

No. S 32

CHILDREN AND YOUNG PERSONS ORDER, 2006
(S 9/06)

CHILDREN AND YOUNG PERSONS (REMAND HOME) REGULATIONS, 2010

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In exercise of the power conferred by section 102(h) of the Children and Young Persons Order, 2006, the Minister of Culture, Youth and Sports, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations –

Citation and commencement.

1. These Regulations may be cited as the Children and Young Persons (Remand Home) Regulations, 2010 and shall commence on the same date as the Children and Young Persons Order, 2006.

Interpretation.

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

"board", in relation to a remand home, means the board of visitors appointed under section 75(1) in respect of the remand home;

"superintendent" means the superintendent in charge of a remand home.

Responsibilities of superintendent.

3. (1) The superintendent shall be responsible to the Director for the proper management of the remand home under his charge and for the reception and custody of the persons remanded therein.

(2) Subject to the approval of the Director, the superintendent shall determine and draw up –

(a) the duties of each member of the staff of the remand home under his charge;

(b) the daily routine for the persons remanded in the remand home under his charge;

(c) fire safety measures and fire drill orders; and

(d) such other matters as the Director may direct to be determined and drawn up.

Records to be kept.

4. (1) The superintendent shall cause to be kept the following records —

(a) a register of admissions to and discharges from the remand home;

(b) a property book in which shall be recorded particulars of any property taken from a remanded person upon or after admission and a brief account of how the property is disposed of upon discharge of that person;

(c) a discipline book in which shall be recorded the particulars of every disciplinary action taken against any remanded person;

(d) a daily register of the presence or absence of each person remanded therein;

(e) a log book in which shall be entered every event of importance connected with the management of the remand home;

(f) a board of visitors book in which the names of the members of the board shall be entered and in which they may make comments concerning the remand home; and

(g) such other records as the Director may direct to be kept.

(2) The records kept under sub-regulation (1) shall be —

(a) available at any time for inspection by any member of the board; and

(b) placed before the board at any meeting thereof if the board so requires.

Superintendent to report death, injury or admission to hospital of remanded person.

5. (1) Where a remanded person dies or is seriously injured, the superintendent shall, as soon as possible, report the death or serious injury to the police, the Director, the board and the parent or guardian of the remanded person.

(2) Where it becomes necessary for a remanded person to be admitted to a hospital for medical treatment, the superintendent shall, as soon as possible, inform the Director and the parent or guardian of the remanded person.

(3) The superintendent shall ensure that no surgical treatment is carried out on a remanded person without the prior consent of his parent or guardian,

unless the medical officer certifies in writing that the delay necessary in obtaining such consent would cause the remanded person unnecessary suffering or endanger his health.

Personal effects of remanded person.

6. (1) The personal effects of a remanded person shall, upon his admission to a remand home, be taken from him by the superintendent, and, subject to sub-regulation (2), such personal effects shall be returned to him only upon his discharge from the remand home.

(2) Where any item among the personal effects of a remanded person at the time of his admission is of a perishable or dangerous nature, the superintendent shall cause the item to be destroyed.

(3) The superintendent shall cause the particulars of all personal effects taken from the remanded person upon his admission to be recorded in the property book.

Medical examination.

7. Every remanded person shall upon his admission to a remand home be examined by a medical officer.

Provision of bed, clothing and other articles.

8. Each remanded person shall be provided with a separate bed, his own set of clothing and such other personal articles as may be necessary for his stay in the remand home.

Food.

9. Every remanded person shall be supplied with food that is prepared on the recommendation of a dietician and approved by the Director.

Instruction and facilities for religious observance.

10. Instruction and facilities for religious observance shall be provided for all Muslim children.

Continuing education.

11. A remanded person shall be accorded facilities, so far as is practicable, to continue with his education.

Daily chores.

12. A remanded person may be required to perform daily chores which may include making beds, cleaning dormitories or similar work in or about the buildings or grounds of the remand home.

Recreation.

13. Recreation and exercise shall be provided daily for remanded persons.

Writing and receipt of letters.

14. (1) Subject to sub-regulation (2), a remanded person may send and receive letters.

(2) No letter shall be sent or received by a remanded person unless its contents have been screened by the superintendent or an officer authorised by him.

Visits.

15. A remanded person shall be allowed to receive visitors at such reasonable intervals as the superintendent may determine.

Serious illness.

16. Where, in the opinion of the superintendent or of any medical officer, it is necessary to refer a remanded person to a hospital, the superintendent shall arrange to refer the remanded person to the hospital.

Remanded persons to obey lawful orders.

17. Every remanded person shall obey the lawful orders of the staff.

Fair discipline.

18. Every member of the staff in a remand home shall treat every remanded person justly and firmly in the enforcement of discipline.

Superintendent's orders.

19. The superintendent shall issue orders for the purpose of managing the remand home.

Punishment for indiscipline.

20. (1) Where the imposition of punishment on any remanded person is necessary for the maintenance of discipline, the superintendent may impose any one or more of the following forms of punishment —

(a) forfeiture of recreation for a specified period not exceeding 3 days;

(b) performance of extra duties in and around the buildings or compound of the remand home; and

(c) subject to regulation 21, corporal punishment.

(2) The superintendent shall record in the discipline book the reasons for his decision to impose punishment on any remanded person and the form of punishment imposed.

Corporal punishment.

21. (1) The superintendent and staff of the remand home shall make every effort to enforce discipline without resort to corporal punishment.

(2) No corporal punishment shall be imposed on a remanded person unless the superintendent is satisfied after an inquiry that the remanded person is guilty of serious misconduct and the misconduct is of such a nature as to warrant the imposition of corporal punishment.

(3) The superintendent shall record in the discipline book the particulars and evidence of the remanded person's alleged misconduct, his finding on the evidence, and the grounds of his decision to impose corporal punishment on the remanded person.

(4) Corporal punishment shall be administered only on the following conditions —

(a) where corporal punishment is to be administered to a male remanded person —

(i) it shall be administered by the superintendent or an officer authorised by him;

- (ii) it shall be inflicted with a light rattan;
- (iii) the number of strokes inflicted shall not exceed 8;
- (iv) the strokes may be inflicted on the remanded person's palm or on his buttocks over his ordinary cloth shorts; and
- (v) it shall not be administered in the presence of any other remanded person; and

(b) where corporal punishment is to be administered to a female remanded person —

- (i) it shall be administered by the superintendent or a female officer authorised by the superintendent;
- (ii) it shall be inflicted with a light rattan;
- (iii) the number of strokes inflicted shall not exceed 8;
- (iv) the strokes shall be inflicted on the remanded person's palm only; and
- (v) it shall not be administered in the presence of any other remanded person.

(5) Corporal punishment shall not be administered to any remanded person who suffers from any physical or mental disability.

(6) In any case in which corporal punishment is administered, the superintendent shall —

(a) record in the discipline book, immediately thereafter, such details of the corporal punishment as may be required by the Director; and

(b) as soon as possible thereafter report the facts and circumstances of the case to the Director.

Prohibition of unauthorised forms of corporal punishment.

22. (1) Except as provided under regulation 21, no member of the staff of a remand home shall subject any remanded person to any other form of corporal punishment.

(2) For the purpose of sub-regulation (1), "any other form of corporal punishment" includes striking, cuffing, shaking or punching a resident, or subjecting him to any other form of physical violence.

Made this 11th. day of Rabiulawal, 1431 Hijriah corresponding to the 25th. day of February, 2010.

PEHIN ORANG KAYA SETIA PAHLAWAN DATO SERI SETIA
DR. AWANG HAJI AHMAD BIN HAJI JUMAT
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