 of the International Child Abduction Act 2010.

Modification of section 6 of Legal Aid and Advice Act

5. Section 6(2) of the Legal Aid and Advice Act (Cap. 160) shall have effect with the modification that where a guardian makes an application to the Director on behalf of an infant, the guardian must be a person who is a citizen of, or habitually resident in, Singapore or a Contracting State.

Modification of section 11 of Legal Aid and Advice Act

6. Section 11(2) of the Legal Aid and Advice Act (Cap. 160) shall have effect with the modification that the Director shall assign a solicitor, to be selected at his sole discretion, from the appropriate panel of solicitors maintained pursuant to section 4 of that Act, to act for each applicant.

Modification of section 12 of Legal Aid and Advice Act

7. Section 12(1) of the Legal Aid and Advice Act (Cap. 160) shall have effect with the modification that where a Grant of Aid is issued, the Director may assign a solicitor, to be selected at his sole discretion, from the appropriate panel of solicitors maintained pursuant to section 4 of that Act, to act for the applicant.

Modification of section 20 of Legal Aid and Advice Act

7A. Section 20 of the Legal Aid and Advice Act (Cap. 160) has effect with the following

modifications:

- (a) subsections (1) and (2) of that section do not apply;
- (b) instead, on the application of any person who is a citizen of, or habitually resident in, Singapore or a Contracting State —
 - (i) the Director or an authorised solicitor may provide oral advice to the person on the law of Singapore in connection with the Convention; or
 - (ii) the Director may provide the person assistance with the preparation of an application by the person for legal aid under Part IV of the International Child Abduction Act (Cap. 143C).

8. [Deleted by S 693/2019 wef 16/10/2019]

Application of Legal Aid and Advice Regulations

9. The provisions of the Legal Aid and Advice Regulations (Cap. 160, Rg 1) apply in relation to the provision of legal aid and legal advice under Part IV of the International Child Abduction Act 2010 as they apply in relation to the provision of legal aid and legal advice under the Legal Aid and Advice Act (Cap. 160).

10. [Deleted by S 401/2019 wef 31/05/2019]

11. [Deleted by S 401/2019 wef 31/05/2019]

Conversion of foreign currency

12.—(1) Where under any provision of the Legal Aid and Advice Act (Cap. 160) or the Legal Aid and Advice Regulations (Cap. 160, Rg 1) the conversion of foreign currency into Singapore currency is required to be made, the rate of exchange for the purpose of the conversion shall be the rate of exchange between that foreign currency and the Singapore currency applicable at the relevant time.

(2) In this regulation, “relevant time” means —

- (a) in the case of determining whether the applicant satisfies the means criteria for legal aid prescribed in the Legal Aid and Advice Regulations —
 - (i) subject to sub-paragraph (ii), the date on which an applicant makes an application for legal aid to the Director under section 6(1) or (2) of the Legal Aid and Advice Act (Cap. 160); or
 - (ii) the date on which the Director makes a further determination or such enquiries as to the means and condition of an applicant under section 7(a) of that Act; and
- (b) in the case of a contribution required to be made under section 22A(1) of the Legal Aid and Advice Act (Cap. 160) or a deposit in respect of out-of-pocket expenses required to be paid under section 13(1) of that Act, such of the following dates as the Director may, in his sole discretion, determine:
 - (i) the date on which the Director makes a written request to an applicant for such contribution or deposit to be made; or
 - (ii) the date on which such contribution or deposit is received by the Director from an applicant pursuant to his written request.

Made this 14th day of February 2011.

PANG KIN KEONG
*Permanent Secretary,
Ministry of Law,
Singapore.*

Early Childhood Development Centres Regulations 2018

In exercise of the powers conferred by section 51 of the Early Childhood Development Centres Act 2017, the Minister for Social and Family Development makes the following Regulations:

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- 63 Centre fees and charges
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Part 15 MISCELLANEOUS

PART 1 PRELIMINARY

Citation and commencement

1. These Regulations are the Early Childhood Development Centres Regulations 2018 and come into operation on 2 January 2019.

Definitions

2. In these Regulations, unless the context otherwise requires —
“assistant educarer” means an individual who is approved under section 25 of the Act to perform assistant educarer duties in relation to children enrolled in any of the following classes conducted at a centre:
 - (a) playgroup class;
 - (b) pre-nursery class;

(c) nursery class;

“assistant educarer duties” means the duties of an assistant educarer specified in the second column of item 1 of the First Schedule;

“assistant teacher” means an individual who is approved under section 25 of the Act to perform assistant teaching duties in relation to children enrolled in any of the following classes conducted at a centre:

(a) playgroup class;

(b) pre-nursery class;

(c) nursery class;

(d) kindergarten 1 class;

(e) kindergarten 2 class;

“assistant teaching duties” means the duties of an assistant teacher specified in the second column of item 2 of the First Schedule;

“centre” means —

(a) in relation to an applicant for a licence to operate an early childhood development centre, that centre; and

(b) in relation to a licensee, the early childhood development centre to which the licensee’s licence relates;

“developmentally-appropriate” means appropriate for the development of a child who attends a class at a centre;

“educarer” means an individual who is approved under section 25 of the Act to perform educarer duties in relation to children enrolled in any of the following classes conducted at a centre:

(a) playgroup class;

(b) pre-nursery class;

(c) nursery class;

“educarer duties” means the duties of an educarer specified in the second column of item 3 of the First Schedule;

“education service provider”, in relation to a licensee, means an individual who is approved under section 31 of the Act to be engaged by the licensee to provide any educational service for children at the licensee’s centre;

“full-day services”, in relation to a centre, means early childhood development services that are provided to children at the centre for a continuous period exceeding 6 hours in a day;

“half-day services”, in relation to a centre, means early childhood development services that are provided to children at the centre for a continuous period not exceeding 6 hours in a day;

“Health Officer” means a Health Officer appointed under section 4(1) of the Infectious Diseases Act (Cap. 137);

“identity card” means an identity card issued under the National Registration Act (Cap. 201);

“infant class” means a class conducted at a centre for children who are 2 months of age or older but are below 18 months of age;

“infant educarer” means an individual who is approved under section 25 of the Act to perform infant educarer duties in relation to children enrolled in any infant class conducted at a centre;

“infant educarer duties” means the duties of an infant educarer specified in the second column of item 4 of the First Schedule;

“kindergarten 1 class” means a class conducted at a centre for children who attain 5 years of age

in the year that the class commences;

“kindergarten 2 class” means a class conducted at a centre for children who attain 6 years of age in the year that the class commences;

“nursery class” means a class conducted at a centre for children who attain 4 years of age in the year that the class commences;

“playgroup class” means a class conducted at a centre for children who are 18 months of age or older but are below 3 years of age;

“pre-nursery class” means a class conducted at a centre for children who attain 3 years of age in the year that the class commences;

“principal” means an individual who is approved under section 25 of the Act to perform principal supervisory duties;

“principal supervisory duties” means the duties of the principal specified in the second column of item 5 of the First Schedule;

“programme helper”, in relation to a licensee, means an individual who is approved under section 25 of the Act to assist an assistant educarer, assistant teacher, educarer, infant educarer or a teacher of the licensee’s centre in carrying out his or her duties;

“programme helper duties” means the duties of a programme helper specified in the second column of item 6 of the First Schedule;

“programme hours”, in relation to a centre, means the centre’s operating hours but excludes the following periods:

- (a) the period during which children arrive at the centre before the commencement of any class at the centre;
- (b) the period during which children are waiting to be fetched from the centre at the end of any class at the centre;
- (c) the periods that are designated for children who attend at the centre to rest;

“programme staff”, in relation to a licensee, means an assistant educarer, assistant teacher, educarer, infant educarer, the principal, a programme helper or a teacher deployed at the licensee’s centre;

“registered medical practitioner” means a person who is registered as a medical practitioner under the Medical Registration Act (Cap. 174);

“serious incident” includes —

- (a) an occurrence where a child sustains an injury; and
- (b) a situation where a child’s safety or wellbeing is compromised;

“staff”, in relation to a licensee —

- (a) means the body of individuals who are deployed by the licensee to perform any duty at the licensee’s centre, whether or not the individuals are employed to do so; and
- (b) includes the licensee, or a key appointment holder of the licensee, who is an individual and performs any duty at the licensee’s centre;

“teacher” means an individual who is approved under section 25 of the Act to perform —

- (a) educarer duties in relation to children enrolled in any of the following classes conducted at a centre:
 - (i) playgroup class;
 - (ii) pre-nursery class;
 - (iii) nursery class; and

(b) teaching duties in relation to children enrolled in any of the following classes conducted at a centre:

- (i) kindergarten 1 class;
- (ii) kindergarten 2 class;

“teaching duties” means the duties of a teacher specified in the second column of item 7 of the First Schedule.

PART 2 LICENCES

Application for or to renew licence

3.—(1) For the purposes of section 7(2)(b) of the Act, the application fee for an application for the grant of or to renew a licence is as specified in the Second Schedule.

(2) An application to renew a licence authorising the operation of a centre must be made no later than one month before the expiry of the licence (called in this regulation the renewal deadline).

(3) For the purposes of section 7(4)(b) of the Act, where an application to renew a licence is made later than the renewal deadline, the late renewal application fee is as specified in the Second Schedule.

(4) An application for a licence or renewal of a licence must be accompanied by —

(a) a statement setting out the centre’s daily operating hours and the following periods of operation in a year:

- (i) the periods during which the centre provides early childhood development services;
- (ii) the periods during which the centre does not provide any early childhood development service but is not closed;
- (iii) the periods during which the centre is closed;

(b) a programme statement specifying the following:

- (i) the class of licence that the applicant is applying for;
- (ii) the classes that are conducted at the centre, and the age of the children attending each class;

(iii) the licensee’s philosophy of care and education;

(iv) the daily programme schedule of the centre that satisfies the condition in paragraph (5);

(v) whether any early childhood development service, other than the conduct of the classes mentioned in sub-paragraph (ii) is provided at the centre, and if so, a description of such service;

(vi) the policies and guidelines on managing the behaviour of children;

(vii) the procedure on —

- (A) the registration of children at the centre;
- (B) the enrolment of children for each class at the centre; and
- (C) the withdrawal of children from the centre;

(viii) the procedure for the collection and refund of all deposits that are made for the enrolment of a child at the centre;

(ix) the procedure for handling illnesses, including daily temperature and health checks

conducted on children, serious incidents and emergencies involving children;

(x) the processes for —

- (A) promoting the health and welfare of children, including first-aid practices;
- (B) ensuring the safety of children; and
- (C) maintaining a good standard of hygiene of the centre and its practices;

(xi) where the licensee provides services to transport the children who attend at the licensee's centre, the procedure and arrangement for the transportation of the children;

(xii) the procedure for obtaining parental permission for the children's participation in excursions and other activities outside the centre;

(xiii) the procedure for carrying out a closure of the centre;

(xiv) the written menus of the food which will be served to the children attending at the centre; and

(c) a breakdown of the fees and incidental charges mentioned in paragraph (6) that are payable for a child who is enrolled in the centre.

(5) For the purposes of paragraph (4)(b)(iv), the daily programme schedule of a centre must include the following:

- (a) the periods for assembling and dismissing the children;
- (b) the periods for group and individual activities;
- (c) the periods for activities designed to promote gross and fine motor, cognitive, social and emotional development;
- (d) the periods for structured and free play;
- (e) the periods for meals and snacks;
- (f) where the centre provides full-day services —
 - (i) the periods for rest; and
 - (ii) the periods for routine care.

(6) For the purposes of paragraph (4)(c), the fees and incidental charges comprise all of the following:

- (a) registration fees and programme fees;
- (b) any deposit that is to be made for the enrolment of a child;
- (c) the incidental charges for the following:
 - (i) uniform and any other attire;
 - (ii) insurance coverage for a child who is enrolled in the centre;
 - (iii) transporting a child from his or her home to the centre, or from the centre to his or her home, or both;
 - (iv) attending field trips and excursions outside the centre, including the cost of meals for the child and the cost of transporting a child to the venue of such field trips and excursions;
 - (v) participating in concerts organised by the licensee, including graduation ceremonies;
 - (vi) photographs and videos taken of the centre's children and events;
 - (vii) maintaining online communication tools and systems between the licensee and the parent or guardian of a child;
 - (viii) enrichment programmes;
 - (ix) e-learning materials;
- (x) where the centre provides half-day services —
 - (A) readers, academic materials, stationery, school bags and folders and art and

musical materials used in providing those services; and

(B) meals that are provided to children;

(xi) where the centre is a full-day service centre, use of a mattress, mattress cover or stack cot;

(xii) where the centre conducts any infant class, the diapers, nappy rash cream, milk bottle, milk powder, cot bedding and any other item which may be consumed or used by a child.

(7) In this regulation —

“art and musical material” means material that is used to cultivate a child’s interest in art, music or dance, or to reinforce a child’s interest in art, music or dance;

“period for routine care” includes a period during which the children are being showered and toilet trained;

“philosophy of care and education” means —

(a) the central ideas —

(i) on which a stimulating, holistic and developmentally-appropriate early childhood development programme and curriculum of a centre are developed and applied; and

(ii) that support and promote the learning, development and wellbeing of children; and

(b) the goals and objectives of the programme and curriculum mentioned in paragraph (a)(i);

“readers” means materials that are used to teach a child how to read or to cultivate reading habits in a child.

Licence fee

4. For the purposes of section 8(1)(a) of the Act, the licence fee and renewal fee for a licence are as specified in the Second Schedule.

Grant or renewal of licence

5.—(1) For the purposes of section 8(3)(c)(iii) of the Act, the offences are as specified in the Third Schedule.

(2) For the purposes of section 8(3)(d) of the Act, the period is 36 months immediately before an application for a licence is made.

(3) For the purposes of section 8(3)(i)(ii) of the Act, the building structure, fire safety, public health and sanitation requirements are as specified in the Fourth Schedule.

(4) For the purposes of section 8(3)(j) of the Act, the types and content of the curriculum or programme for early childhood development centres must —

(a) be stimulating, holistic and developmentally-appropriate; and

(b) support and promote the learning, development and wellbeing of children.

Classes of licences

6. For the purposes of section 9(1) of the Act, the classes of licences are as follows:

(a) Class A licence, being a licence to operate a centre that provides half-day services or full-day services, or both, where such services comprise the conduct of infant class;

(b) Class B licence, being a licence to operate a centre that provides full-day services which comprise the conduct of all or any of the following classes:

(i) playgroup class;

(ii) pre-nursery class;

(iii) nursery class;

- (iv) kindergarten 1 class;
 - (v) kindergarten 2 class;
- (c) Class C licence, being a licence to operate a centre that provides half-day services which comprise the conduct of all or any of the following classes:
- (i) playgroup class;
 - (ii) pre-nursery class;
 - (iii) nursery class;
 - (iv) kindergarten 1 class;
 - (v) kindergarten 2 class.

Transfer of licence

7.—(1) An application for the Chief Licensing Officer's approval to transfer a licence must be made before the expiry of the licence, but no later than 3 months before the intended transfer of the licence.

(2) For the purposes of section 13(7) of the Act, the other matters that the Chief Licensing Officer must consider in deciding whether to approve the transfer of a licence are as follows:

- (a) whether as at the date of the application for approval to transfer a licence, the remaining period for which the licence is valid is at least 7 months;
- (b) whether the licensee has been required to rectify any non-compliance with the Act, and if so, whether the licensee has rectified such non-compliance;
- (c) the licensee's compliance history with the requirements of the Act, the repealed Act, the Education Act (Cap. 87), and any regulations made under any of those Acts;
- (d) whether the Chief Licensing Officer had previously, in lieu of revoking the licensee's licence, taken one or more actions mentioned in section 16(2) of the Act in relation to the licensee;
- (e) whether the licensee or any of its key appointment holders is undergoing any investigation for an offence under the Act or any other Act;
- (f) whether the licensee has appealed against a decision of the Chief Licensing Officer under section 43 of the Act, and if so, whether the appeal has been determined;
- (g) whether the intended transferee has the capacity to ensure the continuity of care and education of the children of the centre concerned;
- (h) the matters mentioned in section 8(3)(a) to (k) of the Act (read with section 8(5) of the Act) except that every reference to the applicant is read as a reference to the intended transferee.

Voluntary cessation of operation or surrender of licence

8. For the purposes of subsection (2) of section 14 of the Act, any notice required by section 14(1) of the Act must be made to the Chief Licensing Officer no later than 6 months before the applicable date in that subsection.

Lapse of licence

9. For the purposes of section 15(1)(d) of the Act, if no child is enrolled in a centre for a continuous period of 3 months after the issue of the licence in respect of that centre, the licence lapses at the end of that period.

Revocation of licence and other regulatory sanctions

10. For the purposes of section 16(2)(f) of the Act, the maximum period that the term of a licence may be shortened is as follows:

- (a) where the licence is for a term of 36 months, 33 months;
- (b) where the licence is for a term of 24 months, 21 months;

- (c) where the licence is for a term of 12 months, 9 months;
- (d) where the licence is for a term of 6 months, 3 months.

Directions when licence expires, etc.

11. For the purposes of section 18(4)(f) of the Act, the Chief Licensing Officer may give a direction that the licensee must submit, within 3 months after the cessation of an affected centre's operation, such audited statement of subsidy as may be required by the Chief Licensing Officer.

Disqualification of key appointment holders

12.—(1) For the purposes of section 19(1)(c) of the Act, the offences are as specified in the Third Schedule.

(2) For the purposes of section 19(1)(h) of the Act, the prescribed criteria are as specified in the Fifth Schedule.

PART 3

APPROVAL FOR PERSONS

PERFORMING DUTIES AT CENTRES

Duties and classes of duties requiring approval

13. For the purposes of sections 22 and 23 of the Act, the prescribed duties and classes of duties are as specified in the second column of the First Schedule.

Application for and grant of approval

14. For the purposes of section 25(1)(c)(iii) of the Act, the offences are as specified in the Third Schedule.

Cancellation and suspension of approval

15.—(1) For the purposes of section 27(1)(d)(iii) of the Act, the offences are as specified in the Third Schedule.

(2) For the purposes of section 27(2)(b) of the Act, the offences are as specified in the Third Schedule.

Notification of cessation of performance of, or deployment to perform, duty

16. For the purposes of section 28(2) of the Act, the prescribed time is 28 days after the cessation of the performance or deployment (as the case may be) mentioned in section 28(1) of the Act.

PART 4

THIRD-PARTY EDUCATION

SERVICE PROVIDERS AT CENTRES

Application for and grant of approval

17. For the purposes of section 31(1)(b)(iii) of the Act, the offences are as specified in the Third Schedule.

Cancellation and suspension of approval

18. For the purposes of section 33(1)(d)(iii) of the Act, the offences are as specified in the Third Schedule.

Notice of cessation of engagement

19. For the purposes of section 34(2) of the Act, the prescribed time is 28 days after the cessation of the engagement of the individual mentioned in section 34(1) of the Act.

PART 5

DUTIES AND RESPONSIBILITIES OF LICENSEES

Change of licensee's particulars

20.—(1) Where there is a change in the licensee's address, telephone number or email address, the licensee must as soon as practicable notify the Chief Licensing Officer in writing of the change.

(2) Where a licensee is a person other than an individual and there is a change in any of the members of the board of directors or committee or board of trustees or other governing board of the licensee, or any of the partners of the licensee (as the case may be) the licensee must, at least one month before the change —

- (a) notify the Chief Licensing Officer in writing of the change; and
- (b) notify the parents and guardians of the children attending at the licensee's centre in writing of the change.

(3) A licensee is not to be taken to have failed to comply with paragraph (2) if the licensee could not have reasonably foreseen or did not know of the change in any of the members of the board of directors or committee or board of trustees or other governing board of the licensee, or any of the partners of the licensee (as the case may be) at least one month before the change.

(4) The requirement in paragraphs (1) and (2) for the licensee to notify the Chief Licensing Officer of the change is satisfied if any key appointment holder of the licensee (if applicable) informs the Chief Licensing Officer on the licensee's behalf.

(5) A licensee must seek the Chief Licensing Officer's consent to change the name of the licensee's centre.

Display of licence information, etc.

21.—(1) A licensee must cause to be conspicuously displayed at the licensee's centre all of the information in paragraph (2) so that every person who has access to the centre can see the information.

(2) For the purposes of paragraph (1), the information is —

- (a) the name of the licensee;
- (b) the period during which the licence is valid;
- (c) whether the centre is owned or leased by the licensee;
- (d) where the centre is leased by the licensee, the period of the lease; and
- (e) such other information relating to the licensee or the centre as may be specified by the Chief Licensing Officer.

PART 6**PERIODS OF OPERATION AND PROGRAMME****Periods of operation**

22.—(1) Except as provided in paragraph (2), a licensee must comply with the daily operating hours and periods of operation mentioned in regulation 3(4)(a).

(2) A licensee may deviate from the daily operating hours or any of the periods of operation mentioned in regulation 3(4)(a) if the licensee obtains the Chief Licensing Officer's prior written consent to do so.

(3) A licensee and every member of the licensee's staff who is deployed to supervise a class conducted at the licensee's centre must ensure that none of the children who attends the class is retained at the licensee's centre for a continuous period that is longer than 24 hours.

Programme statement

23.—(1) Except as provided in paragraph (2), a licensee must comply with the programme statement mentioned in regulation 3(4)(b).

(2) A licensee may deviate from the programme statement mentioned in regulation 3(4)(b) if the licensee obtains the Chief Licensing Officer's prior written consent to do so.

Daily programme schedule

24.—(1) A licensee must conspicuously display the daily programme schedule for the licensee's centre at the centre so that every person who has access to the centre can see the schedule.

(2) In carrying out the daily programme schedule for a centre, the licensee of the centre must ensure the following:

(a) educarer duties are only carried out by —

(i) an educarer;

(ii) a teacher; or

(iii) any one or more of the following persons under the supervision of an educarer or a teacher:

(A) an assistant educarer;

(B) an assistant teacher;

(C) a programme helper;

(b) infant educarer duties are only carried out by —

(i) an infant educarer; or

(ii) a programme helper under the supervision of an infant educarer;

(c) principal supervisory duties are only carried out by —

(i) the principal of the centre; or

(ii) in the absence of the principal, a member of the licensee's staff who is appointed to carry out principal supervisory duties in the absence of the principal;

(d) teaching duties are only carried out by —

(i) a teacher; or

(ii) any or both of the following persons under the supervision of a teacher:

(A) an assistant teacher;

(B) a programme helper;

(e) children who are not yet able to walk or crawl are kept separate from other children during periods for play;

(f) only children who are enrolled in the centre are allowed to attend classes conducted at the centre.

Partnership between licensee and parents or guardians

25.—(1) A licensee must —

(a) establish a system for sharing information on all matters that may affect the children who are enrolled in the licensee's centre, with the parents or guardians of those children; and

(b) allow the parent or guardian of any child who is enrolled in the licensee's centre to visit the centre at any time which is reasonable and does not cause undue interference with the centre's programme schedule.

(2) A licensee must —

(a) provide a copy of the items mentioned in regulation 3(4)(a), (b) and (c) without charge to any parent or guardian who intends to enrol his or her child in the licensee's centre; and

(b) explain the content of the items mentioned in regulation 3(4)(a), (b) and (c) to the parent or

guardian before the child starts to attend any class at the licensee's centre.

Advertisement

26. In any advertisement published by a licensee or caused to be published by a licensee, the licensee —

- (a) must use only the term "licensed" to describe the licensee's status under the Act; and
- (b) must not represent that the licensee has an approval, endorsement or commendation in relation to the provision of early childhood development service that the licensee does not have.

PART 7

HEALTH, MEDICAL CARE, NUTRITION AND DISCIPLINE

Illness

27.—(1) A licensee must not allow a child to enter the licensee's centre, if —

- (a) the child has a fever or is feverish; or
- (b) the child is on medication.

(2) Despite paragraph (1)(b), a licensee may allow a child to enter the licensee's centre to attend his or her enrolled class, if the period of unfitness stated in any medical certificate signed by any registered medical practitioner with respect to the child has expired and the child does not exhibit any symptom of illness.

(3) Every member of the licensee's staff who is deployed to monitor the health and general wellbeing of the children when they arrive at the licensee's centre must —

- (a) record any symptom of ill-health or infectious disease detected by the member in any child arriving at the centre;
- (b) cause the child to be taken to a supervised area designated for rest and care; and
- (c) ensure that the child remains at that area until such time as the child is taken home by the child's parent or guardian, or any person authorised by such parent or guardian.

(4) A licensee must ensure that every member of the licensee's staff complies with paragraph (3).

(5) Where a serious incident, illness or death occurs during the operating hours of a licensee's centre to any child who is within the premises of the centre, the licensee must comply with the requirements in paragraph (7).

(6) Where a serious incident, illness or death occurs during the operating hours of a licensee's centre to any child who is enrolled in the centre and is attending a class conducted by the licensee, whether such class is conducted within or outside the premises of the centre, the licensee, and every member of the licensee's staff who is deployed to supervise the class must comply with the requirements in paragraph (7).

(7) For the purposes of paragraphs (5) and (6), the requirements are —

- (a) to immediately seek all necessary emergency medical assistance for the child;
- (b) to immediately notify a parent or guardian of the child, or any person authorised by such parent or guardian;
- (c) to maintain a proper written record of the occurrence; and
- (d) to notify the Chief Licensing Officer within 24 hours of the occurrence and if a public holiday falls during that period, on the day following the public holiday.

(8) When a child at a licensee's centre dies, the licensee must immediately notify the police of

the death of the child.

First-aid facilities

28.—(1) A licensee must —

- (a) maintain a first-aid kit for emergency treatment at an accessible and safe place at the licensee's centre; and
- (b) ensure that the first-aid kit is stocked with such items as may be specified by the Chief Licensing Officer.

(2) Where any activity of a centre is conducted outside the centre, the licensee of that centre must —

- (a) ensure the availability of a portable first-aid kit at all times when the activity is conducted; and
- (b) ensure that the portable first-aid kit is stocked with such items as may be specified by the Chief Licensing Officer

Medicines and drugs

29.—(1) A licensee must ensure that —

- (a) no medicine or drug is administered to any child attending at the licensee's centre by any person other than a member of the licensee's staff;
- (b) no medicine or drug is administered to a child attending at the licensee's centre unless otherwise prescribed by a registered medical practitioner for the child, or in accordance with the written instructions of a parent or guardian of the child;
- (c) every container of any medicine or drug to be administered to a child attending at the licensee's centre is clearly labelled with the child's name and instructions for the administration of the medicine or drug; and
- (d) all medicines and drugs are kept out of reach of the children attending at the licensee's centre.

(2) A licensee must maintain a proper written record which satisfies the condition in paragraph (3) in relation to the administration of any medicine or drug for every child who receives such medicine or drug at the licensee's centre.

(3) For the purposes of paragraph (2), the record must include all of the following:

- (a) the name of the child;
- (b) the name of the medicine or drug administered;
- (c) the dosage of the medicine or drug administered;
- (d) the name of the person who administered the medicine or drug to the child;
- (e) the time and date when the medicine or drug is administered to the child;
- (f) the manner of every administration of the medicine or drug.

(4) A licensee or a member of a licensee's staff must not administer any medicine or drug to a child attending at the licensee's centre that is —

- (a) not prescribed by a registered medical practitioner for the child; or
- (b) not in accordance with the written instructions of a parent or guardian of the child.

Health of staff and education service providers

30.—(1) A licensee must not allow an individual to perform any duty at the licensee's centre as a member of the licensee's staff unless the individual satisfies the requirements in paragraph (3).

(2) A licensee must not allow an individual to provide any service at the licensee's centre as an education service provider unless such individual satisfies the requirements in paragraph (3).

- (3) For the purposes of paragraphs (1) and (2), the requirements are —
- (a) the individual has undergone a medical examination and a chest X-ray by a registered medical practitioner, or any other health screening or investigation as may be specified by the Chief Licensing Officer;
 - (b) the individual has been certified by a registered medical practitioner to be fit to work or provide a service in a centre and free from active tuberculosis; and
 - (c) the individual has provided a written declaration to the licensee that —
 - (i) the individual has received vaccination against measles, mumps, rubella and varicella;
 - (ii) the individual has previously been diagnosed by a registered medical practitioner as being infected by any of the diseases mentioned in sub-paragraph (i), and the individual has since recovered from the diseases;
 - (iii) the individual has taken a serological test and the serological test shows that the individual has immunity against all the diseases mentioned in sub-paragraph (i); or
 - (iv) the individual has taken a serological test and has since been vaccinated against the diseases mentioned in sub-paragraph (i) for which the serological test shows that the individual has no immunity against.
- (4) A licensee who knowingly allows an individual who does not satisfy all the requirements in paragraph (3) to perform any duty at the licensee's centre as a member of the licensee's staff, or provide any education service at the licensee's centre as an education service provider shall be guilty of an offence.

Infectious diseases

31.—(1) A licensee must —

- (a) ensure that the premises and operation of the licensee's centre conform with such requirements as may be specified by the Chief Licensing Officer or in any code of practice, relating to the prevention of infectious diseases and state of hygiene and cleanliness in centres; and
- (b) report to a Health Officer, the Chief Licensing Officer, and the parents or guardians of all the children attending at the licensee's centre of any suspected or known case of any infectious disease amongst the licensee's staff or children attending at the centre in accordance with such requirements as may be specified by the Chief Licensing Officer or in any code of practice.

(2) A licensee must not allow any individual who —

- (a) is a member of the licensee's staff or is engaged in the preparation of food or rendering of services at the licensee's centre; and
 - (b) is suffering from an infectious disease,
- to enter the centre until the period of unfitness of the individual as stated in a medical certificate issued by a registered medical practitioner in respect of the individual has expired and the symptoms of the disease in the individual have resolved.

(3) The Chief Licensing Officer may, on the advice of a Health Officer, order the closure of any centre for such period as may be considered necessary if there is found or reported more than one case of infectious disease at or about the same time amongst the staff or children at the centre or persons engaged in the preparation of food or rendering of services in the centre.

Provision of food and nutrition

32.—(1) Except as provided in paragraph (2), a licensee must only serve food that is in the written menu mentioned in regulation 3(4)(b)(xiv).

(2) A licensee may serve food that is not in the written menu mentioned in regulation 3(4)(b)(xiv) if the licensee informs the Chief Licensing Officer within such period as may be specified by the Chief Licensing Officer before serving the food.

(3) A licensee who serves food to children attending at the licensee's centre must —

- (a) have a written menu of such food;
- (b) serve food that meets the dietary or nutritional requirements as may be specified by the Chief Licensing Officer;
- (c) conspicuously display the written menu at the centre within such period as may be specified by the Chief Licensing Officer before serving the food;
- (d) communicate the written menu within such period as may be specified by the Chief Licensing Officer before serving the food, to the parents or guardians of the children who will be served the food;

(e) where any child enrolled in the centre is allergic to any food —

(i) cause to be displayed at the centre's kitchen, pantry and food serving areas all of the following information:

- (A) the name of the child;
- (B) the class in which the child is attending;
- (C) the food to which the child is allergic;
- (D) the measures to take when the child has a food allergy; and

(ii) ensure that the child is not served food that the child is allergic to; and

(f) comply with such other requirements relating to the provision of food to the children attending at the licensee's centre as may be specified by the Chief Licensing Officer.

(4) A licensee that enrolls any child below 18 months of age must provide feedings at the licensee's centre for such child in accordance with such requirements as may be specified by the Chief Licensing Officer.

(5) If a licensee wishes to appoint or task an individual who is not a member of the licensee's staff with the duty of preparing food for children enrolled in the licensee's centre, the licensee must ensure that the individual has, before the commencement of such duty, attended and successfully completed such course on basic food hygiene as may be specified by the Chief Licensing Officer.

(6) A licensee or a member of a licensee's staff must not serve any child with food to which the child is allergic.

Behaviour and guidance

33.—(1) A licensee must ensure that none of the licensee's staff or education service providers commits any of the following acts on any child attending at the licensee's centre or subjects such child to any of the following behaviour, as the case may be:

- (a) sexual exploitation or abuse;
- (b) corporal punishment, including —
 - (i) striking the child, directly or with any physical object;
 - (ii) shaking, shoving, spanking or any other form of aggressive contact; and
 - (iii) requiring or forcing the child to repeat physical movements on the pretext of disciplining the child;
- (c) giving the child harsh, humiliating, belittling or degrading response of any kind, whether it is a verbal, emotional or physical response;

- (d) neglecting the child, and deliberate absence of response;
 - (e) depriving the child of any meal or other basic need;
 - (f) isolation of the child unless the child is being supervised by a member of the licensee's staff who is within sight of the child, or physical restriction of any of the child's movements;
 - (g) putting the child at risk of being scalded or burnt;
 - (h) causing psychological trauma to the child;
 - (i) force feeding the child;
 - (j) exposing the child to undesirable content, including pornography.
- (2) For the purposes of paragraph (1), a licensee must —
- (a) issue a set of rules regulating the conduct of the licensee's staff;
 - (b) ensure that all members of the licensee's staff are aware of such rules; and
 - (c) take measures to enforce such rules.
- (3) A licensee, a member of a licensee's staff or an education service provider engaged by a licensee must not commit any of the acts mentioned in paragraph (1) on a child attending at the licensee's centre or subject such child to any behaviour mentioned in that paragraph.

PART 8

RECORDS AND REPORTS

Contents and maintenance of children's records

34.—(1) A licensee must keep and maintain up-to-date records of —

(a) a class register for every class conducted at the licensee's centre that specifies all the following information on each child attending the class:

- (i) name;
- (ii) date of birth;
- (iii) daily records of the child's attendance at the class;
- (iv) daily records of the time at which the child leaves the centre for the day; and

(b) the information mentioned in paragraph (2) for every child enrolled in that centre.

(2) For the purposes of paragraph (1)(b), the information is as follows:

- (a) the application for enrolment signed by a parent or guardian of the child;
- (b) the child's birth certificate number or Singapore citizenship certificate number (whichever is applicable);
- (c) the name, date of birth and residential address of the child;
- (d) the following particulars of a parent or guardian of the child:
 - (i) name;
 - (ii) identity card number;
 - (iii) residential address;
 - (iv) email address;
 - (v) contact number;
 - (vi) a copy of any document evidencing the mother's employment status, or if the child has no mother, the father's employment status;
 - (vii) where the child has a single parent, a copy of any document evidencing the single status of the child's parent;
 - (viii) such other particulars as may be specified by the Chief Licensing Officer;

- (e) if applicable, any medical information, including special safety requirements, relating to the child that is provided by a parent or guardian of the child, or a registered medical practitioner for the child;
 - (f) every written authorisation or consent given by a parent or guardian of the child regarding the following matters:
 - (i) any emergency medical care to be administered on the child;
 - (ii) the release of the child from the centre to a person authorised by the parent or guardian to receive the child after the end of the child's class (called in this paragraph the authorised person);
 - (iii) the child's participation in any programme conducted outside of the centre during the centre's operating hours;
 - (g) the following particulars of the authorised person mentioned in sub-paragraph (f)(ii):
 - (i) name;
 - (ii) identity card number;
 - (iii) residential address;
 - (iv) email address;
 - (v) contact number;
 - (vi) such other particulars as may be specified by the Chief Licensing Officer;
 - (h) if the child has a family physician, the following particulars of the family physician:
 - (i) name;
 - (ii) contact address;
 - (iii) contact number;
 - (i) the date on which the child is enrolled in the centre;
 - (j) the date on which the child is withdrawn from the centre (if applicable);
 - (k) the monthly fees and other charges that are payable to the licensee in relation to the child;
 - (l) the monthly fees and other charges that are collected by the licensee in relation to the child;
 - (m) if the child is 18 months of age or younger, a 3-monthly record of the growth of the child;
 - (n) up-to-date health information on the child including medical reports, vaccination and immunisation history, all known allergies, chronic physical problems, injuries, and infectious diseases (if any);
 - (o) a written recommendation, signed by a registered medical practitioner, with regard to any special requirement for diet, rest or exercise in relation to the child (if any);
 - (p) reports of any serious incident involving the child, any incident where the child required hospitalisation, or the death of the child (if applicable).
- (3) A licensee must keep all records of the children enrolled in the licensee's centre confidential and must ensure that the records are not inspected by a person who is not —
- (a) the Chief Licensing Officer or an authorised officer; or
 - (b) authorised by law to inspect the records.
- (4) Despite paragraph (3), a licensee may allow a parent or guardian of a child who is enrolled in the licensee's centre to inspect any records relating to the child.
- (5) A licensee must, at such frequency and within such time as may be specified by the Chief Licensing Officer —
- (a) inform the Chief Licensing Officer of the number of children enrolled in the centre; and
 - (b) submit to the Chief Licensing Officer the information mentioned in paragraph (2)(a), (b), (c),

(d)(i) to (v), (i) and (j) relating to each such child.

Contents and maintenance of staff records

35.—(1) A licensee must keep and maintain up-to-date records of the information in paragraph (2) relating to every member of the licensee's staff.

(2) For the purposes of paragraph (1), the information is as follows:

(a) the letter of appointment to perform any duty in the licensee's centre that is issued by the licensee to the member (if any);

(b) a copy of the member's identity card or passport;

(c) where the member is not a Singapore citizen or permanent resident, a copy of the member's work pass that is in force;

(d) the following particulars of the member:

(i) name;

(ii) residential address;

(iii) email address;

(iv) contact number;

(v) such other particulars as may be required by the Chief Licensing Officer;

(e) a copy of the member's highest academic certificate (if any);

(f) a copy of the member's certificate (if any) relating to the member's completion of any professional course relating to early childhood education;

(g) a copy of the member's certificate (if any) relating to the member's completion of any course relating to the administration of first aid;

(h) a copy of the approval granted by the Chief Licensing Officer under section 25 of the Act (if applicable);

(i) a copy of the member's declaration on whether the member has been previously convicted of any offence, if the Chief Licensing Officer had required the submission of such declaration with the licensee's application for approval to deploy the member to perform a prescribed duty or prescribed class of duties at the licensee's centre under section 24 of the Act;

(j) a letter from a registered medical practitioner stating that the member has satisfied the requirements mentioned in regulation 30(3)(a) and (b), and the written declaration mentioned in regulation 30(3)(c);

(k) where the member is appointed or tasked with the duty of preparing food for the children attending at the licensee's centre, records evidencing that the member has satisfied the requirements in regulation 42(2).

Contents and maintenance of education service providers' records

36.—(1) A licensee must keep and maintain up-to-date records of the information in paragraph (2) about every education service provider engaged by the licensee to provide any educational service to the children attending at the licensee's centre.

(2) For the purposes of paragraph (1), the information is as follows:

(a) a copy of the education service provider's identity card or passport;

(b) the following particulars of the education service provider:

(i) name;

(ii) residential address;

(iii) email address;

(iv) contact number;

- (v) any other particulars as may be required by the Chief Licensing Officer;
- (c) a copy of the education service provider's declaration whether the education service provider has previously been convicted of any offence, if the Chief Licensing Officer had required the submission of such declaration with the licensee's application for approval to engage the education service provider under section 30 of the Act;
- (d) a letter from a registered medical practitioner stating that the education service provider has satisfied the requirements mentioned in regulation 30(3)(a) and (b), and the written declaration mentioned in regulation 30(3)(c);
- (e) if the education service provider is employed by an entity, the following information on the entity:
 - (i) name;
 - (ii) business activities;
 - (iii) if the entity is registered with any public agency for the purpose of carrying on its business, the public agency and the registration number assigned to the entity by the public agency.

(3) In paragraph (2), "public agency", in relation to an entity, means —

- (a) where the entity is incorporated or formed in Singapore, the Accounting and Corporate Regulatory Authority established under section 3 of the Accounting and Corporate Regulatory Authority Act (Cap. 2A); and
- (b) where the entity is incorporated or formed in a foreign country or territory, an authority of the foreign country or territory, or any board, commission, committee or similar body, whether corporate or unincorporate, established under the law of the foreign country or territory for a public purpose.

Record of official inspections

37. A licensee must keep and maintain a record of such particulars as may be specified by the Chief Licensing Officer of every inspection of the licensee's centre by any person, including an inspection by any of the following:

- (a) the Chief Licensing Officer or an authorised officer under the Act;
- (b) the protector or an approved welfare officer under the Children and Young Persons Act (Cap. 38);
- (c) an authorised officer appointed under section 3(2) or 4(2) of the Environmental Public Health Act (Cap. 95);
- (d) a Health Officer under the Infectious Diseases Act;
- (e) a police officer;
- (f) a Singapore Civil Defence Force officer.

Records to be kept and retention period

38.—(1) For the purposes of section 35(1)(a) of the Act, the records are as follows:

- (a) the records mentioned in regulation 27(3)(a) and (7)(c);
- (b) the record mentioned in regulation 29(2) in relation to every child enrolled in the centre (if any);
- (c) the class register mentioned in regulation 34(1)(a);
- (d) the information mentioned in regulation 34(2)(a), (b), (c) and (d) for every child enrolled in the centre;
- (e) the information mentioned in regulation 34(2)(e) to (p) for every child enrolled in the

centre;

(f) where Government subsidy is implemented for any child enrolled in the centre, the forms used for such implementation;

(g) bank statements and other financial records of the centre that evidence the receipt by the centre of payments made for each child;

(h) the records mentioned in regulation 35(1) in relation to every member of the licensee's staff;

(i) the records mentioned in regulation 36(1) in relation to every education service provider who is engaged to provide educational services to the children enrolled at the centre;

(j) past daily programme schedules that the licensee no longer complies with;

(k) past written menus that the licensee no longer follows;

(l) records of official visits of inspection mentioned in regulation 37;

(m) records of all other visits to the centre or any child attending at the centre in any year, other than the official visits mentioned in sub-paragraph (l);

(n) records of evacuation drills that are conducted under regulation 60(c) during the term of the licensee's licence.

(2) For the purposes of section 35(1)(a) of the Act, the prescribed period for the records mentioned in paragraph (1) is —

(a) in the case of paragraph (1)(a), (b) and (e), at least one year after the date on which the child is withdrawn from the centre;

(b) in the case of paragraph (1)(c), at least 3 years after the class graduates;

(c) in the case of paragraph (1)(d) and (f), at least 3 years after the date on which the child is withdrawn from the centre;

(d) in the case of paragraph (1)(g), at least 3 years after the last entry is made to the bank statements or financial records, as the case may be;

(e) in the case of paragraph (1)(h), at least one year after the date on which the member of the licensee's staff ceases to perform any duty at the centre;

(f) in the case of paragraph (1)(i), at least one year after the education service provider ceases to provide any educational services at the centre;

(g) in the case of paragraph (1)(j), at least one year after the date on which the licensee ceases to comply with the past daily programme schedule;

(h) in the case of paragraph (1)(k), at least one year after the date on which the licensee ceases to follow the past written menu;

(i) in the case of paragraph (1)(l), the longer of the following periods:

(i) one year after the date of the official visit of inspection;

(ii) the period between the date of the official visit of inspection and the date on which the licensee's licence expires (both dates inclusive);

(j) in the case of paragraph (1)(m), until 31 December of the year immediately following the year to which the records mentioned in paragraph (1)(m) relates; and

(k) in the case of paragraph (1)(n) —

(i) in the case where the licensee renews the licence, one year after the date on which the licence is renewed; or

(ii) in any other case, the last date on which the licensee may make an application to renew the licence.

Reporting of child abuse

39. Where a licensee, a member of a licensee's staff or an education service provider engaged by a licensee —

(a) has reasonable cause to suspect that —

(i) physical or sexual abuse of any child who is enrolled in the licensee's centre has occurred, whether or not such abuse occurred during the centre's operating hours or within the centre; or

(ii) physical or sexual abuse of any child, whether or not the child is enrolled in the licensee's centre, has occurred within the licensee's centre; and

(b) wilfully or unreasonably failed to report such occurrence to the Chief Licensing Officer, the licensee, member or education service provider (as the case may be) shall be guilty of an offence.

Reporting of legal action

40.—(1) Where a licensee becomes aware of —

(a) any legal action commenced against the licensee that may affect any child, any member of the licensee's staff or the operation of the licensee's centre; or

(b) any legal action commenced against any key appointment holder of the licensee that may affect any child, any member of the licensee's staff or the operation of the licensee's centre, the licensee must report the legal action to the Chief Licensing Officer within 24 hours after becoming so aware.

(2) For the purposes of paragraph (1), a legal action includes —

(a) in the case of paragraph (1)(a) and the licensee is a company —

(i) an application that is made to wind up or dissolve the licensee under the Companies Act (Cap. 50);

(ii) an application that is made to place the licensee under judicial management under the Companies Act; and

(iii) any criminal proceedings against the licensee;

(b) in the case of paragraph (1)(a) and the licensee is an individual, any criminal proceedings against the licensee; and

(c) in the case of paragraph (1)(b), any criminal proceedings against the key appointment holder of the licensee.

(3) A licensee must report the following events or occurrences to the Chief Licensing Officer within 24 hours after the licensee becomes aware of such event or occurrence:

(a) if the licensee's centre is leased by the licensee, any event or occurrence which may result in the shortening or termination of the lease;

(b) if the licensee's centre is owned by the licensee, any event or occurrence which may result in the transfer of ownership of the centre.

PART 9

STAFF AND EDUCATION SERVICE PROVIDERS

Particulars of staff and education service providers

41.—(1) A licensee must submit the particulars in paragraph (2) of —

(a) every member of the licensee's staff who is deployed to perform a duty at the licensee's centre; and

(b) every education service provider who is engaged by the licensee to provide any educational service at the licensee's centre, within 28 days after the date of such deployment or engagement (as the case may be), to the Chief Licensing Officer in such form as the Chief Licensing Officer may require.

(2) For the purposes of paragraph (1), the particulars are as follows:

- (a) name;
- (b) residential address;
- (c) email address;
- (d) contact number;
- (e) any other particulars which may be required by the Chief Licensing Officer.

(3) If there is any change in the particulars mentioned in paragraph (2) of any member of the licensee's staff or any education service provider engaged by the licensee, the licensee must notify the Chief Licensing Officer of such change within 28 days after the date of the change in such form as the Chief Licensing Officer may specify.

Appointment of staff

42.—(1) [Deleted by S 86/2019 wef 15/02/2019]

(2) A licensee must ensure that all members of the licensee's staff appointed or tasked with the duty of preparing food at the licensee's centre for children enrolled in the licensee's centre must have, before the commencement of such duty, attended and successfully completed such course on basic food hygiene as may be specified by the Chief Licensing Officer.

Illness of staff and education service provider

43.—(1) A licensee must not allow a member of the licensee's staff or education service provider (called in this regulation the relevant person) to enter the licensee's centre, if the relevant person has fever or is on medication.

(2) Despite paragraph (1), a licensee may allow a relevant person who is on medication to enter the licensee's centre, if the period of unfitness stated in any medical certificate signed by any registered medical practitioner with respect to the relevant person has expired and the relevant person does not exhibit any symptom of illness.

PART 10

PROGRAMME STAFF-CHILD

RATIO AND SUPERVISION

Programme staff-child ratio and supervision for infant class

44. A licensee must ensure that for every infant class at the licensee's centre, the ratio of infant educators to children enrolled in that class is not less than 1:5 at all times during the centre's operating hours.

Programme staff-child ratio and supervision for playgroup class, pre-nursery class and nursery class

45.—(1) Subject to paragraphs (2), (3) and (4), a licensee must ensure that at all times during the operating hours of the licensee's centre —

- (a) the ratio of members of programme staff of any playgroup class to children enrolled in that class is not less than 1:12;
- (b) the ratio of members of programme staff of any pre-nursery class to children enrolled in that class is not less than 1:18; and

(c) the ratio of members of programme staff of any nursery class to children enrolled in that class is not less than 1:20.

(2) Subject to paragraphs (3) and (4), a licensee must ensure that at all times during the programme hours of the licensee's centre —

(a) the ratio of educarers of any playgroup class to children enrolled in that class is not less than 1:8;

(b) the ratio of educarers of any pre-nursery class to children enrolled in that class is not less than 1:12; and

(c) the ratio of educarers of any nursery class to children enrolled in that class is not less than 1:15.

(3) Subject to paragraph (4), a licensee must ensure that at all times during the programme hours when the children are engaged in outdoor play at the licensee's centre —

(a) the following ratios are complied with:

(i) the ratio of educarers of any playgroup class to children enrolled in that class is not less than 1:6;

(ii) the ratio of educarers of any pre-nursery class to children enrolled in that class is not less than 1:9;

(iii) the ratio of educarers of any nursery class to children enrolled in that class is not less than 1:10;

(b) at least 2 adults are supervising the playgroup class, pre-nursery class or nursery class, as the case may be; and

(c) at least one of the adults mentioned in sub-paragraph (b) is a programme staff.

(4) Paragraphs (2) and (3) do not apply in relation to a playgroup class, pre-nursery class or nursery class, if —

(a) the educarers of the playgroup class, pre-nursery class or nursery class (as the case may be) are assisted by one or more assistant educarers; and

(b) the licensee ensures that at all times during the programme hours of the licensee's centre (whether or not the children are engaged in outdoor play) —

(i) for a playgroup class, the ratio of educarers of the playgroup class to children enrolled in that class is not less than 1:12;

(ii) for a pre-nursery class, the ratio of educarers of the pre-nursery class to children enrolled in that class is not less than 1:18; and

(iii) for a nursery class, the ratio of educarers of the nursery class to children enrolled in that class is not less than 1:20.

Programme staff-child ratio and supervision for kindergarten 1 class and kindergarten 2 class

46.—(1) Subject to paragraphs (2), (3) and (4), a licensee must ensure that at all times during the operating hours of the licensee's centre —

(a) the ratio of members of programme staff of any kindergarten 1 class to children enrolled in that class is not less than 1:25; and

(b) the ratio of members of programme staff of any kindergarten 2 class to children enrolled in that class is not less than 1:30.

(2) Subject to paragraphs (3) and (4), a licensee must ensure that at all times during the programme hours of the licensee's centre —

(a) the ratio of teachers of any kindergarten 1 class to children enrolled in that class is not less

than 1:20; and

(b) the ratio of teachers of any kindergarten 2 class to children enrolled in that class is not less than 1:25.

(3) Subject to paragraph (4), a licensee must ensure that at all times during the programme hours of the licensee's centre when the children are engaged in outdoor play —

(a) the following ratios are complied with:

(i) the ratio of teachers of any kindergarten 1 class to children enrolled in that class is not less than 1:13;

(ii) the ratio of teachers of any kindergarten 2 class to children enrolled in that class is not less than 1:15;

(b) at least 2 adults are supervising the kindergarten 1 class or kindergarten 2 class, as the case may be; and

(c) at least one of the adults mentioned in sub-paragraph (b) is a programme staff.

(4) Paragraphs (2) and (3) do not apply in relation to a kindergarten 1 class or a kindergarten 2 class, if —

(a) the teachers of the kindergarten 1 class or kindergarten 2 class (as the case may be) are assisted by one or more assistant teachers; and

(b) the licensee ensures that at all times during the programme hours of the licensee's centre (whether or not the children are engaged in outdoor play) —

(i) for a kindergarten 1 class, the ratio of teachers of the kindergarten 1 class to children enrolled in that class is not less than 1:25; and

(ii) for a kindergarten 2 class, the ratio of teachers of the kindergarten 2 class to children enrolled in that class is not less than 1:30.

Programme staff-child ratio and supervision for mixed classes

47. Where a class conducted at a centre may be attended by children of different ages, the licensee of the centre must —

(a) where the youngest child attending the class is 18 months of age or older but is below 3 years of age, comply with regulation 45 as if the class is a playgroup class;

(b) where the youngest child attending the class will attain 3 years of age in the current year, comply with regulation 45 as if the class is a pre-nursery class;

(c) where the youngest child attending the class will attain 4 years of age in the current year, comply with regulation 45 as if the class is a nursery class; and

(d) where the youngest child attending the class will attain 5 years of age in the current year, comply with regulation 46 as if the class is a kindergarten 1 class.

Requirements of minimum staff strength at centre

48.—(1) Despite regulations 44 to 47, at any time when there is any child present at a licensee's centre during its programme hours, the licensee must ensure that at that time —

(a) where the number of children present at the centre is —

(i) 150 or less, the number of members of the licensee's staff who have obtained the Child First Aid Accreditation certification and are present at the centre is not less than 3; or

(ii) more than 150, the ratio of members of the licensee's staff who have obtained the Child First Aid Accreditation certification and are present at the centre to children present at the centre is not less than 1:50; and

(b) one of the members of the licensee's staff who have obtained the Child First Aid

Accreditation certification and are present at the centre —

- (i) is the principal; or
- (ii) where the principal is not present at the centre, is appointed to carry out principal supervisory duties in the absence of the principal.

(2) Despite regulations 44 to 47, at any time when there is any child present at a licensee's centre during its operating hours, other than its programme hours, the licensee must ensure that —

- (a) there are present in the licensee's centre at least 2 members of the licensee's staff;
- (b) at least one of the 2 persons mentioned in sub-paragraph (a) is a member of the licensee's programme staff; and
- (c) at least one of the 2 persons mentioned in sub-paragraph (a) has obtained a valid Child First Aid Accreditation certification.

Safety and wellbeing

49. During the hours of operation of a centre, the licensee of the centre, and every member of the licensee's staff who is deployed to supervise a class, must ensure —

- (a) the safety and wellbeing of every child attending the class; and
- (b) that every child attending the class is at all times under the supervision of a member of the licensee's staff, whether the child is within or outside the centre.

PART 11

PREMISES

Licensee to comply with requirements

50.—(1) A licensee must comply with the requirements set out in the Sixth Schedule relating to the licensee's premises.

(2) Where a licensee enrolls any child with special educational needs at the licensee's centre, the licensee must comply with such code of practice relating to the provision of facilities and programmes for children with special educational needs as the Chief Licensing Officer may issue.

Outdoor space

51.—(1) A licensee must ensure that the licensee's centre has an outdoor play space where children attending at the centre can participate in activities in a safe manner or play safely, unless the Chief Licensing Officer is satisfied that it is not feasible for the centre to have an outdoor play space.

(2) A licensee's centre that has an outdoor play space must ensure that there is safe access from the centre to the outdoor play space.

(3) Before any child attending at a centre is allowed to use any outdoor play space on any day, the licensee of the centre must ensure that the licensee's staff makes a physical inspection of the outdoor play space to ensure that —

- (a) the equipment (if any) at the outdoor play space is in good working condition;
- (b) such equipment is developmentally-appropriate for the children; and
- (c) the outdoor play space is properly maintained and free from any hazardous element or harmful object.

(4) In this regulation, "safe access" means access that is suitably constructed, kept free of obstructions and well maintained.

Equipment and furnishings

52.—(1) Subject to paragraph (2), a licensee must provide all the following items at the licensee's centre for the purpose of supporting the learning and development of the children attending at the centre:

- (a) fittings, furniture and other furnishings;
 - (b) play and educational materials, resources and equipment.
- (2) The items mentioned in paragraph (1) must —
- (a) be sufficient (taking into account the number of children attending at the centre) and suitable for the purpose mentioned in that paragraph;
 - (b) be in good working condition;
 - (c) be safe and developmentally-appropriate for the children; and
 - (d) satisfy such other requirements as may be specified by the Chief Licensing Officer.
- (3) Where one or more children who are 18 months of age or younger are enrolled in a centre, the licensee of the centre must provide all the following at the centre:
- (a) separate facilities for the changing of diapers and for dressing;
 - (b) such number of cots as may be specified by the Chief Licensing Officer.
- (4) A licensee that provides full-day services for any child must provide either of the following for the child to rest at the licensee's centre during periods of rest:
- (a) a mattress and mattress cover that is made of a material that can easily be disinfected to minimise the transmission of diseases;
 - (b) any alternative bedding specified by the Chief Licensing Officer that is made of a material that can easily be disinfected to minimise the transmission of diseases.

PART 12**HYGIENE AND ENVIRONMENTAL HEALTH****Personal hygiene and sanitary facilities**

53. A licensee must provide personal hygiene and sanitary facilities at the licensee's centre that —

- (a) are suitable for the children attending at the centre; and
- (b) comply with the requirements specified in the Seventh Schedule.

Maintenance of centre

54. A licensee must —

- (a) maintain the premises and equipment of the licensee's centre in a clean and sanitary condition; and
- (b) keep the premises and equipment of the licensee's centre in a good state of repair, to the satisfaction of the Chief Licensing Officer.

Personal care

55.—(1) A licensee must establish a sanitary procedure that complies with such requirements as may be specified by the Chief Licensing Officer for —

- (a) the changing of diapers of children who are 18 months of age or younger; and
 - (b) the sanitising of diaper-changing and eating surfaces, toys, and other objects handled by any child in the centre.
- (2) A licensee must ensure that the licensee's staff comply with the sanitary procedure mentioned in paragraph (1).

(3) A licensee that provides full-day services for any child must ensure that every child has all of the following items:

- (a) a towel;
- (b) a comb;
- (c) a toothbrush;
- (d) a change of clothes.

(4) A licensee must provide every child attending at the licensee's centre with his or her own personal storage space in the centre that is of a sufficient size to contain the personal belongings, including the clothing, of the child.

Air quality

56.—(1) A licensee must ensure that the indoor premises of the licensee's centre are adequately ventilated.

(2) Where the air quality index in Singapore exceeds such amount as may be specified by the Chief Licensing Officer, or at such time as may be specified by the Chief Licensing Officer, a licensee must provide and use such equipment as may be necessary to ensure that the quality of the air in the indoor premises of the licensee's centre is safe for the children attending at the centre.

Kitchen or pantry facilities

57. A licensee must have sufficient, proper and clean kitchen or pantry facilities at the licensee's centre for preparing food for the children attending at the centre, and for washing utensils.

Serving of food

58.—(1) A licensee must ensure that every child attending at the licensee's centre is provided with clean eating and drinking utensils that are not cracked or chipped.

(2) A licensee must ensure that —

- (a) children attending at the licensee's centre are fed from the eating or drinking utensils that are assigned to each of them for any meal time; and
- (b) cracked or chipped eating or drinking utensils are not used to serve food to the children at the licensee's centre.

PART 13

SAFETY AND EMERGENCY INFORMATION

Storing of hazardous substances

59. A licensee must ensure that all hazardous substances, including inflammable substances and cleaning agents, are stored in a locked cabinet located in an area at the licensee's centre that is separate from the centre's food storage area and is inaccessible to the children attending at the centre.

Emergency measures

60. A licensee must —

- (a) have a written procedure on emergency evacuation at the licensee's centre;
- (b) conspicuously display such written procedure at the centre; and
- (c) conduct at least one evacuation drill every 6 months commencing on the date of issuance of the licensee's licence.

Emergency information

61. A licensee must ensure that all of the following information is readily available to any member of the licensee's staff in the event of an emergency at the licensee's centre:

- (a) a list of emergency contact details, including the telephone numbers and addresses of —
 - (i) the Singapore Civil Defence Force;
 - (ii) the Singapore Police Force;
 - (iii) any ambulance service; and
 - (iv) the nearest hospital, clinic or registered medical practitioner;
- (b) the information mentioned in regulation 34(2)(d) and (e) relating to every child enrolled in the centre.

Emergency communications

62. A licensee must maintain a mobile telephone number and an email address for the following purposes:

- (a) to ensure that the licensee, the principal of the licensee's centre or a member of the licensee's staff who is appointed to carry out principal supervisory duties in the absence of the principal, is contactable in the event of an emergency;
- (b) to enable the licensee to disseminate such information as may be specified by the Chief Licensing Officer in the event of an emergency, to the licensee's staff, the parents or guardians of the children attending at the licensee's centre, and any other person as may be specified by the Chief Licensing Officer, within such time as may be specified by the Chief Licensing Officer.

PART 14
FINANCIAL MATTERS

Centre fees and charges

63.—(1) A licensee must not charge a parent or guardian of a child who is enrolled in the licensee's centre for fees and charges that are not provided by the licensee to the Chief Licensing Officer under regulation 3(4)(c).

(2) A licensee must not collect in advance any fees or charges in respect of any child who is enrolled in the licensee's centre unless it is in accordance with such requirements as may be specified by the Chief Licensing Officer.

(3) A licensee must issue a written receipt for every receipt of any fee or charge mentioned in regulation 3(6)(a), (b) and (c).

(4) A licensee must, no later than 31 January of each year, notify the parents and guardians of all the children who are enrolled in the licensee's centre in writing of —

- (a) an estimate of the fees and charges mentioned in regulation 3(6)(c) that are payable in the year; or
- (b) the fees and charges mentioned in regulation 3(6)(c) that were payable in the immediate preceding year.

(5) A licensee must give the parent or guardian of a child who is enrolled in the licensee's centre the option of not incurring any of the fees and charges mentioned in regulation 3(6)(c)(i) to (xii) —

- (a) for fees and charges mentioned in sub-paragraphs (i), (x)(B), (xi) and (xii) of regulation 3(6)(c) — by allowing the parent or guardian to provide for any item mentioned in any

of those sub-paragraphs;

(b) for fees and charges mentioned in sub-paragraphs (ii), (iii), (viii), (ix) and (x)(A) of regulation 3(6)(c) — by allowing the parent or guardian not to purchase any item or service mentioned in any of those sub-paragraphs;

(c) for fees and charges mentioned in sub-paragraphs (iv) and (v) of regulation 3(6)(c) — by allowing the parent or guardian to choose not to let the child participate in any event mentioned in any of those sub-paragraphs;

(d) for fees and charges mentioned in sub-paragraph (vi) of regulation 3(6)(c) — by allowing the parent or guardian to choose not to purchase any item mentioned in that sub-paragraph; and

(e) for fees and charges mentioned in sub-paragraph (vii) of regulation 3(6)(c) — by allowing the parent or guardian to choose not to use the tools and systems mentioned in that sub-paragraph.

(6) A licensee who proposes to increase any of the fees and charges mentioned in regulation 3(6)(a) and (b) for a year must, on or before 1 September of the immediate preceding year —

(a) notify the Chief Licensing Officer in writing of such increase;

(b) inform the parents and guardians in writing of all the children who are registered with the licensee's centre and who will be affected by such increase; and

(c) publish in printed or electronic form information about such increase.

Government subsidy

64.—(1) Subject to paragraph (2), where a licensee has received a Government subsidy for a child for any month, the licensee must not retain any part of the Government subsidy as payment of the child's fees for the month unless —

(a) the child is enrolled in the licensee's centre; and

(b) the child attends the licensee's centre for at least one day in the month.

(2) Despite paragraph (1), where a child is enrolled in a licensee's centre and attends at the centre for at least one day in the month but is subsequently withdrawn from the centre in that month, the licensee may only retain such part of the Government subsidy as may be determined by the Chief Licensing Officer.

(3) For the purposes of paragraphs (1) and (2), a licensee must —

(a) ascertain whether the licensee has retained any Government subsidy that the licensee is not entitled to or more Government subsidy than the licensee is entitled to for each child enrolled in the licensee's centre for each month (called in this regulation the excess amount), within such period as may be specified by the Chief Licensing Officer; and

(b) where the licensee has retained any excess amount, notify the Chief Licensing Officer in writing as soon as practicable.

(4) Upon receipt of a notice in writing under paragraph (3)(b), the Government may issue a notice in writing requiring the licensee to refund the excess amount to the Chief Licensing Officer within such period as the Chief Licensing Officer may specify in the notice.

(5) Where a child in relation to whom a licensee has applied for a Government subsidy withdraws from the licensee's centre or fails to attend at the centre for at least one day in any month, the licensee must —

(a) notify the Chief Licensing Officer in writing of the child's withdrawal from the licensee's centre or the failure of the child to attend the centre for at least one day in the month concerned (as the case may be) within such time and in such form and manner as may be specified by the

Chief Licensing Officer; and

(b) comply with such requirements as may be specified by the Chief Licensing Officer in relation to the child's withdrawal from the centre or failure to attend the centre for at least one day in the month concerned, as the case may be.

(6) Where —

(a) a licensee applies for a Government subsidy on behalf of a parent of a child who is enrolled in the licensee's centre;

(b) due to the submission of incorrect or false information by the licensee to the Chief Licensing Officer, the Government subsidy is paid to the licensee in respect of the child; and

(c) but for the submission of the incorrect or false information mentioned in sub-paragraph (b), the parent of the child would not be determined by the Chief Licensing Officer as being eligible to benefit from the Government subsidy,

the Chief Licensing Officer may by notice in writing require the licensee to refund in full the Government subsidy that has been paid to the licensee in respect of the child within such period as the Chief Licensing Officer may specify in the notice.

(7) A licensee who accepts or retains any part of the Government subsidy as payment of a child's fees knowing that the child is not enrolled in the centre shall be guilty of an offence.

(8) A licensee who is convicted of an offence under paragraph (7) must refund in full the Government subsidy that was paid to the licensee in relation to the child who is not enrolled in the licensee's centre within such period as the Chief Licensing Officer may specify in a notice in writing to the licensee.

(9) A licensee who is required to refund any Government subsidy under paragraph (4), (6) or (8) must do so within the period specified in the notice mentioned in that paragraph.

(10) A licensee that contravenes paragraph (9) shall be guilty of an offence.

(11) In this regulation —

"Government subsidy" means a subsidy provided by the Government to defray the fees payable to a licensee in relation to a child who is enrolled in the licensee's centre and the parent of whom is eligible to receive the subsidy;

"licensee" includes a person who has ceased to hold a licence.

PART 15

MISCELLANEOUS

Appeal to Minister

65. For the purposes of section 43(5) of the Act, an appeal under section 43 of the Act must be made within 14 days after the date of receipt of the decision that is appealed against.

Penalty

66.—(1) A person who is guilty of an offence under regulation 30(4) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

(2) A person who is guilty of an offence under regulation 39 or 64(7) or (10) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Waiver or refund

67. The Chief Licensing Officer may waive or refund the whole or any part of any fee payable under these Regulations.

FIRST SCHEDULE

Regulations 2 and 13

PRESCRIBED DUTIES AND CLASSES OF DUTIES

<i>First column</i>		<i>Second column</i>	
<i>Classes</i>		<i>Duties</i>	
1.	Assistant educarer	To assist any educarer in carrying out educarer duties.	
2.	Assistant teacher	(a)	To assist any teacher in carrying out teaching duties.
		(b)	To assist any educarer in carrying out educarer duties.
3.	Educarer	(a)	To provide a developmentally-appropriate learning environment for the care or education, or both, of children enrolled in any playgroup class, pre-nursery class or nursery class.
		(b)	To design and implement a developmentally-appropriate early childhood development curriculum and developmentally-appropriate activities for children enrolled in any playgroup class, pre-nursery class or nursery class.
4.	Infant educarer	(a)	To provide a developmentally-appropriate learning environment for the care and development of children enrolled in any infant class.
		(b)	To plan and implement a developmentally-appropriate early childhood development curriculum

and developmentally-appropriate activities for children enrolled in any infant class.

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|-----|---|-----|---|
| 5. | Principal | (a) | To manage the staff of a centre to ensure the proper provision of early childhood development services at the centre. |
| | | (b) | To ensure the proper accounting of the receipts and payments of money in respect of the centre. |
| | | (c) | To ensure that the daily operations of the centre are carried out effectively. |
| 6. | Programme helper | | To assist any assistant educarer, assistant teacher, educarer, infant educarer or teacher in carrying out his or her duties. |
| 7. | Teacher | (a) | To provide a developmentally-appropriate learning environment for the care or education, or both, of children enrolled in any playgroup class, pre-nursery class, nursery class, kindergarten 1 class or kindergarten 2 class. |
| | | (b) | To design and implement a developmentally-appropriate early childhood development curriculum and developmentally-appropriate activities for children enrolled in any playgroup class, pre-nursery class, nursery class, kindergarten 1 class or kindergarten 2 class. |
| 8. | Cook | | To prepare food for the children and staff at the centre. |
| 9. | Cleaner | | To clean the premises of, and the furniture and fittings at, the centre. |
| 10. | Any member of the licensee's staff other than those | | To undertake any duty at the centre that does not fall within the duties mentioned in items 1 to 9. |

mentioned in items 1
to 9

SECOND SCHEDULE

Regulations 3(1) and (3) and 4

FEES

1.	Application for one or more licences other than an application mentioned in item 2 or 3	\$400
2.	Application for a licence where such application is due to impending lapse of an existing licence under section 15(1)(c) of the Act	\$270
3.	Application for an additional licence in respect of a centre in relation to which a licence has already been granted	\$270
4.	Application to renew a licence	\$170
5.	Late renewal application fee	\$360
6.	Licence fee or renewal fee for a licence term of 36 months or shorter	\$100

THIRD SCHEDULE

Regulations 5(1), 12(1), 14,
15(1) and (2), 17 and 18

OFFENCES

1. Any offence under Part II of the Children and Young Persons Act (Cap. 38).

2. Any offence under Part XI of the Women's Charter (Cap. 353).
3. Any offence under Chapter XVI or XXII of the Penal Code (Cap. 224).
4. Any offence under the repealed Act.
5. Any offence under Part I, IV, V, X or XIII of the Education Act (Cap. 87).
6. Any offence under Part V, VA, VI, VII, VIII, IX or X of the Bankruptcy Act (Cap. 20).
7. Any offence under Part III, IIIA, IV, V or VI of the Building Control Act (Cap. 29).
8. Any offence under Part I, II or VII of the Central Provident Fund Act (Cap. 36).
9. Any offence under Part III, IV, VI, VIII or IX of the Charities Act (Cap. 37).
10. Any offence under Part III or IV of the Child Development Co-Savings Act (Cap. 38A).
11. Any offence under Part I, II, III, V, VI, VIIIA, IX, X, XA, XI, XIA or XII of the Companies Act (Cap. 50).
12. Any offence under Part II, III, IV, VIII, IX, X, XII, XIII, XIV, XV or XVA of the Employment Act (Cap. 91).
13. Any offence under Part II, IV or V of the Employment of Foreign Manpower Act (Cap. 91A).
14. Any offence under Part III, VI, IXA, X, XI or XII of the Environmental Public Health Act (Cap. 95).
15. Any offence under Part I, II, III, IV, VI or VII of the Fire Safety Act (Cap. 109A).
16. Any offence under Part IV, V, VI, VII, IX or X of the Workplace Safety and Health Act (Cap. 354A).

FOURTH SCHEDULE

Regulation 5(3)

BUILDING STRUCTURE, FIRE SAFETY, PUBLIC HEALTH AND SANITATION REQUIREMENTS

1. Fire safety works have been carried out and completed on the centre concerned, and a fire safety certificate in respect of such works has been issued by the Commissioner of Civil Defence under section 29(3) of the Fire Safety Act (Cap. 109A).
2. A certificate of statutory completion or a temporary occupation permit has been issued in respect of the centre concerned by the Commissioner of Building Control under section 12 of the Building Control Act (Cap. 29).

3. Written permission has been granted under section 14A(1) of the Planning Act (Cap. 232) in respect of the use of the centre concerned as a centre by the competent authority as defined under section 2 of that Act.

FIFTH SCHEDULE

Regulation 12(2)

PRESCRIBED CRITERIA FOR KEY APPOINTMENT HOLDER

1. Whether the person has contravened any provision of the Act or is undergoing any investigation for any contravention of the Act or any regulations made under the Act.

2. Whether the person has previously been subject to or is currently subject to criminal proceedings for any contravention under the Act or any regulations made under the Act.

3. Whether the person is medically unfit.

4. Whether —

(a) where the person is an individual, the person had been adjudicated bankrupt in Singapore or elsewhere; or

(b) where the person is a body corporate —

(i) a winding up order has been made or a resolution for a voluntary winding up has been passed with respect to the person; or

(ii) any other insolvency proceedings have been commenced against the person in Singapore or elsewhere.

5. Whether the person has been a director or chief executive officer of a company, or had held an equivalent position in any other body corporate that had been subject to any insolvency proceedings in Singapore or elsewhere.

6. Whether the person has previously received a warning letter issued under regulation 17(2) or 25(10) of the revoked Child Care Centres Regulations, or breached any provision of the Education Act or the repealed Act, or any regulations made under any of those Acts.

7. Whether the person has failed to comply with a request made under section 53(4) of the Education Act by the Director-General of Education or an officer empowered under section 5 of that Act to —

(a) produce for the Director-General's or officer's inspection any document in the person's possession or under the person's control which relates to the

management or teaching or pupil activities of a school;

- (b) provide such information relating to the management or teaching or pupil activities of a school as the Director-General or officer may demand and which it is within the power of the person to furnish; or
- (c) in the case of a teacher, produce for inspection the teacher's certificate of registration or the teacher's authority or permit to teach under the Education Act.

8. Whether the person has failed to comply with a notice in writing made by the Director-General under section 54(1) of the Education Act directing the person to take within a time stated in the notice such measures as are specified in the notice for the purpose of complying with any provision of that Act or any regulations made under that Act, or to enable that a school may be properly or efficiently conducted.

9. Whether the person has prevented or obstructed the Director of Social welfare or any officer authorised by the Director in the execution of the Director's or officer's powers mentioned in section 13(1) of the repealed Act, or refused to produce any book, document or other article upon being required under that provision.

10. Whether the person has failed to comply with the directions in a notice in writing made by the Director of Social Welfare under section 14(1) of the repealed Act that concerns a licensed child care centre to ensure that —

- (a) the child care centre is operated and managed satisfactorily;
- (b) the welfare of the children attending it is promoted in a proper manner; and
- (c) the provisions of the repealed Act are complied with.

11. Whether the person has failed to comply with a request by the Chief Licensing Officer or any authorised officer for the person to —

- (a) provide a document, material or thing or furnish any information as required under section 37 of the Act; or
- (b) attend before the Chief Licensing Officer as required under section 37 of the Act.

SIXTH SCHEDULE

Regulation 50(1)

SPECIFICATIONS OF CENTRE

1. A licensee must ensure that no swing door is installed at the licensee's centre.
2. A licensee must ensure that the floor of the licensee's centre has a non-slip surface,

and must be kept clean and safe at all times.

3. A licensee of a centre must ensure that the licensee's centre has the following areas:

- (a) a designated area for conducting the classes for the children attending at the centre;
- (b) a designated area where meals and snacks are prepared, that complies with paragraph 4;
- (c) a designated area for children to participate in indoor activities, that complies with such requirements as may be specified by the Chief Licensing Officer;
- (d) a designated play area that complies with such requirements as may be specified by the Chief Licensing Officer;
- (e) toilet and bath facilities;
- (f) an area where kitchen utensils may be washed;
- (g) an area where the children attending at the centre may have their meals;
- (h) an area where the children attending at the centre may rest;
- (i) an office area for the licensee's staff;
- (j) an area where the licensee's staff may rest;
- (k) a sick bay that is fully enclosed for the isolation of sick children;
- (l) separate areas for the storage of the following items:
 - (i) food;
 - (ii) beds and bedding;
 - (iii) toys;
 - (iv) indoor play material and equipment;
 - (v) outdoor play material and equipment;
 - (vi) medical supplies.

4. For the purposes of paragraph 3(b), the area mentioned in that paragraph must not be accessible by any child in the centre.

5. A licensee must ensure that the total number of children attending at the licensee's centre at any time does not exceed such number as may be specified by the Chief Licensing Officer.

6. The licensee of a centre that has an area located above ground floor must ensure that

all the windows of that area comply with any one of the following conditions to ensure that no child may fall through any such window:

- (a) the window has grilles, the gap of which is not wide enough for a child to pass through;
- (b) the window is closed at all times;
- (c) if the window is opened, the gap of the opening is not wide enough for a child to pass through.

7. The licensee of a centre that has any staircase must ensure that safety gates or barriers are used to prevent unsupervised access to the staircase by any child attending at the centre.

8. A licensee must ensure that there is a safety gate or door barrier fitted at the entrance of the kitchen or pantry of the licensee's centre to prevent unsupervised access to the kitchen or pantry (as the case may be) by any child attending at the centre.

9. A licensee must install equipment at the licensee's centre to enable the licensee to log on to and access such computerised web-based system as may be specified by the Chief Licensing Officer.

10. The licensee of a centre that is not housed on the ground floor, or includes areas that are not housed on the ground floor, must comply with such additional requirements as may be specified by the Chief Licensing Officer.

11. In this Schedule, "play area" means an area at a centre that is for children attending at the centre to carry out gross motor activities.

SEVENTH SCHEDULE

Regulation 53(b)

PERSONAL HYGIENE AND SANITARY FACILITIES

1. A licensee must provide toilet facilities at the licensee's centre for the children attending at the centre at each level of the centre's premises.

2. A licensee must ensure that —

- (a) the licensee's centre has at least 2 wash hand basins and 2 flush toilets;
- (b) the ratio of wash basins that complies with paragraph 3(a) and are installed at the licensee's centre to the total number of children enrolled in the centre is not less than 1:23; and
- (c) the ratio of flush toilets that complies with paragraph 3(b) and are installed at the licensee's centre to the total number of children enrolled in the centre is not

less than 1:23.

3. For the purposes of paragraph 2 —

- (a) each wash hand basin must be child-sized and suitable for use by any child who attends the licensee's centre; and
- (b) each flush toilet must —
 - (i) be child-sized;
 - (ii) be a pedestal type of toilet;
 - (iii) be of a height not more than 400 millimetres measured from the floor to the top of the bowl of the toilet (excluding the seat of the toilet); and
 - (iv) be housed in a cubicle that has partitions situated at the sides of the flush toilet that are sufficiently tall to provide a child who is using the flush toilet with privacy.

4. A licensee must ensure that at least one cubicle that houses a flush toilet at the licensee's centre has a door or curtain directly opposite the flush toilet that is sufficient to provide a child who is using the flush toilet with privacy but does not prevent an adult from supervising the use of the flush toilet by the child should the need arise.

5. A licensee that provides full-day services to one or more children must provide bathing facilities (including water heaters) at the licensee's centre that comply with the following:

- (a) bath facilities must be separated by partitions that are sufficiently tall to provide a child who is using the bathing facilities with privacy, but does not prevent an adult from supervising the bathing process of the child should the need arise;
- (b) at least one shower must be provided for every 50 children enrolled in the centre.

6. The licensee of a centre at which any infant class is conducted must comply with the following:

- (a) provide one sink and diaper changing area at the centre for every 10 children enrolled in the centre's infant classes;
- (b) ensure that each such diaper changing area must have at least one diaper changing table with raised sides, and is located next to a sink with running water;
- (c) ensure that such other facilities or equipment as may be specified by the Chief Licensing Officer are provided at the centre.

Made on 27 December 2018.

CHEW HOCK YONG

*Permanent Secretary,
Ministry of Social and Family Development,
Singapore.*

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