

LEGAL AID AND ADVICE ACT 1995

(No. 20 of 1995)

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An Act to repeal and re-enact with amendments the Legal Aid and Advice Act (Chapter 160 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Legal Aid and Advice Act 1995 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“aided person” means a person who has been granted a certificate stating that he is granted legal aid under this Act and, where such a person is an infant, includes his guardian;

“Director” means the Director of Legal Aid appointed under section 3 and includes a Deputy Director and an Assistant Director of Legal Aid;

“goods and services tax” means the goods and services tax levied under the Goods and Services Tax Act (Cap. 117A);

“guardian”, in relation to an infant, includes any person whom the Director considers might properly be appointed to be the next friend or guardian ad litem of the infant;

“judge”, in relation to proceedings —

(a) in the High Court, includes a Judicial Commissioner;

(b) in a District Court, includes a District Judge; and

(c) in a Magistrate’s Court, includes a Magistrate;

“legal aid” means legal aid granted under this Act;

“legal aid certificate” means a legal aid certificate granted under section 8(2);

“solicitor” means an advocate and solicitor of the Supreme Court.

Director, Deputy Directors and Assistant Directors of Legal Aid

3.—(1) The Minister may appoint a person to be the Director of Legal Aid and may also appoint such number of Deputy Directors and Assistant Directors of Legal Aid as he may consider necessary for the proper carrying out of this Act.

(2) No person shall be appointed to be or to act temporarily as the Director, a Deputy Director or an Assistant Director of Legal Aid unless he is a qualified person as defined in section 2 of the Legal Profession Act (Cap. 161) or is a solicitor.

(3) Notwithstanding any provision of any written law to the contrary, the Director and every Deputy Director or Assistant Director of Legal Aid shall, for the purposes of this Act, have the right to appear and plead in all courts of justice in Singapore according to the law in force in such courts.

(4) The Director and every Deputy Director or Assistant Director of Legal Aid shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

Panels of solicitors

4.—(1) The Director shall prepare and maintain panels of solicitors willing —

- (a) to investigate, report and give an opinion upon applications for the grant of legal aid;
- (b) to act for persons receiving legal aid; and
- (c) to give legal advice under the provisions of this Act,

and there may be separate panels for different purposes and for different courts.

(2) Any solicitor shall be entitled to have his name on the panels or any of them unless there is good reason for excluding him arising out of his conduct when acting or assigned to act for persons receiving legal aid or his professional conduct generally.

(3) Where a solicitor is aggrieved by any decision excluding him (whether permanently or temporarily) from the panels or any of them, he may appeal against the decision to a judge of the High Court and

the judge (whose decision shall be final) may confirm or quash the decision appealed against or may substitute such decision as he thinks fit.

(4) Subject to section 15(2), any solicitor may at any time request the Director to remove his name from the panels or any of them and the Director shall comply with such request.

(5) Subject to any regulations made under this Act, the Director shall pay to a solicitor investigating and reporting, or giving an opinion, upon applications for the grant of legal aid or acting for persons receiving legal aid or giving legal advice under the provisions of this Act such fees as may be agreed between the Director and the solicitor.

PART II

LEGAL AID IN CIVIL ACTIONS

Scope and general conditions of legal aid in civil actions

5.—(1) Subject to this Part, legal aid may be given to citizens and permanent residents of Singapore in any civil proceedings of a description mentioned in Part I of the First Schedule; and no legal aid shall be given in any of the proceedings mentioned in Part II of the First Schedule.

(2) The proceedings in connection with which legal aid may be given may be varied by regulations made under this Act and the regulations may describe the proceedings to be included or excluded by reference to the court or tribunal, to the issues involved, to the capacity in which the person requiring legal aid is concerned, or otherwise.

(3) Regulations made for the purpose of this section shall not provide for giving legal aid in connection with any proceedings before any court or tribunal before which persons have no right and are not normally allowed to be represented by a solicitor.

(4) In this section,

“permanent resident” means any person who is not subject to any restrictions as to his period of residence in Singapore imposed

under any written law relating to immigration for the time being in force in Singapore.

Application for legal aid

6.—(1) Any person who (whether in his own right or in a representative capacity) desires to be granted legal aid shall make application in that behalf to the Director; and every such application shall be accompanied by a statutory declaration verifying the facts stated in the application and a fee of \$1 (inclusive of goods and services tax) or such other fee as may be prescribed.

(2) Where the person who desires to be granted legal aid is an infant, the application shall be made on behalf of the infant by his guardian.

(3) Where any application is made on behalf of an infant then —

(a) a reference in section 7 or in section 8(2)(a) to the applicant shall be construed as a reference to the guardian and the infant jointly or to either of them severally; and

(b) a reference in sections 8(2)(b) and 9(1) or in the Second Schedule to the applicant shall, in any case where the infant is unmarried and the guardian is a relative of the infant, be construed as a reference to both the guardian and the infant and in every other case shall be construed as a reference to the infant only.

(4) In subsection (3),

“relative” means —

(a) in the case of a legitimate child, any one of his parents;

(b) in the case of an adopted child, an adopting parent; and

(c) in the case of an illegitimate child, the mother.

Power of Director to make inquiries

7. Where an application is made for legal aid, the Director may —

(a) make such inquiries as he thinks fit as to the means and condition of the applicant and as to the merits of the case;

- (b) require the applicant to furnish such information and such documents as the Director may require for the purpose of considering the application;
- (c) require the applicant to attend personally;
- (d) refer the application or any matter arising out of the application to any solicitor whose name is on the appropriate panel maintained pursuant to section 4 to investigate the facts and make a report thereon or to give any opinion thereon or on any question of law arising out of the application;
- (e) take or cause to be taken such steps as may be necessary to conserve the interests of the applicant pending determination of his application; and
- (f) defray expenses incidental to any of the foregoing matters out of any funds in his control which are available for the purpose.

Grant of legal aid certificate

8.—(1) Before approving an application for legal aid, the Director shall refer the application to a board (referred to in this section as the board) consisting of the Director and not fewer than 2 solicitors whose names are on the appropriate panel maintained pursuant to section 4.

(2) The Director may grant to an applicant a certificate stating that the applicant is granted legal aid under the provisions of this Act in connection with any proceedings where —

- (a) the board is of the opinion that the applicant has reasonable grounds for taking, defending, continuing or being a party thereto; and
- (b) the Director is satisfied —
 - (i) that the applicant is not possessed of or entitled to disposable capital of a total value exceeding the amount set out in the Second Schedule; and
 - (ii) that the disposable income of the applicant does not exceed the amount set out in the Second Schedule.

(3) The Director may refuse legal aid if it appears to him unreasonable that the applicant should receive it in the particular circumstances of the case.

(4) Notwithstanding any provision of this Act or any regulations made thereunder to the contrary, the Minister may authorise the Director to grant a legal aid certificate to any person in any proceedings where the Minister is of the opinion that it is in the public interest that legal aid be granted to the person.

Contributions from aided persons

9.—(1) Where the Director is satisfied —

- (a) that an applicant for legal aid is possessed of or entitled to disposable capital of a total value of more than the amount set out in the Second Schedule; and
- (b) that the disposable income of the applicant exceeds the amount set out in the Second Schedule,

the Director may require the applicant to make a contribution in one sum or by instalments in respect of sums payable on his account in respect of the proceedings in which a legal aid certificate is granted to the applicant.

(2) If the total contribution made by a person in respect of any proceedings is more than the net liability of the Director on his account, the excess shall be repaid to him.

(3) Unless the regulations otherwise provide, any sums remaining unpaid on account of a person's contribution in respect of any proceedings and, if the total contribution is less than the net liability of the Director on his account, a sum equal to the deficiency shall be a first charge on any property which is recovered or preserved for that person in the proceedings.

(4) The reference in subsection (3) to property recovered or preserved for any person shall include his rights under any settlement or compromise arrived at to avoid or to bring to an end the proceedings and any sums recovered by virtue of an order for costs made in his favour in the proceedings (not being sums payable to the Director under section 14 or 16).

(5) The charge created by subsection (4) on any damages or costs shall not prevent a court allowing them to be set off against other damages or costs in any case where a solicitor's lien for costs would not prevent it.

(6) References in this section to the net liability of the Director on any person's account in relation to any proceedings refer to the aggregate amount of the sums paid or payable by the Director on his account and, where the person has been represented in the proceedings by the Director, such sums as would in the opinion of the Director have been payable on that person's account had he been represented by a solicitor assigned to him in respect of those proceedings, and not recouped by sums which are recovered by virtue of an order or agreement for costs made in his favour with respect to those proceedings.

Cancellation of certificate

10.—(1) The Director may, at any time, and whether or not application has been made for the purpose, cancel any legal aid certificate and subject to subsection (2), the person to whom the certificate was granted shall, as from the date of the cancellation, cease to be an aided person.

(2) Where the legal aid certificate so cancelled has been filed in the registry of any court, the Director shall file in court a notification of the cancellation, and, as from the date of filing of such notification, the person to whom the legal aid certificate was granted shall cease to be an aided person.

(3) Upon the filing in court of such notification, then, unless otherwise ordered by a judge of the court in which the litigation is pending, all proceedings in the litigation shall, by virtue of this subsection, be stayed for a period of 14 days and, subject as aforesaid, during such period, time fixed by or under any Act or by or under any Rules of Court, regulations or otherwise for the doing of any act or the taking of any step in the proceedings shall not run.

(4) The time during which proceedings are stayed by virtue of subsection (3) may be reduced or extended by order of a judge of the court in which the litigation is pending.

(5) The Director shall take such steps as seem to him reasonable or necessary to inform the person to whom a legal aid certificate has been granted of the cancellation of any such certificate.

Application for aid by more than one party

11. If, in relation to any proceedings to which a person who has made an application for legal aid or an aided person is a party, any other party makes application for legal aid, the provisions of this Act shall apply to both such parties:

Provided that the Director shall not himself act for either such party but shall assign a solicitor, to be selected by the aided person, if he so desires, or otherwise by the Director from the appropriate panel of solicitors maintained pursuant to section 4, to act for each aided person.

Endorsement and filing of certificate

12.—(1) Where a legal aid certificate is granted, the Director may act for the aided person or may assign a solicitor to be selected by the aided person, if he so desires, or otherwise by the Director from the appropriate panel maintained pursuant to section 4 so to act, and in such case shall endorse on the legal aid certificate the name of the solicitor so assigned:

Provided that in any case where a solicitor is assigned to act after such certificate is filed in court, or in any case where a new assignment is made in lieu of a solicitor assigned previously, the Director shall not be required to endorse on the certificate the name of the solicitor so assigned, or newly assigned, as the case may be, but may, instead, give notice of such assignment or new assignment by letter to the proper officer of the court in which proceedings are pending.

(2) Before taking any other step in the proceedings, the Director or the solicitor so assigned shall file the legal aid certificate in the registry of the court in which the proceedings are pending or are to be taken and no court fee shall be charged in respect of the filing of the certificate.

- (3) Where any legal aid certificate is so filed, the aided person —
- (a) shall not be liable in respect of any proceedings to which the certificate relates for court fees or for such fees payable for the service of process or for any fees due to the Sheriff in connection with the execution of process;
 - (b) shall be entitled to be supplied free of charge with a copy of the judge's notes of evidence in any proceedings to which the certificate relates; and
 - (c) shall not, except where express provision is made in this Act, be liable for costs to any other party in any proceedings to which the certificate relates.

(4) Subject to sections 9 and 13, no person who, pursuant to any reference under this Act, makes any investigation or report or gives any opinion or who pursuant to any assignment under this Act conducts any proceedings, shall take or agree to take or seek from an aided person any fee, profit or reward (pecuniary or otherwise) in respect thereof.

Deposit in respect of out-of-pocket expenses

13.—(1) The Director may require any applicant for legal aid or any person to whom a legal aid certificate has been granted and who is not liable to make a contribution to deposit with him such amounts at such times as the Director may think fit to be used in or towards meeting out-of-pocket expenses (not including office expenses) incurred in connection with the application or with any proceedings to which the application or the legal aid certificate relates.

(2) Any amounts so deposited shall be used only for the payment of such out-of-pocket expenses and any part of any such amount not so expended shall be refunded.

(3) In any case where the Director is satisfied that the making of a deposit under subsection (1) would occasion hardship, the Director may, out of any funds in his control which are available for the purpose, from time to time, meet any out-of-pocket expenses (not including office expenses) or make such advances to meet such out-of-pocket expenses as he may consider necessary.

(4) Any advance so made shall be used only for payment of such out-of-pocket expenses and any part of such amount not so expended shall be refunded to the Director.

Court may order payment of costs by aided person in certain event

14.—(1) Where it appears to a court or judge that a legal aid certificate has been obtained by fraud or misrepresentation, the court or judge may order the aided person to pay the costs of the Director or of the solicitor who acted for him or the costs of the other party, or the costs of both the Director or the solicitor and the other party.

(2) In subsection (1), a reference to an “aided person” includes, in any case where the legal aid certificate has been cancelled before the making of the order, the person who immediately before the cancellation was the aided person.

(3) Where it appears to a court or judge that an aided person has acted improperly in bringing or defending any legal proceedings or in the conduct of them, the court or judge may order the aided person to pay the costs of the Director or of the solicitor who acted for him or the costs of the other party, or the costs of both the Director or the solicitor and the other party.

(4) Where an order is made under subsection (1) or (3), the costs shall be taxed as if the party ordered to pay them were not an aided person.

(5) The costs so ordered to be paid shall, unless otherwise directed by the order, include —

(a) fees and charges of the nature referred to in section 12(3)(a) and (b); and

(b) any sums which, pursuant to section 13(3), were expended by the Director in meeting out-of-pocket expenses or were advanced by the Director for that purpose.

(6) Where the costs of the Director or the solicitor who acted for the aided person ordered to be paid under subsection (1) or (3) include any of the fees, charges or sums referred to in subsection (5), then if any amount is recovered by the Director in respect of such costs, the same

shall be applied in the first instance in or towards the satisfaction of such fees, charges or sums.

Legal aid not to discontinue without leave

15.—(1) An aided person shall not without the leave of the Director discharge any solicitor assigned to act for him under this Act.

(2) Any solicitor assigned to act for an aided person shall not discontinue his aid without the leave of the Director:

Provided that any solicitor may be represented by any other solicitor.

Costs

16.—(1) In proceedings to which an aided person is a party, the court shall make, in favour of the aided person, the like order for costs (except against another aided person) as the court would have made in favour of the aided person had he not been an aided person, and in proceedings in which costs follow the event an aided person shall (except against another aided person) be entitled to costs in the like manner as if he were not an aided person, notwithstanding that no amount is or will be payable by the aided person, or that the costs are in excess of the amount which is or will be payable by the aided person.

(2) Where any moneys are recovered by an aided person (whether in proceedings or by virtue of a settlement or compromise), he shall be liable to pay to the Director so much of the moneys so recovered as is recovered in respect of costs.

(3) For the purposes of subsection (2), the moneys recovered in respect of costs shall be deemed to be so much of the total amount so recovered as exceeds the amount (if any) recoverable by the aided person otherwise than as costs.

(4) Where any moneys are recovered by a person to whom a legal aid certificate has been granted and who is not liable to make a contribution (whether in proceedings or by virtue of a settlement or compromise), he shall, subject to this subsection, be liable to pay, out of moneys so recovered, to the Director the aggregate amount of the sums paid or payable by the Director on his account and, where such person has been represented in the proceedings by the Director, such

sums as would in the opinion of the Director have been payable on his account had he been represented by a solicitor assigned to him:

Provided that —

- (a) where the amount recovered does not exceed \$500, no sum shall be payable by the aided person under this subsection; and
- (b) where the amount recovered exceeds \$500, the sum payable by the aided person under this subsection shall not exceed —
 - (i) one-quarter of the amount recovered; or
 - (ii) the difference between the amount received and the amount of \$500,whichever is the lower.
- (5) Without prejudice to the generality of subsections (1), (2), (3) and (4), “costs” includes —
 - (a) counsel’s fees, whether or not the same have been paid;
 - (b) fees and charges of the nature referred to in section 12(3)(a) and (b); and
 - (c) any sums which, pursuant to section 13(3), are expended by the Director in meeting out-of-pocket expenses or are advanced by the Director for that purpose.
- (6) Where the costs recovered by the Director under this section include any of the fees, charges or sums referred to in subsection (5)(b) and (c), such costs shall be applied, in the first instance, in and towards satisfaction of such fees, charges or sums.

Stay of proceedings upon making of application for legal aid

17.—(1) Where litigation has been instituted and any party makes an application for legal aid, the Director shall, as soon as practicable after the application is made, notify the other party or each of the other parties, and file in the court in which the litigation is pending, a memorandum of such notification and no fee shall be charged in respect of the filing of the memorandum.

(2) Where any memorandum is so filed, then, unless otherwise ordered by a judge of the court in which the litigation is pending, all proceedings in the litigation shall, by virtue of this section, be stayed for a period of 14 days, and during that period (unless otherwise ordered by any such judge) time fixed by or under any Act or by or under any Rules of Court, regulations or otherwise for the doing of any act or the taking of any step in the proceedings shall not run:

Provided that —

- (a) the filing of the memorandum shall not operate to prevent the making of —
 - (i) an interlocutory order for an injunction or for the appointment of a receiver or manager or receiver and manager;
 - (ii) an order to prevent the lapse of a caveat against dealings with land; or
 - (iii) any other order which, in the opinion of a judge of the court in which the litigation is pending, is necessary to prevent an irremediable injustice; and
- (b) unless otherwise ordered by a judge of the court in which the litigation is pending, the filing of the memorandum shall not operate to prevent the institution or continuance of proceedings to obtain, enforce or otherwise carry into effect any such order as is mentioned in paragraph (a) or a decree to the like effect.

(3) The time during which proceedings are stayed by virtue of this section may be reduced or extended by order of a judge of the court in which the litigation is pending.

Appeals by aided persons

18.—(1) Where a legal aid certificate has been filed in any court, and the proceedings to which the certificate relates have been heard in that court, and the aided person desires to prosecute any appeal or proceedings in the nature of an appeal therefrom, he shall not be entitled to prosecute such appeal or proceedings in the nature of an appeal as an aided person unless he files in the court in which the

appeal or proceedings are to be heard a certificate from a solicitor (not being the solicitor who acted for the aided person in the proceedings) nominated by the Director stating that the solicitor has thoroughly examined the appellant's case and is of the opinion that the appellant has good grounds of appeal, which grounds, together with the reasons therefor, shall be set out in detail in the certificate.

(2) If any aided person prosecutes any such appeal or proceedings in the nature of an appeal without having filed the solicitor's certificate referred to in subsection (1), he shall be deemed not to be an aided person.

Rules of Court

19. Where it is necessary or convenient to do so for carrying out or giving effect to this Act or any regulations made thereunder, the Rules Committee may, under section 80 of the Supreme Court of Judicature Act (Cap. 322), make rules regulating the practice and procedure of any court in which proceedings may be taken by an aided person.

PART III

LEGAL ADVICE

Right to and nature of legal advice

20.—(1) Subject to this Part, legal advice shall be available to persons resident and present in Singapore.

(2) Legal advice shall consist of oral advice on legal questions given by the Director or a solicitor whose name is on the appropriate panel of solicitors maintained pursuant to section 4 and shall include help in preparing an application for legal aid and in supplying information required in determining the means of the applicant pursuant to the Second Schedule but shall not include advice on any law other than the law of Singapore.

(3) Provision may be made by regulations made under this Act for further defining or restricting the questions on which legal advice may be given and for regulating all matters relating to fees, charges and costs in relation to the giving of legal advice.

(4) A person seeking legal advice shall apply to the Director and shall be required —

- (a) to satisfy the Director that he cannot afford to obtain it in the ordinary way; and
- (b) to pay to the Director a fee of \$1 (inclusive of goods and services tax) or such other fee as may be prescribed.

PART IV SUPPLEMENTARY

False statements

21. If any person seeking or receiving legal aid or advice in furnishing any information in his application knowingly makes any false statement or false representation, he shall be guilty of an offence and shall be liable on conviction in a Magistrate's Court to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Privileges attaching to certain relationships

22.—(1) The like privileges and rights as those which arise from the relationship of client and solicitor acting in his professional employment shall arise from the following relationships:

- (a) the relationship between an applicant for legal aid and the Director and the solicitor (if any) to whom the application is referred;
- (b) the relationship between an aided person and the Director and the solicitor (if any) assigned to act for him in any proceedings to which a legal aid certificate relates;
- (c) the relationship between a person seeking legal advice and the Director and the solicitor (if any) who gives the advice.

(2) Notwithstanding anything in subsection (1), the privileges therein referred to shall not arise in relation to any information tendered to the Director concerning the property or income of the applicant for a legal aid certificate.

(3) Unless this Act or any regulations made thereunder otherwise provide, the rights conferred by this Act on a person receiving legal aid or legal advice, as the case may be, shall not affect the rights or liabilities of other parties to the proceedings or the principles on which the discretion of any court or tribunal is normally exercised.

Regulations

23.—(1) The Minister may make regulations not inconsistent with this Act prescribing all matters (other than the rules regulating the practice and procedure of any court referred to in section 19) which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may —

- (a) regulate all matters relating to fees, charges and costs in relation to proceedings to which an aided person is a party;
- (b) remit or provide for the remission of any fees or charges in any such proceedings;
- (c) make provision as to the cases in which a person may be refused legal aid or advice by reason of his conduct when seeking or receiving legal aid or advice (whether in the same or related matter or in a different matter);
- (d) make provision for the recovery of sums due in respect of legal aid and for making effective the charge created by this Act on property recovered or preserved for a person receiving legal aid, including provision —
 - (i) for the enforcement of any order or agreement for costs made in favour of a person who has received legal aid; and
 - (ii) for making a solicitor's right to payment wholly or partly dependent on his performance of any duties imposed on him by regulations made for the purposes of this paragraph;

- (e) make any provision necessary to meet the special circumstances where —
- (i) a person seeks legal aid in a matter of special urgency;
 - (ii) a person begins to receive legal aid after having consulted a solicitor in the ordinary way with respect to the same matter, or ceases to receive legal aid before the matter in question is finally settled; and
 - (iii) there is any relevant change of circumstances while a person is receiving legal aid; and
- (f) prescribe any forms to be used under this Act.

(3) The regulations may apply generally to all legal matters, whether relating to proceedings in court or otherwise, or may apply to any specified class of matters or proceedings or to all matters or proceedings other than matters or proceedings of a specified class.

(4) The regulations may impose a penalty not exceeding \$2,000 for any breach of the regulations.

(5) All regulations made under this Act shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Amendment of Second Schedule

24. The Minister may, by notification in the *Gazette*, amend the Second Schedule.

Repeal and savings

25.—(1) The Legal Aid and Advice Act (referred to in this section as the repealed Act (Cap. 160)) is repealed.

(2) All legal aid certificates granted, all orders and applications made, notices given and acts and things done under the repealed Act before the commencement of this Act shall have the same force and effect as if granted, made, given or done under this Act.

(3) A person who immediately before the commencement of this Act held office as the Director of Legal Aid, a Deputy Director of Legal Aid or an Assistant Director of Legal Aid shall continue to hold office as if he had been appointed under section 3 of this Act.

FIRST SCHEDULE

Section 5(1)

CIVIL PROCEEDINGS FOR WHICH LEGAL AID MAY BE GIVEN

PART I

DESCRIPTION OF PROCEEDINGS

1. Proceedings in the High Court and the Court of Appeal.
2. Proceedings in District Courts and Magistrates' Courts.
3. Proceedings before any person to whom a case is referred in whole or in part by the Supreme Court.
4. Proceedings before any person to whom a case is referred in whole or in part by a District Court.
5. Proceedings under the Women's Charter (Cap. 353).
6. Proceedings before the Rent Conciliation Board and the Tenants' Compensation Board.
7. Proceedings before the Syariah Court.

PART II

EXCEPTED PROCEEDINGS

1. Proceedings wholly or partly in respect of —
 - (a) defamation;
 - (b) breach of promise of marriage; and
 - (c) the inducement of one spouse to leave or remain apart from the other.
2. Relator actions.
3. Election petitions.
4. In a District Court, proceedings for or consequent on the issue of a judgment summons and, in the case of a defendant, proceedings where the only question to be brought before the Court is as to the time or mode of payment by him of a debt (including liquidated damages) and costs.
5. Proceedings incidental to any proceedings mentioned in this Part.

SECOND SCHEDULE

Section 8(2)

REQUIREMENTS RELATING TO MEANS OF AN APPLICANT FOR LEGAL AID

1. For the purposes of section 8(2) of the Act —
 - (a) the amount of disposable capital is \$7,000; and
 - (b) the amount of disposable income is \$7,000 per annum.
2. For the purposes of section 9(1) of the Act —
 - (a) the amount of disposable capital is \$2,000; and
 - (b) the amount of disposable income is \$2,000 per annum.
3. The contribution payable to the Director by any person under section 9(1) of the Act in respect of any proceedings may include —
 - (a) a contribution in respect of property not greater than the amount (if any) by which his disposable capital exceeds \$2,000; and
 - (b) a contribution in respect of income not greater than half the amount (if any) by which his disposable income exceeds \$2,000 per annum.
4. For the purposes of the Act —

“disposable capital” means the property which an applicant for legal aid is possessed of or to which he is entitled to excluding —

 - (a) the subject-matter of the proceedings;
 - (b) the wearing apparel of the applicant;
 - (c) the tools of trade of the applicant;
 - (d) household furniture used by the applicant in his house;
 - (e) a dwelling-house owned and exclusively used by the applicant and his family as their home assessed at an annual value of not more than \$7,710 or a Housing and Development Board flat owned and exclusively used by the applicant and his family as their home;
 - (f) savings of the applicant of up to \$30,000, if he is of the age of 60 years and above; and
 - (g) moneys standing to the credit of the applicant’s account in the Central Provident Fund;

“disposable income” means the income of the applicant together with the income (if any) of the spouse of the applicant, during the period of 12

SECOND SCHEDULE — *continued*

months immediately preceding the date of the application, after deducting therefrom —

- (a) an amount equal to \$1,000 per annum for each person totally or partially dependent on the applicant or spouse;
- (b) an amount equal to \$2,000 per annum for the applicant;
- (c) an amount not exceeding \$1,000 per annum for rent; and
- (d) an amount equal to the applicant's contribution to the Central Provident Fund.

5. For the purposes of paragraphs 1 and 2, the Director may, in any case where an applicant for legal aid is living separate and apart from his spouse and where it appears to the Director in his absolute discretion to be reasonable to do so to relieve hardship, disregard the income of the spouse.
